

**CHAPTER 6 | USE REGULATIONS**

**Table of Contents**

ART. 6.1	USE TABLE .....	6-1
ART. 6.2	DEFINITIONS .....	6-1
ART. 6.3	USE TYPES .....	6-1
ART. 6.4	USE CONDITIONS .....	6-17
ART. 6.5	ACCESSORY USES AND STRUCTURES.....	6-61
ART. 6.6	TEMPORARY USES.....	6-73

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## CHAPTER 6 | USE REGULATIONS

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### ARTICLE 6.1 USE TABLE

Principal uses shall be allowed within the base zoning districts of this Ordinance in accordance with Table 6.1.1.

### ARTICLE 6.2 DEFINITIONS

All of the types of uses listed in the Table 6.1-1 are defined in Chapter 12.

### ARTICLE 6.3 USE TYPES

**This Article explains how to interpret Table 6.1-1, Use Table. The top of Table 6.1-1 contains the Zoning Districts and left side of the table contains the use types. Under the hierarchy established by this Ordinance, the RM district is the least intensive base zoning district, while the I district is the most intensive base zoning district. The uses listed in Table 6.1-1 are permitted or not permitted in each Zoning District according to the letter coding described in Sections 6.3.1 through 6.3.5 below.**

#### §6.3.1 **A** USES ALLOWED BY RIGHT

An "A" indicates that a use type is allowed by right in the respective zoning district, subject to compliance with all other applicable regulations of this Ordinance. **A Use Allowed by Right is defined in Chapter 12 of this Ordinance as a principal use allowed without the requirement of a Special Exception.**

#### §6.3.2 **C** USES SUBJECT TO CONDITIONS

A "C" indicates that a use type is allowed in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

#### §6.3.3 **S** SPECIAL EXCEPTION USES

An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

**Any use that was legally established before April 21, 1999 without Special Exception approval and which after April 21, 1999 is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Chapter 12 of this Ordinance.**

**Any use that was legally established before April 21, 1999 with a Conditional Use Permit and which after April 21, 1999 is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Chapter**

**12 of this Ordinance.**

**§6.3.4  USES NOT ALLOWED**

A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

**§6.3.5 NEW OR UNLISTED USES AND USE INTERPRETATION**

The Planning Director shall be authorized to make use determinations whenever there is a question regarding the category of use based on the definitions contained in Chapter 12 of this Ordinance or may require that the use be processed in accordance with the Planned Development (PD) procedures of this Ordinance.

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TABLE 6.1-1	ZONING DISTRICTS																					Condition			
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I	
<b>AGRICULTURAL USES</b>																									
<b>ANIMAL PRODUCTION</b>																									
Animal Aquaculture, including Finfish Farming, Fish Hatcheries, or Shrimp or Shellfish Farming (in ponds)	A	A	A	A	C	C																			§ 6.4.1
Apiculture (Bee Keeping)	A	A	A	A	A	A																			
Horse or Other Animal Production	A	A	A	A	C	C	C	C	C																§ 6.4.1
Concentrated Animal Feeding Operations	S	S	S	S																					
<b>CROP PRODUCTION</b>																									
Greenhouse Production or Food Crops Grown Under Cover	A	A	A	A	A	A	A	A	A	A	C	C									C	C	C	§ 6.4.1	
Horticultural Production or Commercial Nursery Operations	A	A	A	A	A	A	A	A	A	S	S	S							A	A	A	A	A		
Hydroponics	A	A	A	A	A																				
Crop Production	A	A	A	A	A	A	A	A	A	A	A	A			A										
Wineries	C	C	C	C	C	C																		C § 6.4.60	
<b>FORESTRY AND LOGGING</b>																									
Bona Fide Forestry Operations	C	C	C	C	C	C	C	C	C	C														§ 6.4.23	
Lumber Mills, Planing, or Saw Mills, including Chipping or Mulching	A	A	A	A	S																		A		
<b>STABLE</b>																									
Stable	A	A	A	A	C	C	C	C	C	C	C	C												§ 6.4.20	
<b>SUPPORT ACTIVITIES FOR AGRICULTURE USES</b>																									
Agricultural Processing	C	C	C	C	S																		A	§ 6.4.1	
Agricultural Sales or Services	A	A	A	A	C															A		A	A	§ 6.4.44	
Roadside Stands, including the sale of Sweetgrass Baskets	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.58	
<b>RESIDENTIAL</b>																									
Congregate Living for the elderly (up to 15 residents)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S										
Duplex										S	S	S	A	A	S										
Dwelling Group	C	C	C	C	C	C	C	C	C	C	C	C	C	C							C			§ 6.4.7	
Farm Labor Housing (up to 10 residents)	C	C	C	C	C																			§ 6.4.9	
Farm Labor Housing (Dormitory) (more than 10 residents)	S	S	S	S	S																			§ 6.4.9	

TABLE 6.1-1	ZONING DISTRICTS																					Condition		
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I
<b>Child Caring Institution</b> (more than 20 children)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
<b>Group Care Home, Residential</b> (up to 20 children)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
<b>Group Residential</b> , including Fraternity or Sorority Houses, Dormitories, or Residence Halls	S	S	S	S	S	S				S	S	S	S	S										
<b>Manufactured Housing Unit</b>	A	A	A	A	A	C	C	C	C	C	C	C	C	C	A	A								§ 6.4.24
<b>Manufactured Housing Unit, Replacement</b>	A	A	A	A	A	A	A	A	A	C	C	C	C	C	A	A								§ 6.4.24
<b>Manufactured Housing Park</b>																A								
<b>Multi-Family</b> , including Condominiums or Apartments													A	A								A		
<b>Retirement Housing</b>	S	S	S	S	S	S	S	S	S	S	S	S	A	A	S									
<b>Retirement Housing, Limited</b> (up to 10 residents)	S	S	S	S	S	S	S	S	S	S	S	S	A	A	S									§ 6.4.8
<b>Single family Attached</b> , also known as Townhouses or Rowhouses											S	S	C	C	S					C	C	C		§ 6.4.2
<b>Single family Detached</b>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	C	C	C	A	C	C	§ 6.4.25
<b>Affordable Dwelling Units</b>	S	S	C	C	C	C	C	C	C	C	C	C	A	A										§ 6.4.19
<b>Single family Detached/Manufactured Housing Unit (Joint) or Two Manufactured Housing Units (Joint)</b>	A	A	A	A	A	C	C	C	C	C	C	C												§ 6.4.24
<b>Transitional Housing</b> , including Homeless and Emergency Shelters, Pre-Parole Detention Facilities, or Halfway Houses													S	S			S	S	S		S	A		
<b>CIVIC / INSTITUTIONAL</b>																								
<b>COURTS AND PUBLIC SAFETY</b>																								
<b>Court of Law</b>	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	A	
<b>Correctional Institutions</b>																								A
<b>Parole Offices or Probation Offices</b>																								A
<b>Safety Services</b> , including Emergency Medical or Ambulance Service, Fire Protection, or Police Protection	A	A	A	A	A	A	A	A	A	S	S	S	S	S	S		S	A	A	A	A	A	A	
<b>DAY CARE SERVICES</b>																								
<b>Adult Day Care Facilities</b>		C	C	C	C	C	S	S	S	S	S	S	S	S			S	S	A	A	A	A	A	§ 6.4.29
<b>Child Day Care Facilities</b> , including Group Day Care Home or Child Care Center		C	C	C	C	C	S	S	S	S	S	S	S	S			S	S	A	A	A	A	A	§ 6.4.29
<b>Family Day Care Home</b>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	S	

TABLE 6.1-1	ZONING DISTRICTS																				Condition				
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR		CT	CC	I	
<b>DEATH CARE SERVICES</b>																									
<b>Cemeteries or Crematories</b>	A	A	A	A	C	C	C	C	C	C	C	C	C	C	S			A	A	A	A	A	A	A	§ 6.4.53
<b>Funeral Services, including Funeral Homes or Mortuaries</b>																		A	A	A	A		A	A	
<b>EDUCATIONAL SERVICES</b>																									
<b>Pre-school or Educational Nursery</b>		C	C	C	C	C	S	S	S	S	S	S	S	S	S		S	S	A	A	A	A	A	§ 6.4.29	
<b>School, Primary</b>		S	S	S	A	S	S	S	S	S	S	S	S	S	S						S				
<b>School, Secondary</b>		S	S	S	S	S	S	S	S	S	S	S	S	S	S						S				
<b>College or University Facility</b>		S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	A	A		
<b>Business or Trade School</b>		S	S	S	S	S											S	S	S	S	S	A	A		
<b>Personal Improvement Education, including Fine Arts Schools or Automobile Driving Schools</b>		S	S	S	S	S											S	S	C	C	A	A	A	§ 6.4.26	
<b>HEALTH CARE SERVICES</b>																									
<b>Medical Office or Outpatient Clinic, including Psychiatrist Offices, Abortion Clinics, Chiropractic Facilities, or Ambulatory Surgical Facilities</b>					S	S	S	S	S									A	A	A	A	A	A		
<b>Community Residential Care Facilities</b>					S	S							S	S				S		S		A			
<b>Convalescent Services, including Nursing Homes</b>					S	S	S	S	S	S	S	S	S	S	S		S	S		S		A			
<b>Counseling Services, including Job Training or Placement Services</b>					S	S											A	A	A	A	A	A	A		
<b>Intermediate Care Facility for the Mentally Retarded</b>					S	S							S	S				S		S		A			
<b>Public or Community Health Care Centers</b>					S	S	S	S	S									A	A				A		
<b>Health Care Laboratories, including Medical Diagnostic or Dental Laboratories</b>																		A	A	A	A		A	A	
<b>Home Health Agencies</b>					S	S												A	A	A	A	A	A		
<b>Hospitals, including General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric or Substance Abuse Hospitals, or Hospices</b>																		S	A	S	S		A	S	
<b>Outpatient Facilities for Chemically Dependent or Addicted Persons</b>																			S	S	S		A		
<b>Rehabilitation Facilities</b>																		S	A	A	A	A	A	A	
<b>Residential Treatment Facility for Children or Adolescents (mental health treatment)</b>					S	S							S	S				S		S		A			

TABLE 6.1-1	ZONING DISTRICTS																					Condition		
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I
<b>MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS</b>																								
Historical Sites (Open to the Public)	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A		A	A	A	A	A	A		§ 6.4.27
Libraries or Archives		A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A		
Museums					A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A			
Nature Exhibition	C	C	C	C	C																S	A	§ 6.4.10	
Botanical Gardens	A	A	A	A	A																S	A		
Zoos			S	S	S																S	S		
<b>POSTAL SERVICE</b>																								
Postal Service, United States	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		A	A	A	A	A	A	A	§ 6.4.28
<b>RECREATION AND ENTERTAINMENT</b>																								
Community Recreation, including Recreation Centers	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Fishing or Hunting Guide Service (Commercial)	A	A	A	A	A												A	A	A	A	A	A	A	
Fishing or Hunting Lodge (Commercial)	A	A	A	A																A				
Golf Courses or Country Clubs			C	C	C	C	C	C	C	C	C	C			C									§ 6.4.50
Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C		C	§ 6.4.11	
Recreation and Entertainment, Indoor, including Billiard Parlors, Bowling Centers, Ice or Roller Skating Rinks, Indoor Shooting Ranges, Theaters, or Video Arcades																					A	C	A	§ 6.4.30
Recreation and Entertainment, Outdoor, including Amusement Parks, Fairgrounds, Miniature Golf Courses, Race or Go-Cart Tracks, or Sports Arenas			C	C																	C		C	§ 6.4.11
Drive-In Theaters																					C		C	§ 6.4.6 § 6.4.11
Golf Driving Ranges			S	S	S	S	S	S	S															§ 6.4.11
Outdoor Shooting Ranges	C	C	C	C																				§ 6.4.11
Recreation or Vacation Camps	C	C	C	C	C																			§ 6.4.11
<b>RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS</b>																								
Business, Professional, Labor, or Political Organizations																	A	A	A	A	A	A	A	
Social or Civic Organizations, including Youth Organizations, Sororities, or Fraternities			S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	A	A	A	A	A	
Religious Assembly	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.13
Social Club or Lodge			S	S	S	S	S	S	S	S	S	S	S	S		S	S	A	A	A	A			

TABLE 6.1-1	ZONING DISTRICTS																							Condition
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC	I	
<b>UTILITIES AND WASTE-RELATED USES</b>																								
<b>Utility Service, Major</b>	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§6.4.21 §6.4.17
Electric or Gas Power Generation Facilities	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§6.4.21 §6.4.17
Utility Substation	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Electrical or Telephone Switching Facility	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Sewage Collector or Trunk Lines	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Sewage Disposal Facilities	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.17
Utility Pumping Station	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Water Mains	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Water or Sewage Treatment Facilities	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Water Storage Tank	S	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
<b>Utility Service, Minor</b>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	§ 6.4.31
Electric or Gas Power Distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	§ 6.4.31
Sewage Collection Service Line	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	§ 6.4.31
Water Service Line	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	§ 6.4.31
<b>Waste-Related Uses</b>																								S
Hazardous Waste Treatment or Disposal																								S
Nonhazardous Waste Treatment or Disposal																								S
Septic Tank Installation, Cleaning, or Related Services																							S	S
Solid Waste Combustors or Incinerators, including Cogeneration Plants																								S
Solid Waste Disposal Facility (Public or Private)	C																						C	§ 6.4.51
Waste Collection Services																								S
Waste Transfer Facilities																								S
<b>COMMERCIAL</b>																								
<b>ACCOMMODATIONS</b>																								
<b>Bed and Breakfast Inns</b>	C	C	C	C	C	C	S	S	S	S	S	S	A	A	S		C	C	C	C	C	C		§ 6.4.4
<b>Hotels or Motels</b>																		S	A	A		A	A	
<b>Rooming or Boarding Houses</b>													A	A				S	A	A	A	A		
<b>RV (Recreational Vehicle) Parks or Campgrounds</b>	S	S	S	S	S																			§ 6.4.12
<b>ANIMAL SERVICES</b>																								
<b>Kennel</b>	A	A	A	A	C	C	S	S	S													S		§ 6.4.54
<b>Pet Stores or Grooming Salons</b>																					C	S	A	§ 6.4.32

TABLE 6.1-1	ZONING DISTRICTS																				Condition					
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<b>Small Animal Boarding</b> (enclosed building)	A	A	A	A	C	C	C	C													C	S	A	A	§ 6.4.32	
Veterinary Services	A	A	A	A	S	S													C	C	C	A	A	A	§ 6.4.32	
<b>FINANCIAL SERVICES</b>																										
<b>Banks</b>																		C	C	C	C		A	A	§ 6.4.33	
<b>Financial Services</b> , including Loan or Lending Services, Savings and Loan Institutions, or Stock and Bond Brokers																		C	C	C	C		A	A	§ 6.4.33	
<b>FOOD SERVICES AND DRINKING PLACES</b>																										
<b>Bar or Lounge</b> (Alcoholic Beverages), including Taverns, Cocktail Lounges, or Member Exclusive Bars or Lounges																				S	S	S	S	S	§ 6.4.15	
<b>Catering Service</b>		S	S	S	S	S	S	S	S	S	S	S	S	S	S			C	C	C	C	A	A	A	§ 6.4.34	
<b>Restaurant, Fast Food</b> , including Snack or Nonalcoholic Beverage Bars																			C	C	C	C	C	§ 6.4.15		
<b>Restaurant, General</b> , including Cafeterias, Diners, Delicatessens, or Full-Service Restaurants																		C	C	C	C	C	C	§ 6.4.15		
<b>Sexually Oriented Business</b>																								C	§ 6.4.18	
<b>INFORMATION INDUSTRIES</b>																										
<b>Communication Services</b> , including Radio or Television Broadcasting Studios, News Syndicates, Film or Sound Recording Studios, Telecommunication Service Centers, or Telegraph Service Offices																			S	S	S	S	A	A		
<b>Communications Towers</b>	C	C	C	C															C	C	C		C	C	§ 6.4.5	
<b>Data Processing Services</b>																			A	A	A	A	A	A		
<b>Publishing Industries</b> , including Newspaper, Periodical, Book, Database, or Software Publishers																			A	A	A	A	A	A		
<b>OFFICES</b>																										
<b>Administrative or Business Office</b> , including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services																			C	C	C	C	A	A	A	§ 6.4.35
<b>Government Office</b>																			C	C	C	C	A	A	A	§ 6.4.35
<b>Professional Office</b> , including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services																			C	C	C	C	A	A	A	§ 6.4.35

TABLE 6.1-1	ZONING DISTRICTS																				Condition					
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR		CT	CC	I		
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>																										
Convention Center or Visitors Bureaus																		S	S	S	A	A	A	A		
Heavy Construction Services or General Contractors, including Paving Contractors, or Bridge or Building Construction																									A	
Office/Warehouse Complex																						S	A	A		
<del>Off-Premises Sign (e.g. Billboard)</del>																								A	§ 9.11.3	
Special Trade Contractors (Offices/Storage)																						C	S	A	A	§ 6.4.36
Building Equipment or other Machinery Installation Contractors																						C	S	A	A	§ 6.4.36
Carpentry Contractors																						C	S	A	A	§ 6.4.36
Concrete Contractors																						C	S	A	A	§ 6.4.36
Drywall, Plastering, Acoustical or Insulation Contractors																						C	S	A	A	§ 6.4.36
Electrical Contractors																						C	S	A	A	§ 6.4.36
Excavation Contractors																						C	S	A	A	§ 6.4.36
Masonry or Stone Contractors																						C	S	A	A	§ 6.4.36
Painting or Wall Covering Contractors																						C	S	A	A	§ 6.4.36
Plumbing, Heating or Air-Conditioning Contractors																						C	S	A	A	§ 6.4.36
Roofing, Siding or Sheet Metal Contractors																						C	S	A	A	§ 6.4.36
Tile, Marble, Terrazzo or Mosaic Contractors																						C	S	A	A	§ 6.4.36

TABLE 6.1-1	ZONING DISTRICTS																				Condition				
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR		CT	CC	I	
<b>PARKING, COMMERCIAL</b>																									
Parking Lots																			A	A	A	C	A	A	§ 6.4.37
Parking Garages																			A				A	A	
<b>RENTAL AND LEASING SERVICES</b>																									
Charter Boat or other Recreational Watercraft Rental Services			C	C	C																S		A		Art. 5.3
Commercial or Industrial Machinery or Equipment Rental or Leasing																							A	A	
Construction Tools or Equipment Rental																					A		A	A	
Consumer Goods Rental Centers																			A	A			A		
Consumer Goods Rental Service, including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items																			C	C	A		A		§ 6.4.38
Heavy Duty Truck or Commercial Vehicle Rental or Leasing																							A	A	
Self-Service Storage / Mini Warehouses																					C		A	A	§ 6.4.16
Vehicle Rental or Leasing, including Automobiles, Light or Medium Duty Trucks, Motorcycles, Moving Vans, Utility Trailers, or Recreational Vehicles																					A		A	A	
<b>REPAIR AND MAINTENANCE SERVICES</b>																									
Boat Yard		C	C	C	C	S																	C	C	§ 6.4.39 Art. 5.3
Repair Service, Consumer, including Appliance, Shoe, Watch, Furniture, Jewelry, or Musical Instrument Repair Shops																				C	C		A	A	§ 6.4.40
Repair Service, Commercial, including Electric Motor Repair, Scientific or Professional Instrument Repair, Tool Repair, Heavy Duty Truck or Machinery Servicing and Repair, Tire Retreading or Recapping, or Welding Shops																					S	S	A	A	
Vehicle Repair, Consumer, including Muffler Shops, Auto Repair Garages, Tire or Brake Shops, or Body or Fender Shops																					S	C	A	A	§ 6.4.22
Vehicle Service, Limited, including Automotive Oil Change or Lubrication Shops, or Car Washes																			C	C	C		A	A	§ 6.4.22

TABLE 6.1-1	ZONING DISTRICTS																					Condition		
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I
<b>RETAIL SALES</b>																								
<b>Nonstore Retailers</b>																							A	A
Direct Selling Establishments																							A	A
Electronic Shopping or Mail-Order Houses																							A	A
Fuel (except liquefied petroleum gas) Dealers, including Heating Oil Dealers																								A
Liquefied Petroleum Gas (Bottled Gas) Dealers																							A	A
Vending Machine Operators																							A	A
<b>Building Materials or Garden Equipment and Supplies Retailers</b>																				C	C		A	
Hardware Stores																				C	C	C	A	
Home Improvement Centers																							A	
Garden Supplies Centers																				C	C		A	
Outdoor Power Equipment Stores																				C	C		A	
Paint, Varnish, or Wallpaper Stores																				C	C		A	
<b>Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops</b>																				C	C	A	A	
<b>Liquor, Beer, or Wine Sales</b>																				S	S		S	
<b>Retail Sales or Services, General</b>																				C	C	A	A	
Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store																				C	C	A	A	
Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods or Related Products Store																				C	C	A	A	
Convenience Stores																				S	A		A	
Drug Stores or Pharmacies																				C	C	A	A	
Duplicating or Quick Printing Services																			C	C	C	A	A	A
Electronics, Appliance, or Related Products Store																				C	C	A	A	
Florist																				C	C	A	A	
Furniture, Cabinet, Home Furnishings, or Related Products Store																				C	C	A	A	
Pawn Shop																						A	A	A
Private Postal or Mailing Service																			C	C	C	A	A	A
Tobacconist																				C	C	A	A	
<b>Sweetgrass Basket Stands</b>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

TABLE 6.1-1	ZONING DISTRICTS																					Condition				
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I		
Warehouse Clubs or Superstores																							A	A		
<b>Service Stations, Gasoline</b> (with or without convenience stores)																				C	C		A	A		
<b>Truck Stop</b>																							A	A		
<b>Vehicle Sales (new or used)</b>																							A	A		
Automobile, or Light or Medium Duty Truck Dealers																							A	A		
Heavy Duty Truck or Commercial Vehicle Dealers																							A	A		
Manufactured (Mobile) Home Dealers																							A	A		
Motorcycle, Watercraft, or Recreational Vehicle Dealers																							A	A		
<b>Vehicle Parts, Accessories or Tire Stores</b>																					A		A	A		
<b>RETAIL OR PERSONAL SERVICES</b>																										
<b>Consumer Convenience Service</b>																				C	C	A	A	§ 6.4.46		
Automated Bank / Teller Machines																				C	C		A	§ 6.4.46		
Drycleaners or Coin-Operated Laundries																				C	C		A	§ 6.4.46		
Drycleaning or Laundry Pick-up Service Stations																				C	C		A	§ 6.4.46		
Locksmith																				C	C		A	§ 6.4.46		
One-Hour Photo Finishing																				C	C	A	A	§ 6.4.46		
Tailors or Seamstresses																				C	C	A	A	§ 6.4.46		
<b>Hair, Nail, or Skin Care Services</b> , including Barber Shops or Beauty Salons	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	§ 6.4.3	
<b>Personal Improvement Service</b> , including Dance Studios, Health or Physical Fitness Studios, Photography Studios, or Reducing Studios																				C	C	C	C	A	A	§ 6.4.47
<b>Tattoo Parlors</b>																							S	C	§ 6.4.59	
<b>Services to Buildings or Dwellings</b> , including Carpet or Upholstery Cleaning, Exterminating, or Janitorial services																				C	C	C	C	A	A	§ 6.4.48

TABLE 6.1-1	ZONING DISTRICTS																							Condition			
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC	I				
Landscaping and Horticultural Services to commercial, industrial, or institutional buildings, and residences	C	C	C	C	S	S	C	S	S								C	C	A	A	A	A	A	§ 6.4.48			
<b>VEHICLE AND WATERCRAFT STORAGE</b>																											
Vehicle Storage, including Bus Barns, Boat or RV Storage, or Impound Yards																						A	A				
Boat Ramps	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Art. 5.3, §5.3.4		
Community Dock	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Art. 5.3, §5.3.3		
Commercial Dock			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Art. 5.3, §5.3.6		
Marina				S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	Art. 5.3, §5.3.5		
<b>WHOLESALE SALES</b>																											
Aircraft Wholesalers, including Related Parts																							A	A			
Beverage or Related Products Wholesalers, including Alcoholic Beverages																								A	A		
Book, Periodical, or Newspaper Wholesalers																								A	A		
Chemical Wholesalers (except Pharmaceutical Products, Fertilizers, or Pesticides)																								A	A		
Clay or Related Products Wholesalers																								S	A	A	
Computers or Electronic Products Wholesalers																									A	A	
Construction Material Wholesalers, including Brick, Cement, Concrete, Lumber, Millwork, Plywood, Shell, Stone, Wood Panel or other Related Materials																									S	A	A
Electrical Equipment, Appliances or Components Wholesalers																									A	A	
Fabric or Apparel Wholesalers																									A	A	
Farm Supplies or Equipment Wholesalers																									A	A	
Flower, Nursery Stock or Florists' Supplies Wholesalers	A	A	A	A																				S	A	A	
Food or Related Products Wholesalers																									A	A	
Furniture, Cabinets, or Related Products Wholesalers																									A	A	
Glass or Related Products Wholesalers																									A	A	

TABLE 6.1-1	ZONING DISTRICTS																							Condition
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC	I	
Leather Products Wholesalers																							A	A
Machinery, Tools, or Construction Equipment Wholesalers																							A	A
Manufactured Home (Mobile Home) or other Prefabricated Structures Wholesalers																							A	A
Metal or Mineral (except Petroleum) Wholesalers																							A	A
Motor Vehicles (Commercial or Passenger) or Trailers Wholesalers, including Related Parts																							A	A
Paint, Varnish or Related Supplies Wholesalers																							A	A
Paper or Paper Products Wholesalers																							A	A
Petroleum Wholesalers																				S			A	A
Pharmaceutical Wholesalers																							A	A
Plastics or Rubber Products Wholesalers																							A	A
Professional or Commercial Equipment or Supplies Wholesalers, including Office, Medical, or Restaurant Equipment																							A	A
Sign Wholesalers																							A	A
Tobacco or Related Products Wholesalers																							A	A
Toy or Artwork Wholesalers																							A	A
Watercraft (Commercial or Recreational) Wholesalers, including Related Parts																							A	A
Wood Products Wholesalers																							A	A
Other Miscellaneous Wholesale Sales																							S	A
<b>INDUSTRIAL</b>																								
<b>INDUSTRIAL SERVICES</b>																								
Drycleaning or Carpet Cleaning Plants																								A
Laundries, Commercial																								A
Photo Finishing Laboratories																								A
Research and Development Laboratories																								A
Scrap and Salvage Service, including Automotive Wrecking Yards, Junk Yards, Parts Salvage, Paper Salvage Yards, Wholesale Scrap or Waste Materials Establishments, or Materials Recovery Facilities																								S

TABLE 6.1-1	ZONING DISTRICTS																					Condition		
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I
<b>MANUFACTURING AND PRODUCTION</b>																								
Aircraft Manufacturing, including Related Parts																								A
Beverage or Related Products Manufacturing, including Alcoholic Beverages																								A
Cement or Concrete Products Manufacturing, including Concrete Batching or Asphalt Mixing																								A
Chemical Manufacturing, including Pharmaceutical Products, Chemical Fertilizers or Pesticides																								S
Clay or Related Products Manufacturing			C	C	C															C	C	C	A	§ 6.4.57
Computers or Electronic Products Manufacturing																						C	A	§ 6.4.57
Electrical Equipment, Appliances or Components Manufacturing																						C	A	§ 6.4.57
Fabric or Apparel Manufacturing, including Textile Mills																								A
Food or Related Products Manufacturing																								A
Furniture, Cabinets or Related Products Manufacturing			C	C	C															C	C	C	A	§ 6.4.57
Glass or Related Products Manufacturing																						C	A	§ 6.4.57
Leather Products Manufacturing, including Tanneries																								A
Machinery, Tools, or Construction or Construction Equipment Manufacturing, including Farm Equipment																						C	A	§ 6.4.57
Manufactured Home (Mobile Home) or other Prefabricated Structures Manufacturing																								A
Metal, Petroleum, Coal, and other Mineral Products Manufacturing, including Refineries																								A
Motor Vehicle (Commercial and Passenger) or Trailer Manufacturing, including Related Parts																								A
Paint, Varnish or Related Supplies Manufacturing																								A
Plastics or Rubber Products Manufacturing																								A
Printing Press Production or Lithography																						C	A	§ 6.4.57

TABLE 6.1-1	ZONING DISTRICTS																				Condition					
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR		CT	CC	I		
Professional or Commercial Equipment or Supplies Manufacturing, including Office, Medical, Restaurant Equipment, or Specialty Items																							C	A	§ 6.4.57	
Pulp or Paper Mills																									S	
Rendering Plants																									S	
Sign Manufacturing																									A	
Slaughter House and Meat Packing																									S	
Stone or Shell Products Manufacturing																							C	S	§ 6.4.57	
Tobacco Products Manufacturing																									A	
Toy or Artwork Manufacturing			C	C	C																C	C	C	A	§ 6.4.57	
Watercraft (Commercial or Recreational) Manufacturing, including Related Parts																								A		
Wood Products Manufacturing			C	C	C																C	C	C	A	§ 6.4.57	
Other Miscellaneous Manufacturing and Production			C	C	C																C	C	C	A	§ 6.4.57	
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>																										
<b>Warehouse and Distribution Facilities</b>																								A		
Cold Storage Plants																								A		
Freight Container Storage Yards, excluding Fuel Storage Facilities																							C	§ 6.4.52		
Freight Forwarding Facilities, including Truck Terminals, Marine Terminals, or Packing and Crating Facilities																							C	C	§ 6.4.49	
Fuel Storage Facilities, excluding Nuclear Fuels																								A		
Household Moving Storage																								A		
Grain Terminals and Elevators																								A		
Parcel Services																								A		
Retail Store Warehouses																								A		
Stockpiling of Sand, Gravel, or other Aggregate Materials																								A		
Storage of Weapons or Ammunition																								S		

TABLE 6.1-1	ZONING DISTRICTS																				Condition			
	RM	AG 15	AG 10	AG 8	AG R	RR3	S1	S2	S3	R2	R3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR		CT	CC	I
<b>OTHER USES</b>																								
<b>RECYCLING SERVICES</b>																								
Recycling Center																								A
Recycling Collection, Drop-Off	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	A §6.4.55
<b>RESOURCE EXTRACTION/MINING</b>																								
Resource Extraction/Mining, including Borrow Pits, Mining, Oil or Gas Extraction, Quarries, or Sand or Gravel Operations	S	S	S	S	S	S																	S § 6.4.14	
<b>TRANSPORTATION</b>																								
Aviation, including Private Air Strips	S	S	S	S																			C §6.4.56	
Railroad Facility																							A	
Sightseeing Transportation, Land or Water	S	S	S	S																A	A	A	Art. 5.3	
Taxi or Limousine Service																			A	A		A	A	
Urban Transit Systems																							A	
Water Transportation, including Coastal or Inland Water Passenger Transportation			S	S		S													A	A		A	A Art. 5.3	

**ARTICLE 6.4 USE CONDITIONS**

The following use conditions shall apply to principal uses in any Zoning District where these uses are allowed as "Conditional Uses" or "Special Exceptions" as shown in Table 6.1-1.

**§6.4.1 ANIMAL PRODUCTION AND AGRICULTURAL PROCESSING USES**

Animal production and agricultural processing uses shall be subject to the following standards.

- A. In order to be permitted by right, such uses must be located on a lot with a minimum area of five acres. On lots with an area of under five acres, such uses are allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance.
- B. The use shall be set back at least 100 feet from road rights-of-way and property lines bordering undeveloped parcels. A minimum 200-foot setback shall be required from property lines abutting developed parcels.
- C. A minimum 50-foot buffer shall be maintained and planted within the setback area along all interior property lines.
- D. Any outdoor lighting shall be oriented and arranged to minimize spillover lighting and glare on surrounding roads and properties.

**§6.4.2 ATTACHED SINGLE FAMILY DWELLINGS**

Attached Single family dwellings shall be subject to the following standards.

- A. **Number of Attached Units in a Single Structure**  
In R-4 and more restrictive districts, no single structure may contain more than two attached single family dwellings. In all other districts, no single structure may contain more than eight attached single family dwellings.
- B. **Lot Area**  
The minimum lot area for attached dwellings shall comply with the minimum lot area standards of the underlying zoning district. Where a common area is provided, minimum lot area requirements may be calculated as an average lot area by counting a proportionate amount of the common area in calculating the area of each lot.
- C. **Accessory Structures**  
All accessory structures shall be located on the property of the Attached Single family Dwelling and for the private use of the property occupant(s). A minimum interior setback of three feet is required between an accessory structure and the interior lot lines, provided that an accessory structure may be located on one of the zero lot lines when constructed of a material finish matching the dwelling unit exterior or is the same height and materially a part of a fence or wall.
- D. **Design Standards**
  - 1. The front facade of an attached single family dwelling may not include more than 40 percent garage wall area.

2. The roof of each attached single family dwelling must be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
3. At least ten percent of the area of each facade that faces a street must be comprised of windows.

**E. Other Requirements**

Prior to development or redevelopment of attached housing on parcels in these districts, an applicant must complete site plan review and meet all standards of this Ordinance. Single family detached residences are exempt from this requirement.

**§6.4.3 HAIR, NAIL OR SKIN CARE SERVICES**

Hair, Nail or Skin Care Services shall be subject to the following standards:

- A. Hair, Nail or Skin Care Services shall be limited to a maximum of one chair in those districts in which they are allowed as a use subject to conditions, otherwise this use shall fall under the special exception (S) provisions of this Ordinance. There shall be no limit on the number of chairs in those zoning districts in which they are a use allowed by right (A).
- B. Where Hair, Nail and Skin Care Services are allowed as a use with conditions (C), this use shall have a maximum floor area of 5,000 square feet, otherwise this use shall fall under the special exception provisions of this Ordinance.
- C. Barber Shops, Beauty Salons, and Nail salons are allowed as a home occupation in all residential and agricultural districts with a maximum of one chair.

**§6.4.4 BED AND BREAKFASTS**

Bed and Breakfasts shall be subject to the following standards.

- A. The Bed and Breakfast must be residential in nature and comply with the Home Occupation regulations of Section 6.5.9 of this Chapter.
- B. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.
- C. Bed and Breakfasts shall contain no more than ten guest rooms.
- D. There shall be an owner or innkeeper/manager residing on the premises.
- E. Meals may be served by the resident owner to paying guests staying at the Bed and Breakfast.
- F. Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and

public rights-of-way by evergreen plant material that will provide opaque screening at the time of plant maturity.

#### **§6.4.5 COMMUNICATIONS TOWERS**

##### **A. Purpose and Legislative Intent**

The Federal Telecommunications Act of 1996 affirmed Charleston County's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The regulations of this Section are designed to site communications towers in Charleston County. It is the intent of these regulations to allow for the harmonious coexistence of communications towers and other land uses. It is also the intent of these regulations to reduce the overall negative impact of communications towers by:

1. Reducing the number of towers needed through a policy of encouraging co-location; and
2. If co-location is not feasible, encouraging the following:
  - a. The use of Stealth Tower Design, as defined in Section 6.4.5.C.1;
  - b. The clustering of towers ("tower farms");
  - c. The placement of towers away from roadways;
  - d. The provision of effective screening; and
  - e. The location of communications equipment on existing structures or within existing utility substations or uses.

##### **B. Co-Location Exemption**

Proposed communications equipment co-locating on existing towers and structures without adding to their height shall require only a Zoning Permit and shall not be subject to the requirements of this Section.

##### **C. Stealth Tower Provision**

1. For the purposes of this Section, the term "Stealth Tower" shall mean a communications tower designed to unobtrusively blend into its existing surrounding so as not to have the appearance of a communications tower. Examples of Stealth Towers include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, and antenna structures designed to look like light poles.
2. All proposed Stealth Tower designs must be approved by the Planning Director.
3. A complete zoning permit application for a Stealth Tower that meets all requirements of this Ordinance shall be approved.

**D. Tower Abandonment**

A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 50 days. Towers which are not maintained by the owner according to the County Building Code shall be removed by the owner within 60 days. To assure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.

**E. Pre-Application Meeting**

Prior to submitting a formal application for a Zoning Permit for Communications Tower the applicant is required to attend one or more pre-application meetings. The purpose of the pre-application meeting is to address key issues which will help to expedite the review and permitting process. The Planning Director may conduct a site visit at the pre-application meeting.

**F. Zoning Permit Submittal Requirements**

Prior to Zoning Permit approval, all applications for Communications Towers shall complete the Site Plan Review process as provided in Chapter 3 of this Ordinance. In addition to any Site Plan Review requirements, the application must contain the following items:

1. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences, and protected and Grand Trees affected by the proposed construction. If there are no Grand Trees affected, a surveyor's statement on the Site Plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.
2. The Site Plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a 25' buffer around the fenced area.
3. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any Communications Towers, facility and/or antenna and the basis therefore. Additionally, color and material samples shall be provided.
4. The tower must be located no closer to a residential structure than a distance equal to 1 ½ feet for each 1 foot in height of the proposed tower

plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure.

5. A 6 foot non-climbable fence must be placed around the tower (except for those designed in a manner compatible with Section 6.4.5.A.2, Stealth Exemption) and any associated building. Guy wires may be fenced separately.
6. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen-hundred (1,500) feet of all property lines of the parcel on which the Communications Towers are located.
7. Communications Towers shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless required by law.
8. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
9. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate. In the event of the above situation, the clustering of new towers on the same parcel near existing towers is permitted.
10. A copy of the tower's search ring.
11. The Applicant shall supply the FAA study number for the proposed tower.
12. For the purposes of co-location review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit

satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other structures are not available or suitable for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall build the proposed tower in such a manner as may allow other telecommunication users to co-locate.

13. The tower shall be designed with excess capacity for future needs.
14. A statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
15. The applicant shall furnish a Visual Impact Assessment which shall include:
  - a. A "Zone Visibility Map" which shall be provided in order to determine locations where the Tower may be seen.
  - b. Pictorial representations of "before and after" view from key viewpoints both inside and outside the County, including but not limited to major highways and roads; state and local parks; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.
  - c. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.

#### **G. Retention of Expert Assistance and Reimbursement by Applicant**

1. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
2. For towers proposed to be 100 feet or higher, the applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of the consultant and expert evaluation and consultation to the County in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$5,000.00. The application will not be processed until receipt of this initial deposit. The County will maintain a separate account for all such funds. The County's consultants/experts shall invoice the County for all its services in

reviewing the application, including the construction and modification the site, once permitted. If at any time during the process this account has a balance less than \$1,000.00, the applicant shall immediately, upon notification by the County, replenish said account so that it has a balance of at least \$5,000.00. Such additional account funds shall be deposited with the County before any further action or consideration is taken on the application. In the event that the amount held in the account by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings on unused funds.

3. The total amount of the funds needed as set forth in subsection 2 of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.
4. Additional fees may be required if additional hearings before the board of Zoning Appeals are caused by or requested by the applicant.

#### **H. Surrounding Property Owner Notification**

1. In order to better inform the public, in the case of a new Communications Towers, the applicant shall hold a "balloon test" as follows: the applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three (3) foot diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date) shall be provided to the Planning Director ten (10) days after receipt of the complete application notice. The dates shall be set a minimum of fifteen (15) days prior to the Planning Director making a final decision on the Zoning Permit. The balloons shall be flown for ten (10) consecutive hours between 8:00 a.m. and 6:00 p.m.
2. Once the application is deemed complete by the Planning Director for a Communications Tower Zoning Permit, the Planning Department shall provide Parties in Interest, Neighbor, Posted and Newspaper Notice in accordance with the requirements of Section 3.1.6 of this Ordinance. The public notice shall include the dates of the balloon tests as provided by the applicant and the date the Planning Director must make a final decision on the Zoning Permit.

#### **I. Time Limit for Staff Review**

Upon receipt of an application deemed complete by the Planning Director for a Communications Tower Zoning Permit, the Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the applicant is sent written notice of a complete application from the Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

**J. Zoning Permit Approval Criteria**

1. A complete zoning permit application for a Stealth Tower that meets all requirements of this Ordinance shall be approved.
2. Upon review of a complete application, no Zoning Permit shall be issued for a communications tower until the Planning Director determines that the proposed tower complies with the following criteria and standards:
  - a. That the location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical sites, officially designated scenic roads or rivers, and that the tower is designed to blend into the environment and minimize visual impact.
  - b. If a completely new tower is necessary, the applicant must provide written proof of attempts at co-location and siting a tower on the same lot near an existing tower were proven not feasible or practical.
  - c. That the applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
  - d. Staff shall review and approve the color and materials to be used for the proposed tower.
3. If the Planning Director finds a proposed communications tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the Special Exception (S) provisions of this Ordinance.

In determining whether the use shall fall under the Special Exception (S) provisions, the Planning Director may consider one or more of the following items:

- a. The proposed use will be detrimental to adjacent land uses including historical sites;
- b. The proposed use will have a negative aesthetic visual impact;
- c. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and
- d. The proposed use is contrary to the public health, safety or welfare.

**§6.4.6 DRIVE-IN THEATERS**

Drive-in Theaters shall be subject to the following standards:

- A. A use for this purpose shall have a setback 200 feet from any agricultural, residential or office zoning district. Adult drive-in theaters are subject to Section 6.4.18 of this Chapter.
- B. Such use shall be located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas.
- C. The principal vehicular access for such use shall be on a major thoroughfare or collector street having a right-of-way at least 60 feet wide.
- D. Vehicular entrances and exits shall be provided separately and not less than 100 feet apart.
- E. Between the street entrance and the ticket gate there shall be an area for vehicles waiting to pass the gate. Said area shall have such capacity as will make it ordinarily unnecessary for entering vehicles to wait in the street.

**§6.4.7 DWELLING GROUPS**

Where two or more principal single family residential structures are located on the same zoning lot, the following criteria shall apply:

- A. **Density/Intensity and Dimensional Standards**  
Density/intensity and dimensional standards of the underlying zoning district shall apply. In each case, the distance between structures shall not be less than the sum of the minimum interior setbacks required. This distance shall be measured from the closest protrusion of each structure. Where no building footprint is indicated, a maximum of a 100-foot by 100-foot area shall be shown for each dwelling to indicate the area where each dwelling is to be constructed.
- B. **Facing of Dwelling Units**  
Each dwelling unit shall face (front) either a street, courtyard or outdoor living space.
- C. **Vehicle Access**  
Each dwelling group shall provide an access consistent with the Road Construction Standards in Appendix A of this Ordinance.
- D. **Other Zoning Requirements**  
Unless specifically modified by this Section, Dwelling Groups shall comply with all other requirements of this Ordinance for the district in which located.

**§6.4.8 RETIREMENT HOUSING, LIMITED**

Small Site Retirement Housing shall be subject to the following standards:

- A. Such use shall be allowed only if reviewed and approved as a Special Exception in accordance with the procedures of this Ordinance.
- B. Only existing single family dwelling units may be used for such facilities.

- C. No more than ten residents shall be allowed within such facility.
- D. Medical services shall not be permitted on the premises.
- E. Small Site Retirement Housing will not include programs or treatment for individuals suffering from mental illness, drug addiction or alcoholism.
- F. Facilities shall comply with all applicable state regulations.

#### **§6.4.9 FARM LABOR HOUSING**

Farm Labor Housing shall be subject to the following standards:

- A. Such use shall be set back 100 feet from road rights-of-way and property lines bordering undeveloped parcels. A minimum 200-foot setback shall be required from property lines abutting developed parcels.
- B. A minimum 50-foot buffer shall be maintained and planted within the setback area along all interior lot lines.
- C. For Farm Labor Housing that is not dormitory style, the minimum lot area for such use as a use permitted by right shall be five acres. Such use shall be allowed as a Special Exception on parcels under five acres in area.
- D. Farm Labor Housing shall be used on a seasonal basis only, not as year-round housing.

#### **§6.4.10 NATURE EXHIBITIONS**

- A. Where nature exhibitions are of public ownership or listed in the National Registry of Natural Landmarks or registered as a Heritage Site with the South Carolina Heritage Trust in accordance with the provisions of Act #600 of the 1976 Acts and Joint Resolutions, either in public or private ownership, accessory uses to acquire maintenance revenue are permitted.
- B. Accessory uses are limited to the retail sale of gifts, novelties, souvenirs, food services, and bicycle, horse or boat rental for on-premises use.
- C. Accessory structures so used shall not exceed ten percent in size of the principal structures when the nature exhibit is housed, or 1,200 square feet for each acre when the nature exhibit is not enclosed.
- D. Parking requirements for each accessory use, in addition to the parking requirements for the principal use, shall comply with the parking requirements for the type of use as specified in the Off-Street Parking Schedule of Chapter 9 of this Ordinance.
- E. Signs advertising accessory uses shall be located on the premises and not visible from a public road.

**§6.4.11 PARKS, RECREATION AND OUTDOOR RECREATION/ENTERTAINMENT**

Any structure established in connection with such uses shall have a setback of not less than 100 feet from any property in an agricultural, residential or office zoning district, except where such property line abuts a street, in which case the front setback established for the district shall apply.

**§6.4.12 RECREATIONAL VEHICLE PARKS**

Recreational Vehicle Parks shall be subject to the following standards:

**A. Location and Access**

Recreational Vehicle Parks shall be located in a public park or with direct access to a state or federal numbered highway or an approved County road. No entrance to or exit from a Recreational Vehicle Park shall be through an agricultural, residential or office zoning district.

**B. Site Conditions**

Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site that is subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.

**C. Spaces for Occupancy; Uses Permitted; Lengths Of Stay**

Spaces in recreational vehicle parks may be used by recreation vehicles, as defined herein. Spaces shall be rented by the day, week, or month only, and no recreational vehicle shall remain in the same trailer park for more than six (6) months. The recreational vehicle park owner shall be responsible for maintaining records of all recreational vehicles and their lengths of stay and shall make these records available to the Planning Director for review upon request.

**D. Site Planning and Required Improvements**

Site Planning and Improvements shall provide for:

1. Facilities and amenities appropriate to the needs of the occupants;
2. Safe, comfortable, convenient and sanitary use by occupants under all weather conditions to be expected during periods of occupancy; and
3. Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from potential adverse influences within the recreational vehicle park.

**E. Relation of Spaces to Public Streets**

No space shall be located so that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any major thoroughfare or collector street, or within 25 feet of the right-of-way line of any other street.

**§6.4.13 RELIGIOUS ASSEMBLY**

All religious assembly uses shall comply with the Site Plan Review requirements of this Ordinance.

**§6.4.14 RESOURCE EXTRACTION****A. Applications**

All uses involving Resource Extraction shall complete the Site Plan Review process **and obtain a Zoning Permit.** ~~which includes representatives from Planning Department, Department of Public Works, South Carolina Department of Health and Environmental Control (DHEC), South Carolina Department of Transportation, State Historic Preservation Office, U.S. Army Corps of Engineers, Office of Coastal Resource Management, and other departmental representatives deemed necessary by the Planning Director to address issues relevant to respective issues of the project. Before submitting an application for a Special Exception for a Resource Extraction use, the applicant shall show proof of application to the South Carolina Department of Health and Environmental Control (SCDHEC). Prior to Site Plan Review approval, the applicant shall receive Special Exception approval and approval from the SCDHEC. **approval or written documentation of exemption** from the **South Carolina Department of Health and Environmental Control (SCDHEC).** The Board of Zoning Appeals may, on a case-by-case basis, also require the excavation area be screened, that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed. When approval by the Board of Zoning Appeals has been granted to the applicant, the Planning Department will provide locator data by tax map data to the Environmental Health section of DHEC as well as to the Mosquito Abatement section of the Public Works Department.~~

**B. Special Exceptions**

**Resource Extraction uses that do not meet the conditions below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-section A. Applications, above, shall apply. The applicant shall receive Special Exception approval and approval from SCDHEC, prior to Site Plan Review approval. The Board of Zoning Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to, requiring that the excavation area be screened and that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed.**

**C. Special Exception Exemptions for Residential and Bona Fide Agricultural Uses**

**Excavation or grading activities solely for residential use, recreational use, or Bona Fide Agricultural Use shall be exempt from the Special Exception procedures of this Ordinance if the use complies with all of the following conditions:**

- 1. The resource extraction operation shall be limited to one (1) year;**

2. *The resource extraction operation shall not be located within 50 feet of any property boundary and/or within 250 feet of any building intended for human occupancy existing at the time of permit application;*
  3. *The resource extraction operation shall be two (2) acres or less, provided that the total accumulated area(s) dedicated to resource extraction uses on a parcel is less than five (5) acres. The Special Exception procedures of this Ordinance shall apply if the total accumulated resource extraction area is greater than five (5) acres; and*
  4. *No more than one (1) resource extraction use shall be permitted on the same property within one (1) year from the date of Zoning Permit approval for a previous resource extraction use.*
- D. *Plat Alternative for Bona Fide Agricultural Uses*  
*The Planning Director may waive the requirement that an approved and recorded plat of the subject property be submitted as part of a resource extraction application for a Bona Fide Agricultural Use when the proposed use complies with all of the conditions of sub-section C, above, and a scaled survey, scaled aerial photograph, or print of equal quality is submitted.*
- E. *Special Exception Exemption for Solid Waste Disposal Facility*  
*Excavation or grading activities required to prepare, operate, or close a permitted solid waste disposal facility site shall be exempt from the Special Exception procedures of this Ordinance.*

#### **§6.4.15 RESTAURANTS, BARS AND LOUNGES SERVING ALCOHOLIC BEVERAGES**

All proposed bars, lounges and restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district.

#### **§6.4.16 SELF-SERVICE STORAGE (MINI-WAREHOUSE) FACILITY**

Self-Service Storage facilities shall be subject to the following standards.

##### **A. Performance Standards**

##### **1. Front Setback**

All structures, including the accessory manager's office/apartment, must be set back a minimum of 25 feet from the right-of-way or the district minimum setback, whichever is greater.

##### **2. Side and Rear Buffers/Screening**

- a. Where projects abut lots zoned office, commercial, or industrial, no side and rear setbacks are required.

- b. Where sites abut residentially zoned properties, buildings adjacent to the perimeter must face inward with their doors away from such areas.

**3. Building Lengths and Access**

To ensure ease of access for emergency vehicles, no building shall exceed 300 feet in length. Spaces between ends of buildings shall be at least 30 feet.

**4. Accessory Office/Apartment**

One management office and/or accessory residence shall be permitted.

**5. Parking and Circulation**

- a. Project entrances shall be 30 feet in width.
- b. Roadway widths on interior drives shall be at least 24 feet in width where buildings face and open onto such drives on only one side. Where buildings face and open onto drives on both sides, widths of such drives shall be at least 34 feet.
- c. Turning radii, whether provided at the terminus of interior drives or at points between buildings, shall be at least 30 feet to provide for the maneuverability of emergency vehicles.

**6. Signs**

Signs shall comply with the requirements contained in Chapter 9 of this Ordinance. Signs shall not be attached to or displayed on walls or fences used as required screening.

**B. Operating Conditions**

**1. Commercial Activities**

The manufacture or sale of any commercial commodity or the provision of any service from the premises is prohibited.

**2. Commercial Repair Activities**

Commercial repairs of autos, boats, motors, furniture, or other items on the premises are prohibited.

**3. Storage of Flammable Substances**

Storage of flammable chemical substances within the complex is prohibited.

**4. Open Storage**

Open storage of automobiles and boats is permitted only where such areas are screened to comply with Landscaping, Screening and Buffer requirements contained in Chapter 9 of this Ordinance.

**§6.4.17 SEWAGE DISPOSAL FACILITIES**

Sewage Disposal Facilities shall be subject to the following standards:

- A. Sewage Disposal Facilities shall comply with the Site Plan Review requirements of this Ordinance; and
- B. Any structure established in connection with such uses shall have a setback of not less than 50 feet from any property line.

**§6.4.18 SEXUALLY ORIENTED BUSINESSES****A. Purpose and Intent**

It is the purpose of the regulations of this Section to regulate sexually oriented businesses in order to promote the health, safety and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious locating and concentration of sexually oriented businesses within the county. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Section to condone or legitimize any use or act which is otherwise prohibited or punishable by law.

**B. Findings of Fact**

1. There are a number of sexually oriented businesses in Charleston County and it is in the interests of the health, safety, and welfare of the patrons of such businesses, as well as the citizens of Charleston County, to provide certain minimum standards and regulations for sexually oriented businesses, as well as the operators and employees of such businesses.
2. Sexually oriented businesses generate secondary effects that are detrimental to the public health, safety and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches or parks and playgrounds.
3. The concern over sexually transmitted diseases is a legitimate health concern of the county which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of our citizens.
4. Live entertainment presented by some sexually oriented businesses involves a considerable amount of bodily contact between patrons and semi-nude and nude employees and dancers, including physical contact, such as hugging, kissing and sexual fondling of employees and patrons.

Many sexually oriented businesses have "couch" or "straddle" dancing, and in these "dances," employees sometimes do such things as sit in a patron's lap, place their breasts against the patron's face while physical contact is maintained, and gyrate in such a manner as to simulate sexual intercourse. Such behavior can lead to prostitution. The County Council recognizes that preventing prostitution and the spread of sexually transmitted diseases are clearly within its police powers: *Southeastern Promotions, Inc. v. Conrad*, 341 F. Supp. 465, 477 (E.D. Tenn. 1972), rev'd on other grounds, 420 U.S. 546 (1975). The County Council believes that prohibiting physical contact between performers and patrons at a sexually oriented business establishment is a reasonable and effective means of addressing these legitimate governmental interests.

5. Licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations, to facilitate the enforcement of legitimate location and distancing requirements, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
6. The location of sexually oriented businesses close to residential areas diminishes property values and leads to conditions that give rise to crime in residential neighborhoods. Many studies performed in other communities indicate conclusively that property crimes and sexual crimes increase significantly in neighborhoods in which a sexually oriented business is located.
7. It is not the intent of this Section to suppress any speech activities protected by the First Amendment or to place any impermissible burden on any constitutionally-protected expression or expressive conduct by the enactment or enforcement of this Ordinance. Rather, it is the intent of the County Council to enact a "content neutral regulation" that addresses the secondary effects of sexually oriented businesses.

### **C. Definitions**

For the purposes of this Section, the following terms shall have the following meanings:

1. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. "Adult bookstore", "Adult retail store" or "Adult video store" means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held opened to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified

anatomical areas" are sold, rented or displayed therein, (unless the business complies with the requirements of Section 6.4.18C.2.c. herein) or, which has as one of its principal business purposes, the sale or rental of any form, for consideration, one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
  - b. Instruments, devices, paraphernalia or clothing which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental, the specified materials which depict or describe "specified sexual activities or "specified anatomical areas."
  - c. "Adult bookstore," "Adult retail store" or "Adult video store" does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than ten percent of the business's total square footage, and which prohibits anyone under 18 years of age from entering the room.
  - d. "Principal business purpose," as used in this Section, means that more than 25 percent of the "stock in trade" of the business is devoted to the display, rent or sale of items, products or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."
  - e. "Stock in trade" for purposes of this subsection shall mean the greater of:
    - i. The retail dollar value of all items, products or equipment readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
    - ii. The total volume of shelf space and display area.
3. "Adult cabaret" means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:

- a. Persons who appear in a state of nudity.
  - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
  - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. "Adult car wash" means a car wash where some or all of the employees are semi-nude or nude and/or where "specified sexual activities" occur or "specified anatomical areas" are exhibited.
  5. "Adult motel" means a hotel, motel or similar commercial establishment which:
    - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and which may have a sign visible from the public right-of-way which advertises the availability of these types of photographic reproductions, or
    - b. Routinely offers a sleeping room for rent for a period of time that is less than eight hours, or
    - c. Routinely allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight hours, or
    - d. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section.
  6. "Adult motion picture theater" means a commercial motion picture theater, one of whose principal business purposes is, for any form of consideration, to regularly show films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
  7. "Adult theater" means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose principal business purposes is to regularly feature persons who appear in a state of nudity, or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

8. "Certificate of Nonconformity" means a certificate issued by the Charleston County Planning Department to any sexually oriented business which is operating at the time of the enactment of this Chapter, and is not in compliance with one or more of its provisions.
9. "Dancer" means an employee of a sexually oriented business who entertains patrons through expressive forms of dance and/or movement.
10. "Employee" means an individual working and performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business.
11. "Established" or "establishment", as used in this Chapter, means and includes any of the following:
  - a. The opening or commencement of any sexually oriented business as a new business.
  - b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
  - c. The addition of any sexually oriented business to any other existing sexually oriented business.
  - d. The relocation of any sexually oriented business.
12. "Health club", as used in this Chapter, means a health club where some or all of the employees are nude or semi-nude, or in which "specified sexual activities" occur or "specified anatomical activities" are exhibited.
13. "Licensee" means a person in whose name a Sexually Oriented Business Regulatory License to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a Sexually Oriented Business Regulatory License.
14. "Live entertainment", for purposes of this Chapter, means a person who appears nude, semi-nude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."
15. "Nude model studio" means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration, and such place is not subject to an exemption pursuant to any provision herein.
16. "Nude, Nudity or state of nudity" means: (a) the appearance, real or simulated, of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to completely cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

17. "Operate" or "causes to be operated", as used in the Chapter, means to cause to function or to put or keep in operation.
18. "Operator" means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.
19. "Patron" means any person who pays a sexually oriented business any form of consideration for services provided to him or her by the sexually oriented business.
20. "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
21. "Semi-nude" or "semi-nudity" means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areolae of the breasts of a woman.
22. "Sexually oriented business" includes an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business, such as a car wash or a health club, which offers, for consideration, materials or services characterized as depicting "specified sexual activities" or "specified anatomical areas", or whose employees perform services in a state of nudity or semi-nudity.
23. "Sexually Oriented Business Regulatory License" means a special annual operating license necessary for a sexually oriented business to do business in Charleston County. Such license is in addition to a Charleston County Business License, and is issued by the Charleston County Planning Department.
24. "Specified anatomical areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
25. "Specified sexual activities" means and includes any of the following:
  - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
  - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
  - c. Masturbation, actual or simulated.
  - d. Excretory functions as part of or in connection with any of the activities set forth in A. through C. above.

26. "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date the original Charleston County Zoning Permit was obtained.
27. "Transfer of ownership" or control of a sexually oriented business means and includes any of the following:
  - a. The sale, lease or sublease of the business.
  - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
  - c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
28. "Viewing Room" means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, video reproduction, or live production.

**D. Permits and Licenses; Application**

1. Every person engaged or intending to engage in a sexually oriented business is required to obtain a Sexually Oriented Business Regulatory License.
2. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid Zoning Permit and Business License and Sexually Oriented Business Regulatory License issued by Charleston County.
3. An application for a Zoning Permit and/or a Sexually Oriented Business Regulatory License must be made on a form provided by the Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be prepared by an architect, engineer or surveyor, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.
4. The applicant must be qualified according to the provisions of Article 6.4.18.E and the premises must be inspected and found to be in compliance with applicable State laws by the South Carolina Department of Health and Environmental Control (DHEC) and the Building Official.
5. If an entity wishing to operate a sexually oriented business is an individual, he or she must sign the application for a Sexually Oriented Business Regulatory License as applicant. If an entity wishing to operate a sexually oriented business is other than an individual, each individual

who has a ten percent or greater interest in the business must sign the application for a Sexually Oriented Business Regulatory License as an applicant.

6. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirements to obtain a Sexually Oriented Business Regulatory License.
7. All licenses granted pursuant to this Chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration shall be permitted.
8. The completed application shall contain the following information and shall be accompanied by the following documents:
  - a. If the applicant is:
    - i. An individual, the individual shall state his or her legal name and any aliases and shall submit satisfactory proof that he or she is eighteen (18) years of age;
    - ii. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
    - iii. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the state, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the state, the names and capacity of all officers, directors and principal owners, and the name of the registered corporate agent and the address of the registered office for service of process;
    - iv. A limited liability company shall state its complete name, the date of filing of the articles of organization and operating agreement, the names of all managers and members.
  - b. Whether the applicant or any other individual listed under subsection (A) of this Section had worked under or has had a previous Sexually Oriented Business Regulatory License under this Chapter or other adult business or adult entertainment ordinance from another state, city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

- c. Whether the applicant or any other individual listed under subsection (A) for this Section holds any other licenses under this Chapter or other similar adult business ordinance from another city, county or state and, if so, the names and locations of such other permitted business.
  - d. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
  - e. Proof of the applicant's right to possession of the premises wherein the sexually oriented business is proposed to be conducted.
  - f. The applicant's or any other individual's listed, pursuant to subsection (A) of this Section, mailing address and residential address.
  - g. A photocopy of the driver's license or other government issued identification card for the individuals listed in subsection (A) of this Section.
9. If the applicant is an individual, he/she must sign the application for a license. If the applicant is a corporation it must be signed by the president or vice president, attested to by the secretary or assistant secretary, and each individual having a 10 percent or greater interest in the corporation. If the applicant is a general or limited partnership it must be signed by a general partner. If the applicant is a limited liability company it must be signed by the manager and each individual having a 10 percent or greater interest in the company.
  10. If an omission or error is discovered by the Planning Director, the application will be returned to the applicant for completion or correction without further action by the Planning Director. Any application rejected due to an omission or error shall be re-filed only when the omission or error has been remedied. For the purposes of this Chapter, the date the Planning Director accepts an application which is complete shall be the date the application is deemed to be filed with the Planning Director.
  11. In the event that the Planning Director determines that the applicant has improperly completed the application, he/she shall promptly notify the applicant of such fact and allow the applicant thirty (30) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
  12. Applicants for a license under this Chapter shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the

application on file with the Planning Director, shall be grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

**E. Approval/Denial of License:**

1. The Planning Director shall approve or deny the issuance of a Sexually Oriented Business Regulatory License to an applicant within thirty (30) days after receipt of a completed application. The Planning Director shall deny a license if:
  - a. The applicant (if a natural person) is under the age of eighteen (18) years;
  - b. The applicant has made a false statement upon the application or has given false information in connection with an application;
  - c. The applicant or any holder of any class of stock, or a director, officer, partner or principal of the applicant has had an adult business license revoked or suspended anywhere within the state within one year prior to the application;
  - d. The applicant has operated an adult business which has determined to be a public nuisance under state law or this code within one year prior to the application;
  - e. A corporate applicant is not in good standing or authorized to do business in the state;
  - f. The applicant is overdue in the payment to the County of taxes, fees, fines or penalties assessed against him/her/it or imposed against him/her/it in relation to an adult business;
  - g. The applicant has not obtained the required sales tax license; or
  - h. The applicant of the sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this Section.
2. In the event that the Planning Director denies a license, he/she shall make written findings of fact stating the reasons for the denial, and a copy of such decision shall be sent by first class mail to the address shown in the application. An applicant shall have the right to a hearing before the Board of Zoning Appeals as set forth in subsection J below. A written request for such hearing shall be made to the Planning Director within ten (10) days of the date of the denial of the license by the Planning Director. This hearing shall be held within sixty (60) days from the date a timely request for hearing is received. If no such hearing is held or if no order is issued within the time set forth below following such hearing, the application shall be deemed approved.

- a. At the hearing referred to above, the Board of Zoning Appeals shall hear such statements and consider such evidence as the Planning staff, enforcement officers, the applicant or other party in interest, or any other witness shall offer which is relevant to the denial of the license application by the Planning Director.
  - b. If the Board of Zoning Appeals determines that the applicant is ineligible for a license per subsection (A) of this Section, it shall issue an order sustaining the Planning Director's denial of the application, within five (5) days after the hearing is concluded, which shall include findings of fact. A copy of the order shall be mailed to the applicant at the address supplied on the application.
  - c. The order of the Board of Zoning Appeals made pursuant to this Section shall be a final decision and may be appealed to the circuit court pursuant to the provisions of the SC Local Government Planning Act, as may be amended from time to time. Failure of an applicant to timely follow the limits specified above constitutes a waiver by him/her/it of any right he/she/it may otherwise have to contest denial of his/her/it license application.
3. If any county official or department fails to render a timely decision pursuant to the terms of this Section then said official or department shall be deemed to have approved or consented to the issuance of the requested license.
  4. The Sexually Oriented Business Regulatory License, if granted, shall state of its face the names of the persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The Sexually Oriented Business Regulatory License shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it may be easily read at any time.

#### **F. Temporary Permits**

1. An applicant may apply for a temporary permit if a Sexually Oriented Business Regulatory License has been denied by the Planning Director, an appeal has been denied by the Board of Zoning Appeals and an appeal or other legal challenge is pending in the circuit court.
2. The temporary permit application shall include all information required by the Sexually Oriented Business Regulatory Ordinance.
3. The temporary permit application shall also include written evidence of the pendency of the appeal to the circuit court.
4. The completeness of the temporary permit application will be determined within five (5) days of its submittal.
5. After submittal of a complete application, the Planning Director shall issue the temporary permit within five (5) days.

6. Upon issuance, the applicant may commence its sexually oriented business adult use as set forth in the permit, pending compliance with other applicable non-sexually oriented business laws, rules and regulations.
7. In the event that denial of a Sexually Oriented Business Regulatory License is upheld by the courts, an investment or construction undertaken during the time of temporary permit must be removed and the business ceased. The applicant shall not have the right to continue with any business or recoup any investment from the County. Revocation of the permit shall not be considered a taking.

#### **G. Inspection**

1. An applicant or licensee shall permit representatives of the Sheriff's Office, South Carolina Department of Health and Environmental Control (DHEC), local Fire Department, Planning Department, Legal Department and/or Building inspections department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied open for business.
2. The licensee (or the licensee's agent or employee) of a sexually oriented business commits a misdemeanor if he or she refuses such lawful inspection of the premises at any time it is occupied or open for business. Such refusal is also grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

#### **H. Expiration of Sexually Oriented Business Regulatory License**

1. A Sexually Oriented Business Regulatory License must be renewed each year, at least 2 weeks prior to the expiration date.
2. If, after denying the issuance or renewal of a Sexually Oriented Business Regulatory License, the Planning Director finds that the basis for denial of the license has been corrected or abated, the applicant may then be granted a Sexually Oriented Business Regulatory License.

#### **I. Suspension of Sexually Oriented Business Regulatory License**

The Planning Director shall suspend a Sexually Oriented Business Regulatory License for a period not to exceed 30 days if the Planning Director determines that a licensee or an employee of a licensee:

1. Has violated or is not in compliance with any provision of this Section.
2. Has refused to allow an inspection of the sexually oriented business premises as authorized by this Section.
3. Has knowingly permitted gambling by any person on the sexually oriented business premises.

**J. Revocation of Sexually Oriented Business Regulatory License**

1. The Planning Director shall revoke a Sexually Oriented Business Regulatory License if a cause of suspension in Section 6.4.18H occurs and the Sexually Oriented Business Regulatory License has previously been suspended within the preceding 12 months.
2. The Planning Director shall revoke a Sexually Oriented Business Regulatory License if the Planning Director determines that:
  - a. The licensee gave false or misleading information in the material submitted to the Zoning or Business License Departments during the application process;
  - b. The licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's Sexually Oriented Business Regulatory License was suspended; or
  - c. A licensee or an employee has knowingly allowed any act of sexually intercourse, sodomy, oral copulation or masturbation to occur in or on the permitted and/or licensed premises.
3. If subsequent to revocation, the Planning director finds that the basis for the revocation of the Sexually Oriented Business Regulatory License has been corrected or abated, the applicant may be granted a Sexually Oriented Business Regulatory License.

**K. Appeal of Designation, Suspension or Revocation of Sexually Oriented Business Regulatory License**

A sexually oriented business or a Licensee may appeal, in writing, the Planning Director's designation of a business as a sexually oriented business, or the suspension or revocation of a Sexually Oriented Business Regulatory License to the Board of Zoning Appeals in accordance with the procedures of Article 3.13.

**L. Transfer of Sexually Oriented Business Regulatory License**

Each Sexually Oriented Business Regulatory License issued hereunder is non-transferable. A licensee shall not transfer a Sexually Oriented Business Regulatory License to another sexually oriented business, nor shall a licensee operate a sexually oriented business under the authority of a Sexually Oriented Business Regulatory License at any place other than the address designated in the application.

**M. Location Restriction**

1. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of the zoning district where the use is allowed. (See Article 6.1).
2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within 1,000 feet of:

- a. A facility for Religious Assembly;
  - b. A public or private school;
  - c. A boundary of any residential zoning district;
  - d. A public park adjacent to any residential zoning district; and
  - e. The property line of a lot occupied by a residential use.
3. A person commits a misdemeanor if he or she causes or allow the operation, establishment, or maintenance of more than 1 sexually oriented business in the same building, structure or portion thereof, or the substantial enlargement of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business without the issuance of Sexually Oriented Business Regulatory License for each use and every expansion.
  4. For the purpose of this Section , measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a facility for Religious Assembly, a public or private school, to the nearest boundary of any residential zoning district, a public park adjacent to any residential zoning district, or the nearest property line of a lot occupied by a residential use.
  5. No expansion of the uses or physical structure of a building housing a sexually oriented business shall occur without the issuance of a Sexually Oriented Business Regulatory License for each use and expansion.

**N. Regulation of Adult Car Washes**

Nude or semi-nude employees of adult car washes must not be able to be seen from any public right-of-way or adjoining parcels. Necessary fencing and/or buffers, as set forth in the relevant chapters of this Ordinance, must be placed around the establishment in order to ensure that patrons can only view the employees once the patrons are inside the establishment.

**O. No Fondling or Caressing**

It is a misdemeanor for any nude or semi-nude employee or dancer to fondle or caress any patron, and no patron shall fondle or caress any nude or semi-nude employee or dancer.

**P. Nonconforming Sexually Oriented Business**

1. Any sexually oriented business operating on the date the original Sexually Oriented Business Regulations were enacted by Charleston County Council (Section 6.4.18), that is found to be in violation of any of the location provisions of Article 6.4.18L above, shall be deemed a nonconforming use, and upon written notification by the Planning Director, must obtain a Certificate of Nonconformity from the Planning

Department. A certified nonconforming use will be permitted to continue to operate for a period not to exceed 1 year before being licensed.

2. If the sexually oriented business does not, within 6 months of notification by the Planning Director, obtain a Certificate of Nonconformity, then the business will be deemed in violation of the Ordinance, and will not be permitted to continue to operate more than 6 months after the date that the regulations of this Section (Article 6.4.18) first became effective.
3. No nonconforming use shall be increased, enlarged, extended or altered except that the use may be changed to a conforming use.
4. If 2 or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at that particular location is the conforming use and the later-established business is the nonconforming use.
5. Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use due to the subsequent location of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid Sexually Oriented Business Regulatory License, and does not apply when an application for a Sexually Oriented Business Regulatory License is submitted after a Sexually Oriented Business Regulatory License has expired or has been revoked.

**Q. Adult Motels Prohibited**

A person in control of a sleeping room in a hotel, motel, or similar commercial establishment, commits a misdemeanor if he or she rents or sub-rents a sleeping room to a person, and then, within 8 hours from the time the room is rented, rents or sub-rents the same sleeping room again, as such creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section. For purposes of this Section, "rent" or "sub-rent" means the act of permitting a room to be occupied for any form of consideration.

**R. Six-Foot Distance Rule**

1. No nude or semi-nude employee or nude or semi-nude dancer shall perform live entertainment within six feet of any patron, nor shall any patron experience live entertainment within six feet of any nude or semi-nude employee or nude or semi-nude dancer, in a sexually oriented business. In the case of adult car washes, the six-foot distance rule necessitates that patrons get out of their vehicles, and watch the vehicles being washed no less than 6 feet away from the nude or semi-nude employees.
2. Sexually oriented businesses with live entertainment shall conspicuously post a sign that advises patrons that they must be at least 6 feet away from nude or semi-nude dancers at all times.

**S. Gratuities**

1. No patrons shall personally pay or personally give a gratuity to any nude or semi-nude dancer or nude or semi-nude, employee in a sexually oriented business establishment. Gratuities can be placed in containers at a location away from the nude or semi-nude dancer, or handed to clothed employees. In the alternative sexually oriented businesses could charge a cover charge, and prohibit all gratuities.
2. No nude or semi-nude dancer or nude or semi-nude employee a sexually oriented business shall solicit or accept any pay or gratuity personally from a patron.
3. Sexually oriented businesses with nude or semi-nude dancers or nude or semi-nude employees shall conspicuously post a sign that advises patrons that gratuities to be paid personally to nude or semi-nude dancers and nude or semi-nude employees are prohibited.

**T. Additional Regulations Pertaining to the Exhibition of Sexually Explicit Films and Videos, Adult Arcades and Health Clubs**

A person who operated or causes to be operated a sexually oriented business, as defined in this Section, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts "specified sexual activities" or "specified anatomical areas", or which allows "specified sexual activities" or "specified anatomical areas", or which allows "specified sexual activities" to occur in a separate room in the establishment shall comply with the following requirements:

1. Upon application for a Sexually Oriented Business Regulatory License, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of 1 or more manager's stations and the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object, and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Planning Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Planning Director.

4. It is the duty of the owners and operator of the premises to ensure that at least 1 employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has 2 or more manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owners and operator, and also the duty of any agents and employees present in the premises, to ensure that the view area specified in subparagraph "5" remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subparagraph "1" of this Section.
7. No viewing room, nor any room or enclosed area in a health club that cannot be viewed from the manager's station, may be occupied by more than 1 person at any time.
8. In order to ensure that places to which patrons access are adequately illuminated, the premises shall be equipped with overhead lighting fixtures at an illumination at least 1 candle foot as measured at the floor level.
9. It shall be the duty of the owners and operator, and also the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
10. A person having a duty under subparagraphs 1. through 9. above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

**U. Exemptions**

It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation.
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

3. In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
  - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
  - c. Where no more than one nude model is on the premises at any one time.

**V. Violations**

Refer to provisions contained in Chapter 11, Violations, Penalties and Enforcement.

**W. Severability**

If any provision of this Chapter or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

**§6.4.19 SINGLE FAMILY DETACHED AFFORDABLE HOUSING UNITS**

To promote ownership or occupancy of affordable, quality housing by low-income households, property within the AG-8 or any AGR, RR-3, S-1, S-2, S-3, or R-4 zoning district may be approved for subdivision and development in accordance with the density/intensity and dimensional standards of this Section (see Section 6.4.19F below). The entity developing the subject parcel must construct new residential housing for the provision of affordable housing as certified by Charleston County. The purchaser or tenant of the affordable household, at the time of closing or rental agreement, must meet the HUD definition of low-income. The following standards of this Section must also be met:

**A. Single Family Detached Affordable Housing Units**

Single family detached affordable housing units shall meet the low-moderate income standards as defined by the United States Department of Housing and Urban Development or the Low Income definition, which is a household income 80 percent or below the median household income for Charleston County.

**B. Ownership**

Single family detached affordable housing units shall be sold or rented to qualified low-moderate income households, as defined in Section 6.4.19A.

**C. Density/Intensity and Dimensional Standards**

1. The maximum density and minimum lot area standards listed in the following table shall apply to single family detached affordable housing units:

Zoning District	Maximum Density	Minimum Lot Area
AG-10	1 dwelling unit per 5 acres	1 acre
AG-8	3 dwelling units per acre	8,000 square feet
AGR and RR-3	3 dwelling units per acre	8,000 square feet
S-3	4 dwelling units per acre	8,000 square feet
R-4	6 dwelling units per acre	4,000 square feet

2. Single family detached affordable housing units in the AG-10 Zoning District shall comply with the dimensional standards of the underlying base zoning district, as contained in Chapter 4, Base Zoning Districts, where no standard is listed in the table above.
3. Single family detached affordable housing units in the AG-8, AGR, RR-3, S-3, and R-4 Zoning Districts shall comply with the dimensional standards of the R-4 Zoning District, as contained in Chapter 4, Base Zoning Districts, where no standard is listed in the table above.

#### **D. Uses**

1. Single family attached housing units and duplexes are allowed in the R-4 Zoning District if they meet all requirements of this Section.
2. Only single family detached affordable housing units are allowed in the AG-10, AG-8, AGR, RR-3, and S-3 Zoning Districts.

#### **§6.4.20 STABLE**

Boarding or riding stables shall require a minimum lot area of five acres. Riding areas and trails shall be limited to the subject parcel upon which the stable is located unless documentation is provided granting access onto other lands. Such documentation shall be provided through written and recorded documents.

#### **§6.4.21 UTILITY SUBSTATIONS**

Electricity regulating substations, gas pressure control stations, or similar utility substations shall be subject to the following standards:

- A. Utility Substations shall comply with the Site Plan Review requirements of this Ordinance;
- B. Any structure shall have a setback of not less than 25 feet from all property lines or the minimum setback of the underlying zoning district, whichever is greater; and
- C. The storage of vehicles and equipment on the premises shall be prohibited except in Community Commercial (CC) or Industrial (I) Zoning Districts.

#### **§6.4.22 VEHICLE SERVICE, LIMITED**

Vehicle Service, Limited shall be subject to the following standards:

- A. No outdoor storage of vehicles shall be permitted in conjunction with a limited vehicle service use; and

- B. In zoning districts subject to conditions (C), this use shall have a maximum floor area of 5,000 square feet, otherwise this use shall fall under the special exception procedures of this Ordinance.

#### **§6.4.23 BONA FIDE FORESTRY OPERATIONS**

For this use to be allowed, the contiguous parcels must have five acres or more of forest land. Additionally, if a parcel is harvested of Grand Trees (excluding Live Oak species per section 9.4.1.B. 2.d.) zoning permits or development applications may not be submitted within five years of issuing permit for the harvest because, it shall be presumed that such harvest was done in anticipation of future development and is not considered a bona fide forestry activity as defined by this ordinance. Any person seeking to rebut this presumption shall have the burden of proving their claim by clear and convincing evidence.

“Bona fide forestry operations” shall mean that the property is eligible for, and actually used for forestry or timber operations, and written application has been approved by the County Assessor for the special assessment for agricultural use for the property in question pursuant to SC Code Section 12-43-220, SC Department of Revenue Regulation 117-1780.1. and other applicable statutes, rules and regulations.

#### **§6.4.24 MANUFACTURED HOUSING UNITS**

##### **A. Replacement in R-2, R-3, R-4, M-8, and M-12 Zoning Districts**

The replacement of manufactured housing units shall be allowed by right in the R-2, R-3, R-4, M-8, and M-12 Districts if the Manufactured Housing Unit has been removed within 60 days of the receipt of the application by the Planning Director. If the Manufactured Housing Unit was removed prior to 60 days of the receipt of the application, this use must comply with the requirements and procedures of 6.4.24B and C of this Section.

##### **B. Requirements in RR-3, S-1, S-2, S-3, R-2, R-3, R-4, M-8, and M-12 Zoning Districts**

Manufactured housing units placed in RR-3, S-1, S-2, S-3, R-2, R-3, R-4, M-8, and M-12 Zoning Districts shall be skirted by: manufactured skirting, or other materials suitable for exterior use, including corrosion-resistant metal, fiberglass/plastic, wood/wood siding (both must be protected from the elements by water resistant solution/substance), decay resistant wood/pressure treated lumber, and masonry concrete. The enclosed crawl space under the manufactured housing unit must be ventilated. Skirting placed on manufactured housing units in any Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Area must comply with any applicable FEMA requirements.

##### **C. Placement in R-4, M-8, and M-12 Zoning Districts**

Placement of a manufactured home within the R-4, M-8, and M-12 Zoning Districts is conditional upon determination by the Planning Director that:

1. The area within 300 feet of the parcel proposed for manufactured home placement is characterized either entirely of manufactured homes or a mix of site built and manufactured homes. (The mix shall contain a minimum number of manufactured homes equivalent to twenty-five percent (25%) of the number of existing principal residences located on parcels within 300 feet of the subject property); and

2. If the Planning Director determines that the area is not characterized either entirely of manufactured homes or by a mix of site built and manufactured homes, the use shall fall under the Special Exception procedures of this Ordinance.

**D. Single-Family Detached/Manufactured Housing Unit (Joint) or Two Manufactured Housing Units (Joint)**

**One Manufactured Housing Unit may be placed on the same parcel with a Single Family Detached home or another Manufactured Housing Unit as an “accessory dwelling unit” to the primary residence (whether SFR or MHU) pursuant to Article 6.5.7, Accessory Dwelling Units, applicable conditions of this Article, and any other requirements in this Ordinance. Otherwise, two or more Manufactured Housing Units on the same parcel shall be considered a Manufactured Housing Park (MHP).**

**§6.4.25 SINGLE FAMILY DETACHED DWELLING UNITS IN NON-RESIDENTIAL ZONING DISTRICTS**

Single family detached dwelling units shall be allowed in all non-residential zoning districts subject to the following conditions:

- A. A maximum of one single family detached dwelling unit shall be allowed per zoning lot in non-residential zoning districts;
- B. Dwelling units for security or maintenance personnel as accessory structures, per Section 6.5.1C of this Ordinance, shall not be permitted on the same zoning lot as a single family detached dwelling unit; and
- C. The single family detached dwelling unit must meet all dimensional standards of the non-residential zoning district in which it is located.

**§6.4.26 PERSONAL IMPROVEMENT EDUCATION**

In zoning districts subject to conditions (C), personal improvement education shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.27 HISTORICAL SITE**

In zoning districts subject to conditions (C), the operation of historical sites shall be restricted to the hours between 7:00 a.m. and 8:00 p.m., otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.28 POSTAL SERVICE, UNITED STATES**

In zoning districts subject to conditions (C), any postal service facility shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.29 ADULT OR CHILD DAY CARE FACILITY**

All adult or child day care facilities shall comply with the Site Plan Review procedures contained within this Ordinance.

**§6.4.30 RECREATION OR ENTERTAINMENT, INDOOR**

No indoor shooting ranges shall be allowed in the Commercial Transition (CT) zoning district.

**§6.4.31 UTILITY SERVICE, MINOR**

Minor Utility Service uses shall comply with the Limited Site Plan Review requirements of this Ordinance and shall obtain a clearing and grubbing permit prior to commencement of such activities.

Minor Utility Service shall be underground in the Commercial Transition (CT) zoning district.

**§6.4.32 PET STORES OR GROOMING SALONS, SMALL ANIMAL BOARD, AND VETERINARY SERVICES**

In the nonresidential zoning districts, pet stores, grooming salons, small animal boarding and veterinary services shall have a maximum floor area of 2,000 square feet or less; otherwise these uses shall fall under the special exception procedures of this Ordinance. In the agricultural and residential zoning districts, pet stores, grooming salons, small animal boarding and veterinary services shall have a maximum floor area of 1,500 square feet, otherwise these uses shall fall under the special exception procedures of this Ordinance.

**§6.4.33 BANKS AND FINANCIAL SERVICES**

In zoning districts subject to conditions (C), banks and financial services shall have a maximum floor area of 5,000 square feet or less; otherwise these uses shall fall under the special exception provisions of this Ordinance.

**§6.4.34 CATERING SERVICE**

- A. In zoning districts subject to conditions (C), a structure or structures used for catering services shall have a maximum floor area of 5,000 square feet.
- B. In zoning districts subject to Special Exception provisions (S), a structure or structures used for catering services shall have a maximum floor area of 2, 000 square feet.
- C. On-site retail sales are prohibited.
- D. All catering service uses shall comply with the Site Plan Review requirements of this Ordinance.

**§6.4.35 ADMINISTRATIVE OR BUSINESS OFFICE, GOVERNMENT OFFICE, AND PROFESSIONAL OFFICE**

In zoning districts subject to conditions (C), administrative or business office, government offices, and professional offices shall have a maximum floor area of 5,000 square feet or less; otherwise these uses shall fall under the special exception provisions of this Ordinance.

**§6.4.36 SPECIAL TRADE CONTRACTORS**

Special Trade Contractors shall be subject to the following standards:

- A. This use excludes any tractor trailer containers in outside storage areas; and
- B. In zoning districts subject to conditions (C), this use shall have a maximum

area of 5,000 square feet including the building and any outside storage, otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.37 PARKING LOTS**

In the Commercial Transition (CT) zoning district, all parking lots shall have one canopy tree per six parking spaces and a maximum of fifteen spaces in a row between trees.

**§6.4.38 CONSUMER GOODS RENTAL SERVICE**

In zoning districts subject to conditions (C), consumer goods rental services shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.39 BOAT YARD**

If a boat yard provides dry stack or wet slip storage of watercraft or direct access to the water, this use shall be considered a Water-Dependent Use and subject to the Water-Dependent Use requirements contained in Chapter 5 of this Ordinance.

**§6.4.40 REPAIR SERVICE, CONSUMER**

Repair Service, Consumer shall be subject to the following standards:

- A. In zoning districts subject to conditions (C), consumer repair services shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.
- B. In the Neighborhood Commercial (CN) zoning district, no outside storage will be allowed.

**§6.4.41 LIQUIFIED PETROLEUM GAS DEALERS**

The amount of storage for liquid petroleum gas dealers shall be limited to 40,000 gallons per site.

**§6.4.42 BUILDING MATERIALS OR GARDEN EQUIPMENT AND SUPPLIES DEALERS**

Building Materials or Garden Equipment and Supplies Dealers shall be subject to the following standards:

- A. This use excludes any tractor trailer containers in outside storage areas; and
- B. In zoning districts subject to conditions (C), this use shall have a maximum area of 5,000 square feet including the building and any outside storage, otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.43 FOOD SALES**

In zoning districts subject to conditions (C), food sales shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

**§6.4.44 RETAIL SALES OR SERVICE, GENERAL**

In zoning districts subject to conditions (C), retail sales or service, general shall have a

maximum floor area of 5,000 square feet or less; otherwise the use shall fall under the special exception procedures of this Ordinance.

#### **§6.4.45 SERVICE STATION, GASOLINE**

In zoning districts subject to conditions (C), gasoline service stations shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

#### **§6.4.46 CONSUMER CONVENIENCE SERVICES**

In zoning districts subject to conditions (C), consumer convenience services shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

#### **§6.4.47 PERSONAL IMPROVEMENT SERVICES**

In zoning districts subject to conditions (C), personal improvement services shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

#### **§6.4.48 SERVICES TO BUILDING OR DWELLINGS**

##### **A. Services to Buildings or Dwellings**

In zoning districts subject to conditions (C), services to buildings or dwellings shall have a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

##### **B. Landscaping Services**

1. In zoning districts subject to conditions (C), a structure or structures used for landscaping services shall have a maximum floor area of 2,000 square feet; and
2. All landscaping service uses shall comply with the Site Plan Review requirements of this Ordinance.

#### **§6.4.49 FREIGHT FORWARDING FACILITIES**

In zoning districts subject to conditions (C), freight forwarding facilities shall have a maximum floor area of 10,000 square feet or less; otherwise this use shall fall under the special exception procedures of this Ordinance.

#### **§6.4.50 GOLF COURSES**

Golf courses shall be subject to the following standards and criteria:

- A. An impact analysis must be submitted that indicates the potential number of members, the characteristics of the golf course membership, a traffic impact analysis and a complete site analysis as detailed below:

##### **1. Required Site Analysis**

The layout of any golf course shall be determined after preparing the required site analysis. The detailed site analysis will be done in order to identify the site's most significant environmental, historic, cultural, and natural resources. The site analysis will include:

- a. **Vegetation**  
Characteristics of a vegetation survey related to land use will describe principal, predominant, and significant vegetation, by type, condition, age, use, and general or specific location. Features in the survey will include trees and shrubs, agricultural fields, treelines, native vegetation, orchards, groves, woodlots, pastures, wetlands, forests, and grasslands. The vegetation survey shall indicate any significantly large trees or endangered plant or animal species that may reside on the site and is protected by law.
  - b. **Historical, Archaeological and Cultural Resources**  
Historical resources located within the proposed golf course development must be identified on the plat. Sources such as the County of Charleston Historical Survey (1991), state registers, and federal registers such as the National Register of Historic Places shall be utilized in identifying these resources. The historical survey is important for noting structures and areas that must be protected as designated landmarks.
  - c. **Adjacent Land Use Patterns**  
Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, rice dams, traditional settlement areas, cemeteries, clusters of structures, parks, marinas, and logging areas shall be shown.
  - d. **Hydrography**  
All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors, must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet are required on all saltwater marshes, and 35 feet on all protected freshwater wetlands. All water bodies - rivers, streams, drainage channels, marshes or wetland, floodplains and aquifers must be inventoried or identified.
  - e. **Wildlife Habitat Areas**  
The purpose of identifying wildlife areas is to assess the ecological conditions of the landscape and to provide continuation of these habitat areas. Features of this survey shall include the presence of any threatened or endangered species, natural areas vital to wildlife species, habitat areas that are connected to larger undisturbed natural habitat (connected habitat system). Through this method the study will develop key points or areas that should be left undeveloped, then define those areas most suitable for development.
- B. Within the RM, AG, AGR, RR-3, S-1, S-2, S-3, R-2, R-3, and R-4 Zoning Districts, only Audubon International "Signature Program" golf courses will be allowed.

- C. Potential sites should be selected which allow the golf course to be routed in such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.
- D. Sites which have Archaeologically or Geologically significant and sensitive or critical habitat or environmental features shall be identified and either relocated or preserved through careful golf course design. Permanent open space easements or other techniques may be used, as appropriate, to effect preservation. The site design shall identify areas for restoration, replanting, and enhancement of riparian and littoral habitat to re-establish wildlife migration corridors and lineages between fragmented habitat areas. Protection and planned restoration/enhancements for such areas during construction and ongoing operation must be ensured. Native habitats and communities of special value to threatened/endangered species shall be preserved to the greatest extent possible, consistent with State and Federal regulation.
- E. Each site selected [as a] golf course development will likely have a variety of habitat types present. These habitat types must be identified and provisions made for routing of the course or relocation of the species.
- F. The site plan should protect drainage systems that support retained vegetation. Ponds shall be developed which mimic conditions in terms of both aesthetics and habitat.
- G. Structures and buildings should be located such that impacts to habitats and significant natural areas are avoided.
- H. Design and Construction Standards

#### **1. Marshes, Creeks and Wetlands**

- a. The golf course design must attempt to minimize the number of marsh, creek or wetland crossings. Marsh, creek or wetland crossings must be designed in such a way to minimize erosion and harmful effects of significant habitat and migration corridors.
- b. Bridges must minimize alteration of the marsh, creek or wetland environment.
- c. Design must create and restore riparian habitat, especially in previously degraded habitat areas, and must reduce the impact of alterations necessitated by design and construction of the course.
- d. The course design must employ vegetated buffer strips of sufficient width to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the golf course, cart paths, and other developed areas. In certain circumstances where riparian vegetation has been degraded or does not exist, turf grass and rough areas may be located in closer proximity to the

marshes, creeks and wetlands.

- e. Cart paths must be graded such that runoff from them generally does not flow directly into any marsh, creek or wetland.
- f. Construction fencing/siltation barriers must be utilized during the construction phase where needed to protect habitat and marsh, creek or wetland areas.

## **2. Trees**

- a. The selected site must not be heavily forested (with more than 60 percent tree canopy coverage).
- b. The design of the course and related facilities must maximize the preservation of clusters or significant stands of trees, particularly grand trees, and otherwise preserve "interior" habitat areas.
- c. Irrigation systems shall be designated to avoid impacting existing oaks or other sensitive vegetation.
- d. If required by the Planning Director, a certified professional arborist, botanist, or forester shall be employed by the applicant to evaluate the status of the trees and related habitats on the site and provide direction for restoration and/or enhancement of impacted trees.
- e. Cart paths within the drip lines of trees slated for preservation must be graded in such a way as to not damage or stress the tree.
- f. Barriers (curbs, fencing, vegetation, etc.) should be established to discourage cart and pedestrian travel off paths located within or adjacent to sensitive habitat.

## **3. Water Quality**

- a. Lined artificial storage ponds must not be located in prime groundwater recharge areas.
- b. Turf grass species and landscaping around buildings should be selected which are drought resistant or tolerant and which are suited for any special site characteristics or soil conditions.
- c. State-of-the-art irrigation systems with site meteorological monitoring capability should be used to minimize water use.
- d. If on-site wells or ponds are to be used as the irrigation water source, analysis will be required to determine the safe yield in order to prevent aquifer, off-site wells and/or marsh, creek or wetland depletion. The developer will be held responsible for any negative impact on water supplies to adjacent or nearby properties.

- e. Paved areas should be limited in order to minimize impermeable surfaces, and thereby reduce surface runoff.
- f. The project should employ established best management practices pursuant to the Non-Point Source Program guidelines to control non-point source (stormwater) runoff pollution. For example: impervious liners for detention/retention ponds and water hazards to protect ground and surface water quality; buffer strips, oil/grease separators or other recommended techniques for parking area drainage systems; grease traps and other recommended technologies for facilities such as golf cart maintenance or wash areas to prevent untreated runoff from entering the natural aquatic environmental berms, vegetative strips, grease traps, or other recommended technologies in parking areas for drainage controls to minimize pollution to nearby riparian areas and surface waters.
- g. The overall drainage system should be designed to insure that there is no increase in the velocity or amount of off-site flows during major storm events.

#### **4. Archaeology**

- a. The design of the course must preserve significant archaeological areas and/or historical features present on the site.
- b. Significant archaeological sites must be staked, flagged, or fenced off to insure their protection.

#### **5. Noise**

- a. Where possible, clubhouse facilities and other noise-generating uses and facilities should be located away from neighbors who might be impacted.
- b. Roads must be sited such that traffic noise is minimized for adjacent areas.

#### **6. Growth-Inducing Impacts**

- a. The project should not provide infrastructure improvements that would be capable of serving new development other than the proposed project.
- b. The project should not stimulate economic expansion or growth (e.g. major changes in tax revenue base, employment expansion, etc.) other than that necessary to serve the proposed project.
- c. The project should not establish a precedent for significant change in current *Comprehensive Plan* policy.
- d. In cases where the golf course developer owns lands adjacent to

the project site, a plan for the potential development of those adjacent lands should be submitted for evaluation.

- e. Deed restrictions, open space easements, or other appropriate techniques must be used to mitigate or prevent growth-inducing impacts inside the development.
- I. Notification  
Upon the receipt of a complete application for a golf course, the Planning Department shall notify neighbors within a 300-foot radius, parties in interest and place notification in the newspaper within ten (10) days. All notifications shall be done in accordance with the provisions contained in Chapter 3 of this Ordinance.
- J. Time Limit for Staff Review  
Upon the receipt of a complete application for a golf course, the Planning Department shall have a maximum of 45 days to act on the application. Staff's failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

#### **§6.4.51 SOLID WASTE DISPOSAL FACILITY**

- A. Solid Waste Disposal Facilities located in the Resource Management (RM) Zoning District shall comply with all of the requirements contained in the South Carolina Solid Waste Policy and Management Act of 1991, as amended.
- B. The following requirements shall apply to Solid Waste Disposal Facilities located in or proposed to be located in the Industrial (I) Zoning District:
  - 1. Solid Waste Disposal Facilities that were legally established before April 21, 1999 shall be deemed Uses Permitted by Right, as defined in Chapter 12 of this Ordinance.
  - 2. Any proposed Solid Waste Disposal Facilities, except existing Solid Waste Disposal Facilities, shall fall under the special exception procedures of this Ordinance.
  - 3. All Solid Waste Disposal Facilities shall comply with all of the requirements contained in the South Carolina Waste Policy and Management Act of 1991, as amended.

#### **§6.4.52 CONTAINER STORAGE FACILITIES**

- A. Facilities for or including container storage (whether temporary or permanent), shall be subject to the following additional standards:
  - 1. Uses shall be separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by way of one of the following:
    - a. A suitably landscaped earthen berm sufficient to screen neighboring

- or nearby property from the facility; and in no event less than eight (8) feet in height above finished grade; or
- b. A solid concrete, brick or masonry wall of not less than ten (10) feet in height above finished grade and completely screened from view from public rights-of-way by way of a vegetative buffer; or
  - c. A minimum vegetative buffer depth of two hundred (200) feet along the boundaries adjacent to any property zoned Residential (R) and a minimum vegetative buffer depth of fifty (50) feet otherwise. This buffer shall be located within the required setback as described in Section 6.4.52.3.b.
2. Container yard light fixtures installed after January 1, 2005, shall be a type that minimizes fugitive light scatter and shall be directed into the container yard away from neighborhoods. In addition, yard light fixtures installed after January 1, 2005, shall not be visible above the tree line from adjacent residential neighborhoods.
  3. Storage within a container yard shall be restricted by the following:
    - a. Container stacking may be permitted, where appropriate, pursuant to an approved container stacking plan. Such plan shall, at a minimum, include a site plan showing the location of all abutting streets and sidewalks, all internal travel-ways, a stagger stacking schedule, and the proposed maximum stacking heights. A suitable stacking plan shall feature a slope not exceeding a rise/run of  $\frac{1}{2}$ , shall include a perimeter setback of not less than thirty (30) feet from the nearest stored container, the nearest sidewalk edge, or right-of-way edge, and shall indicate how the stacking plan meets all other requirements of this Ordinance; and
    - b. Container and chassis storage is not permitted within three-hundred fifty (350) feet of the boundary adjacent to any property zoned Residential (R) and within fifty (50) feet otherwise. In addition, containers stacked in the yard shall not be visible above the tree line from adjacent residential neighborhoods. Structures may be allowed in the area beyond the required buffer where container and chassis storage is prohibited, provided that proposed structures meet all requirements of this Ordinance and receive Site Plan Review Approval.
  4. In those instances which proposed container storage facilities are viewed by the Planning Director as having a substantially negative impact on a surrounding area(s) or adjoining property(ies), based on the facility's location, proposed use, permitted use, or actual use of the property, the Planning Director shall bring the matter to the next available meeting of the Board of Zoning Appeals for hearing and decision, pursuant to Article 3.13.

**B. Amortization Provided**

Any facility involved in, or location used for, the purposes provided within Section 6.4.52 and not zoned Industrial (I) as of November 20, 2001 shall cease operations no later than November 20, 2004. Any facilities engaged in stacked storage as of November 20, 2001, shall come into compliance with Section 6.4.52 by November 20, 2004, and shall be bound by the three (3) year general amortization schedule provided for herein above.

**§6.4.53 CEMETERIES**

Cemeteries require a minimum five-acre lot area, a minimum 25-foot landscaped buffer from adjacent properties, and completion of the Site Plan Review process. Non-commercial, family cemeteries shall be allowed. Cemeteries on the same lot as or on a lot adjacent to a religious facility shall be allowed as a use of right.

**§6.4.54 KENNEL**

A minimum of a five-acre lot and a minimum of a 100-foot screened and landscaped buffer from all adjacent properties is required.

**§6.4.55 RECYCLING COLLECTION, DROP-OFF**

Facilities providing recycling collection drop-off centers shall comply with the Site Plan Review procedures contained within this Ordinance.

**§6.4.56 AIRPORTS, HELIPORTS AND OTHER AIRCRAFT LANDING/TAKEOFF FACILITIES**

Facilities providing landing and/or takeoff areas, service, hanger, or storage for aircraft, helicopters, lighter than air aircraft, hot-air balloons, or other similar craft, must comply with the Planned Development Procedures contained within this Ordinance.

**§6.4.57 SPECIALIZED MANUFACTURING**

- A. In zoning districts subject to condition (C), a structure or structures used for specialized manufacturing shall have a maximum floor area of 2,000 square feet and shall have no more than five (5) non-resident employees.
- B. All activities related to the specialized manufacturing use shall be confined to a structure that is entirely enclosed.
- C. On-site retail sales are prohibited.
- D. All specialized manufacturing uses shall comply with the Site Plan Review requirements of this Ordinance.

**§6.4.58 SWEETGRASS BASKET STANDS**

Vehicle parking for sweetgrass basket stands shall be located entirely out of all travel lanes with a minimum of two (2) feet of clearance between the edge of the travel lane and any parked vehicle or sweetgrass basket stand.

**§6.4.59 TATTOO FACILITIES**

- A. Tattoo facilities shall be prohibited within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of the ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the

grounds in use as part of the church, school, or playground;

- B. All proposed tattoo facilities located within 1,000 feet of a property line of a lot in a residential zoning district, or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. The distance shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district;
- C. All proposed tattoo facilities may only provide tattooing and may not engage in any other retail business including, but not limited to, the sale of goods or performing any form of body piercing other than tattooing;
- D. All proposed tattoo facilities shall comply with all regulatory requirements of the State of South Carolina;
- E. Tattoo facility uses shall comply with the Site Plan Review requirements of this Ordinance and all other applicable provisions of this Ordinance and all other applicable laws, rules, and regulations; and
- F. When the provisions of this Ordinance require that Neighbor Notice be provided, the requirements of Section 3.1.6.B.3 shall apply with the exception that all property owners within 1,000 feet of the subject property shall be included in the Neighbor Notice.

#### **§6.4.60**

#### **WINERIES**

- A. **All winery uses shall comply with the Site Plan Review requirements of this Ordinance.**
- B. **Special Exception procedures shall apply for parcel(s) totaling less than five (5) acres in size.**
- C. **Prior to Site Plan Review approval the applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All winery uses shall also comply with applicable agency requirements such as SCDHEC requirements.**
- D. **The following uses and activities are permitted at a winery after completion of the Site Plan Review process:**
  - 1. **On-premise sale of wine and wine consumption (tasting room and accessory retail limited to 1,500 square feet, days and hours of operation limited to Monday thru Saturday from 10:00 a.m. to 7:00 p.m.);**
  - 2. **Daily tours limited to Monday thru Saturday from 10:00 a.m. to 7:00 p.m.; and**
  - 3. **Special events, including festivals (limited to five (5) special event permits per calendar year, no more than ten (10) consecutive days).**

**Special events permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity in accordance with the requirements of this Ordinance.**

## **ARTICLE 6.5 ACCESSORY USES AND STRUCTURES**

### **§6.5.1 ACCESSORY USES AND STRUCTURES ALLOWED**

Permitted uses and approved Special Exception uses shall be deemed to include accessory uses and structures that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the allowed principal use. Accessory uses and structures shall be subject to the same regulations as apply to principal uses and structures in each zoning district, unless otherwise expressly stated.

#### **A. Agricultural**

Accessory Agricultural uses shall include all residential accessory uses and those accessory uses and activities customarily associated with agricultural operations, as determined by the Planning Director. Barns and farm-related structures, including roadside stands selling sweetgrass baskets or indigenous produce grown or produced on the farm where the roadside stand is located, shall be allowed on all parcels in Agricultural zoning districts, even if the subject parcel does not contain a primary structure. Manufactured homes, modular building units, and pre-manufactured container units may be used for non-residential purposes only in all agricultural zoning districts subject to the following requirements as well as those in the Charleston County building Code, as amended.

##### **1. Applicability**

This Section applies to any Permanent Storage Unit, as defined in subsection B.

##### **2. Definitions**

For purposes of this Section the following definitions apply:

- a. "Manufactured Housing Unit", "Modular Building Unit", and "Pre-Manufactured Container Units" are defined in Article 12.
- b. "Rear Yard" means the area between the rear of the principal building and the rear lot line.
- c. "Permanent Storage Unit" means any manufactured housing unit, modular building unit, or pre-manufactured container unit exceeding 120 square feet in size that is used solely for non-residential purposes.

##### **3. Location**

- a. Permanent Storage Units may be established as an accessory use to any dwelling unit in an AGR, AG-8, AG-10, AG-15, RM, Community Commercial (CC), or Industrial (I) Zoning District. Permanent Storage Units are not permitted in any other zoning district.

- b. Permanent Storage Units are permitted only in the rear yard.

#### 4. **Permitting**

Permanent Storage Units shall not be established or placed on lots or parcels unless the Planning Director has issued a zoning permit authorizing the unit. (See Article 3.8)

#### 5. **Screening**

- a. Permanent Storage Units shall be completely screened from view along any lot line except the rear lot line, and along any lot line abutting a waterway. The screening must conform to subsection 2, below.
- b. Screening shall include at least one (1) of the following:
  - i. The principal building and any existing vegetation on the lot; or
  - ii. If the methods in subsection a, above, are not sufficient to provide complete screening, a minimum Residential Class A buffer (refer to Section 9.5.4.B.5) or a minimum six (6) foot high masonry wall must be provided between the Permanent Storage Unit and the required lot lines.
- c. The Planning Director may waive the screening requirements if the Residential Storage Unit complies with the Building Design Standards in subsection 6, below.

#### 6. **Building Design**

##### a. **Applicability**

Subsections i. through v., below, apply to all Permanent Storage Units, regardless of screening.

- i. The building footprint of the Permanent Storage Unit shall not occupy more than five hundred (500) square feet.
- ii. The building height of the Permanent Storage Unit shall not exceed twelve (12) feet.
- iii. Permanent Storage Units must be installed, underskirted, and anchored in the same manner as the principal building.
- iv. All moving or towing apparatus must be removed or concealed with skirting, including hitch, wheels and axles.
- v. Bare metal is prohibited as an exterior building material.

#### 7. **Existing Permanent Storage Units**

Permanent Storage Units in existence prior to July 19, 2006 shall be

considered to be existing legal non-conforming structures.

**B. Residential**

The following uses and structures shall be allowed as accessory uses and structures to allowed Residential uses:

1. Fences and walls;
2. Garages, carports and off-street parking areas;
3. Gate houses and guard houses;
4. Home occupations, subject to Section 6.5.9;
5. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
6. Radio and television receiving antennas;
7. Recreational and play facilities for the use of residents;
8. Solar collectors, subject to Section 6.5.4;
9. Tennis courts, swimming pools and hot tubs;
10. Accessory Dwelling Units, subject to Section 6.5.7;
11. Barns and farming-related structures even if the subject parcel does not contain a primary structures or use, provided that no agricultural or farm-related structure on a parcel of one acre or less in an R-2, R-3, R-4, M-8, or M-12 district shall exceed 250 square feet in area;
12. The selling of sweetgrass baskets is allowed as an accessory use in all Agricultural Zoning Districts and in RR-3, S-1, S-2, S-3, R-2, R-3, and R-4 Zoning Districts; and
13. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any standards contained within this Ordinance.

**C. Commercial and Industrial**

The following uses and structures shall be allowed as accessory uses and structures to allowed Commercial and Industrial uses:

1. One dwelling unit for security or maintenance personnel;
2. Fences and walls;
3. Gates and guard houses;

4. Off-street parking areas (which may be located on a separate parcel pursuant to the requirements contained in Chapter 9);
5. Radio and television receiving antennas and support structures;
6. Recreation areas and facilities for the use of employees;
7. Cafeterias, dining halls and similar food services when operated exclusively for the convenience of employees, clients, or visitors to the principal use;
8. Day care facilities when operated exclusively for the convenience of employees of the principal use;
9. Gift shops, news stands and similar commercial activities operated exclusively for the convenience of employees, clients, or visitors to the principal use;
10. Solar Collectors, subject to Section 6.5.4; and
11. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any standards contained within this Ordinance.

**D. Institutional and Civic**

The following uses and structures shall be allowed as accessory uses and structures to allowed Institutional and Civic uses:

1. Refreshment stands and food and beverage sales located in uses involving public assembly;
2. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
3. Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
4. Recreation areas and facilities for the use of employees;
5. Solar Collectors, subject to Section 6.5.4 of this Chapter; and
6. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any standards contained within this Ordinance.

**§6.5.2 TIME ESTABLISHMENT**

Unless otherwise expressly permitted in this Ordinance, no accessory use shall be established

and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained and there are no current zoning and/or building code violations on the property.

### **§6.5.3 ACCESSORY STRUCTURES IN RESIDENTIAL, OR, AND CT ZONING DISTRICTS**

Unless otherwise expressly stated and in addition to any other applicable provisions of this Ordinance, accessory structures in Residential, OR and CT zoning districts shall be subject to the following standards:

- A. An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principal structures.
- B. A detached accessory structure shall be located:
  - 1. On the rear of the lot, behind the principal structure. This limitation shall not apply to carports or garages;
  - 2. At least six feet from any existing dwelling or dwelling under construction;
  - 3. At least three feet from any interior lot line in a residential district; if in an OR or CT district that abuts a residential district, the accessory structure in the OR or CT district shall be located at least ten feet from the abutting interior lot line; when an OR or CT district abuts another O, C or I district, setbacks for accessory structures are not required; and
  - 4. If on a corner lot, the accessory structure shall not project in front of the front building line required or existing on the adjacent lot.
- C. A detached accessory structure may be constructed on an adjacent vacant lot if both lots are in the same ownership.
- D. Accessory structures shall be included in ~~lot~~**building** coverage;
- E. See also the Accessory Dwelling Unit provisions of Section 6.5.7 contained within this Chapter.

### **§6.5.4 SOLAR COLLECTORS**

Solar Collectors shall be permitted provided that the following performance standards are met:

- A. Roof-mounted residential building Solar Collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted, and no portion of any such Solar Collector shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.
- B. Roof-mounted residential building Solar Collectors located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such Solar Collector shall extend more than four feet as measured perpendicularly to the roof at the point where

it is mounted.

- C. Ground-mounted Solar Collectors shall not exceed eight feet in total height and shall be located to meet all setback requirements.
- D. All utility service lines serving a ground-mounted solar system shall be located underground.
- E. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and free-standing collectors apart from the main building shall not be permitted.
- F. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. No free-standing panels shall be allowed.
- G. If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed, including mechanical piping and conduits.
- H. All exposed metal shall be of a color that will blend into its surroundings.

#### **§6.5.5 ACCESSORY STORAGE OF MAJOR RECREATIONAL EQUIPMENT**

No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

#### **§6.5.6 ACCESSORY RETAIL SALES AND PERSONAL SERVICES**

Personal services and retail sales established with the express purpose of providing a convenience for tenants of multi-family or office development shall be permitted, subject to the following limits:

- A. The accessory activity shall be located on the same zoning lot as the principal use.

#### **§6.5.7 ACCESSORY DWELLING UNITS**

In Agricultural and Residential zoning districts, one accessory dwelling unit may be established on an existing zoning lot if reviewed and approved, subject to the following standards:

- A. The zoning lot must have a minimum area at least 50 percent larger than the minimum area required for a principal residential structure.
- B. Only one accessory unit shall be permitted per zoning lot.
- C. The heated gross floor area of the accessory dwelling unit shall not exceed 800 square feet in any Residential district or shall not exceed 1,500 square feet in any Agricultural district.
- D. Separate electrical meters shall not be allowed for attached accessory

dwellings.

#### **§6.5.8 MANUFACTURED HOUSING UNITS**

- A. In Agricultural zoning districts, a manufactured housing unit may be used for one caretaker's quarters. It shall not be permitted for other than residential use unless authorized elsewhere in this Ordinance.
- B. Applications to use manufactured housing units for temporary use while construction is in progress on a permanent structure shall be submitted to the Planning Director for a Construction Permit in accordance with Temporary Zoning Permit requirements of this Ordinance. Such a temporary unit shall be removed from the premises within 30 days of issuance of a Certificate of Occupancy for the permanent structure.
- C. Manufactured housing units may be utilized for classroom and related use for a two-year period or as otherwise expressly provided in the approval of a Special Exception. The period of use may be extended upon application and proper findings by the Board of Zoning Appeals.
- D. Where needed for the general welfare of the public, governmental entities may utilize manufactured housing units as classrooms, clinics, offices and caretaker's quarters, provided Special Exception approval has been obtained.
- E. Manufactured housing units, modular building units and pre-manufactured container units shall not be allowed as accessory uses nor as accessory structures for purposes of permanent storage units unless they are located in an AGR, AG-8, A-10, AG-15, RM, Community Commercial (CC), or Industrial (I) Zoning District and comply with the provisions of Section 6.5.1.A.

#### **§6.5.9 HOME OCCUPATIONS**

- A. **General**

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this Section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained. Zoning Permits shall be required for all home occupations.
- B. **Where Allowed**

Home occupations that comply with the regulations of this Section shall be allowed as an accessory use to any allowed Residential or Agricultural principal use.
- C. **Allowed Uses**

The home occupation regulations of this Section establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this Section will be allowed as home occupations unless they are specifically prohibited.

**D. Prohibited Uses****1. Vehicle/Equipment Repair, Rental or Sales**

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation in the R-2, R-3, R-4, M-8, M-12, MHS, and MHP Zoning Districts, unless these types of repairs, rentals, or sales take place in an enclosed structure and pose no noise or safety concerns.

**2. Restaurants**

Restaurants and food service establishments are not allowed as home occupations. Food service for Bed and Breakfasts shall be allowed under this Ordinance.

**3. Employee Dispatch Centers**

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

**4. Animal Care or Boarding**

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations in the R-2, R-3, R-4, M-8, M-12, MHS and MHP Residential Zoning Districts.

**5. Medical Offices or Clinics**

Medical offices and medical clinics are not allowed as home occupations in the R-2, R-3, R-4, M-8, M-12, MHS and MHP Residential Zoning Districts. This includes doctors' offices, dentists' offices, psychologists' offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in the practitioner's home on an emergency basis.

**6. Funeral Homes**

Funeral homes and funeral service activities are not allowed as home occupations.

**7. Barber Shops, Beauty Shops and Nail Salons**

Barber and Beauty Shops with more than one chair are not allowed as a home occupation.

**8. Dancing Schools**

Dancing schools are not allowed as home occupations.

**E. Employees**

Only one full-time or one part-time employee, who is not a full-time resident of the home where the home occupation is located, is allowed. The home occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this

provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as a part of the home occupation.

**F. Resident Operator**

The operator of a home occupation shall be a full-time resident of the dwelling unit.

**G. Customers**

Customers may visit the site of a home occupation only during the hours of 8:00 a.m. to 8:00 p.m., with no more than an average of one customer or client per hour being allowed.

**H. Floor Area**

No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation, except that Bed and Breakfasts allowed by this Ordinance are exempt from this provision. Up to 1,000 square feet of an accessory structure, such as a garage, may be used for a home occupation.

**I. Outdoor Activities**

All activities and storage areas associated with home occupations must be conducted in completely enclosed structures.

**J. Exterior Appearance**

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Signs for a home occupation are expressly prohibited. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit or adding signs or commercial-like exterior lighting.

**K. Operational Impacts**

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

**L. Trucks**

Not more than one truck, truck cab, or van used in conjunction with a home occupation may be parked at the site of the home occupation in any S-1, S-2, S-3, R-2, R-3, R-4, M-8, M-12, MHS, or MHP Zoning District. No semi-truck trailers shall be allowed in these zoning districts.

1. The following requirements shall apply to the unincorporated area of Charleston County lying within the boundaries of the North Charleston District:

- a. Not more than one commercial vehicle, heavy commercial vehicle, or truck cab, used in conjunction with a home occupation, in combination with one heavy commercial trailer used in conjunction with a home occupation may be parked at the site of the home occupation unless:
  - i. The property on which the home occupation is located is  $\frac{1}{2}$  acre or greater in size; and
  - ii. All heavy commercial vehicles, truck cabs, and heavy commercial trailers used in conjunction with the home occupation are completely screened from view from surrounding residences when parked at the site of the home occupation. (Commercial vehicles are not subject to the requirement of Section 6.5.9.L.1.a.ii).
- b. Any variation from the standards of subsection 1, above, shall require Special Exception approval, per Article 3.6 of this Ordinance.

**M. Deliveries**

No more than four deliveries or pick-ups of supplies or products associated with home occupations are allowed between the hours of 8:00 a.m. and 8:00 p.m.

**N. Sales**

No article, product, or service may be sold in connection with a home occupation, other than those produced on the premises or comprise 25 percent or less of the gross receipts.

**§6.5.10 ANIMALS**

- A. The keeping of household pets shall be allowed as an accessory use in all zoning districts in which residential dwelling units are permitted.
- B. The keeping of exotic or wild animals shall not be allowed as an accessory use and shall only be allowed if approved as a Special Exception in accordance with the procedures contained in Chapter 3 of this Ordinance.

**§6.5.11 VEHICLE SALES**

Not more than two operable or inoperable motor vehicles may be offered for sale upon any lot unless such sales activities are otherwise expressly authorized by this Ordinance. A vehicle for sale upon a lot in a Residential zoning district must be owned by the owner of the subject lot and must comply with Section 6.5.12.

**§6.5.12 STORAGE AND REPAIR OF INOPERABLE MOTOR VEHICLES**

- A. In all zoning districts, the open storage and or repair of inoperable motor vehicles is not permitted within the required front setback.

- B. In all Agricultural and Rural Residential zoning districts, the open storage or repair of inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.
- C. Open storage and/or repair of more than two (2) inoperable motor vehicles is prohibited on all lots in suburban residential zoning districts, as well as in all office, commercial and industrial zoning districts unless specifically authorized for use as a salvage yard. Inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.
- D. In all Suburban Residential zoning districts, storage of motor vehicle parts is permitted only within a completely enclosed accessory structure located on the same lot as the principal dwelling unit.
- E. Storage of commercial vehicles in Residential zoning districts, unless otherwise expressly authorized by this Ordinance, is limited to one vehicle used as personal transportation.

#### **§6.5.13 TEMPORARY PORTABLE STORAGE UNITS**

Temporary portable storage units are permitted if located on the same zoning lot as the permanent structure subject to the following conditions:

- A. If the temporary portable storage unit is located on a lot with a non-residential use or zoning district designation for a period exceeding fifteen (15) days, the Limited Site Plan Review procedures of Article 3.7 of this Ordinance shall apply;
- B. The maximum size of a temporary portable storage unit shall not exceed 160 square feet of indoor storage;
- C. A maximum of 160 square feet of indoor temporary portable storage shall be permitted per zoning lot in residential zoning districts;
- D. Temporary portable storage units are allowed for a period not to exceed a total of sixty (60) days in one calendar year. Temporary Zoning Permits shall be required for temporary portable storage units that remain on a property for a time period exceeding fifteen (15) consecutive days;
- E. Temporary portable storage units shall not be placed in any right-of-way, retention area, septic field, easement, or on public property and shall not create a site obstruction for any vehicular or pedestrian traffic;
- F. Temporary portable storage units shall conform to the accessory structure requirements contained in this Ordinance;
- G. The maximum area of a temporary portable storage unit dedicated to signage shall be limited to 27 square feet per side or 58 square feet total;
- H. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, weathering, mildew, discoloration, rust, ripping,

tearing, or other holes or breaks;

- I. Temporary portable storage units shall not be used for the storage of hazardous or flammable substances, live animals, or human habitation;
- J. All vendors providing service related to the transportation of household goods and/or rental/delivery of portable storage containers shall be in compliance with the State of South Carolina's Regulatory Laws and licensing requirements through the Public Service Commission. Proof that the liability insurance of the company owning the temporary portable storage unit is equal to the minimum amount required by the Public Service Commission shall be required at the time of permitting; and
- K. The regulations listed above in Section 6.5.13 shall not apply to temporary storage units that are:
  1. Placed for construction purposes and in conjunction with building permits, which may exceed the permitted time period, as long as the building permit remains active with continuous construction; and
  2. Placed during any period of declared emergency by Federal, State or Local official action.

## **ARTICLE 6.6 TEMPORARY USES**

### **§6.6.1 ACCESSORY USES AND STRUCTURES ALLOWED**

The Planning Director shall be authorized to approve the temporary placement and use of a manufactured housing unit as an accessory dwelling unit in accordance with the following standards:

- A. Administrative Permit approval shall be required in accordance with the procedure contained in Chapter 3 of this Ordinance.
- B. The Administrative Permit shall be restricted to the temporary use of a manufactured housing unit for residential purposes on the same zoning lot with a single family detached residential dwelling or a manufactured housing unit, or on an individual abutting zoning lot. The following criteria shall be utilized to determine the need for the temporary variance:
  1. The person who will occupy the manufactured housing unit is a relative by blood or marriage.
  2. The accommodations (manufactured housing unit) proposed are of a temporary nature which can be easily removed after expiration of the permit.
  3. The physical and/or mental conditions of the person who will occupy the manufactured housing unit shall be certified by a physician.
  4. Written approval of all abutting landowners shall be required.

5. The proposed manufactured housing unit installation shall meet South Carolina Department of Health and Environmental Control (DHEC) standards and have their written approval.
- C. The Planning Director may revoke or terminate the Administrative Permit at the request of the initiating applicant or upon finding that permit conditions are being violated. The temporary accommodations, together with any associated services, shall be removed from the premises within 30 days after notice of termination.
  - D. Administrative permits for such use shall be valid for a maximum of one year, with renewal subject to the provisions contained within Chapter 3 of this Ordinance.

#### **§6.6.2 TEMPORARY SALES**

- A. Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted only once in a calendar year from the same zoning lot.
- B. The sale of Christmas trees, fireworks and turkey shoots are authorized where permitted as an accessory use and shall not exceed a total time period of 60 days during a one year period. This time period shall commence from the first date that such uses, individually or collectively, are approved or established, whichever is first.
- C. Other temporary sales of merchandise shall be permitted as a temporary, accessory use to an approved principal use (such as in an off-street parking lot), provided that the maximum term for such permit shall not exceed ten (10) consecutive days, and no more than four such permits may be issued per lot, per calendar year.

#### **§6.6.3 SALE OF INDIGENOUS PRODUCE**

A temporary Administrative Permit may be issued for a period not to exceed six months each year, allowing the sale of produce grown in Charleston County at temporary locations by Charleston County residents. The Planning Director will issue a Temporary Agricultural Sales Permit for a lot of record after being satisfied that the sale of indigenous produce is occurring out of the road right-of-way, that there are not traffic safety problems caused by the sale, that at least two cars can be safely parked near the vendor, and that the vendor has obtained the permission of the property owner prior to selling the indigenous produce. The purpose of this provision is to ensure pedestrian and vehicle safety at roadside stands. Site plan review will be performed by the Planning Department. Temporary hookup of electricity may be allowed during the six-month period of time that the permit is in effect each year. Temporary Agricultural Sales Permits are to be issued by the Planning Director, and are not renewable or transferable. A Temporary Agricultural Sales Permit for a lot of record shall only be permitted one time per year. No permits of any nature are necessary for roadside stands selling sweetgrass baskets or indigenous produce that are produced or grown on the property where the roadside stand is located.

**§6.6.4 ASSEMBLY USES AND PARKING FOR SPECIAL EVENTS**

Temporary public assembly use and events of public interest, such as cultural events, circuses, outdoor concerts and parking for special events, shall require a Temporary Administrative Permit from the Planning Director. Such permit shall not be issued for periods in excess of ten (10) consecutive days, and no more than five such permits may be issued per lot, per calendar year. Temporary permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity. Any temporary event utilizing 25 acres of land area or more shall require Special Exception approval in accordance with the procedures contained in Chapter 3 of this Ordinance.

**§6.6.5 CONSTRUCTION FACILITIES**

- A. Accessory construction facilities shall be permitted to establish an operations base in any zoning district upon obtaining Special Exception approval after it is determined that such construction facilities area incidental to an necessary for such construction or installation within a three-mile radius of the operations base.
- B. Each such permit shall specify the location of the proposed facility and define the area and boundaries thereon to be served. The permit shall be granted for not more than one year and upon proper application be extended a similar period of time for the same site. Upon termination of the permit, all materials used in the construction or installation shall be removed from the premises.
- C. Ingress and egress from such facilities shall be only from major arterials or collector streets which give rise to the least traffic through residential areas.
- D. Included in accessory construction facilities are temporary batching plants for asphaltic or Portland cement concrete, temporary buildings, field storage of materials and/or equipment.