

**AN ORDINANCE  
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT  
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTERS 1, 2, 3, 4,  
5, 6, 8, 9, 10, 12, AND APPENDIX A.**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments to the text of Chapters: 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and Appendix A of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in South Carolina law and has recommended that the Charleston County Council (County Council) adopt the proposed amendments to the text and maps of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, County Council has determined the proposed amendments meet the following criteria:

- A. The proposed amendments correct an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendments are consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendments further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, be ordained it by the Charleston County Council in meeting duly assembled as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. AMENDMENTS TO THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE**

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments attached hereto as Exhibit "A" and made part of this Ordinance by reference.

**SECTION III. SEVERABILITY**

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective immediately following third reading by County

Council.

ADOPTED and APPROVED in meeting duly assembled this 26th day of October 2021.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Kristen L. Salisbury  
Clerk to Charleston County Council

First Reading: September 28, 2021  
Second Reading: October 12, 2021  
Third Reading: October 26, 2021

**EXHIBIT "A"**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTERS 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, AND APPENDIX A.**



## **CHAPTER 1 | INTRODUCTORY PROVISIONS**

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### **ARTICLE 1.1 TITLE**

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This Ordinance shall be officially known and cited as the Zoning and Land Development Regulations of Charleston County, South Carolina. It may be referred to in this document simply as "this Ordinance."

### **ARTICLE 1.2 AUTHORITY**

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This Ordinance is adopted pursuant to the statutory authority conferred by Title 4, Chapter 9 and Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

### **ARTICLE 1.3 EFFECTIVE DATE**

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This Ordinance shall take effect on April 21, 1999, as amended.

### **ARTICLE 1.4 APPLICABILITY AND JURISDICTION**

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#### **Sec. 1.4.1 Generally**

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This Ordinance shall apply to all Development, public and private, within the unincorporated areas of Charleston County. All Structures and land uses constructed or commenced hereafter, and all Enlargements of, Additions to, changes in and relocations of existing Structures and uses occurring hereafter shall be subject to this Ordinance and all other authorities pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

**[Commentary—These Zoning and Land Development Regulations contain zoning, Subdivision, and other Land Development regulations (LDRs) that help implement Charleston County's Comprehensive Plan.]**

#### **Sec. 1.4.2 New or Moved Structures**

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All Structures built hereafter shall comply with all of the regulations of this Ordinance. Any Structure moved from one site to another site, including movement within a Zoning Lot, shall be considered to be a Structure built hereafter.

### **Sec. 1.4.3 Remodeling**

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If any Structure is hereafter remodeled:

- A. The entire Structure as remodeled shall comply with the use regulations of this Ordinance.
- B. Any alterations, Enlargements, or Additions to the Structure shall comply with all applicable Density/Intensity and Dimensional Standards of the Zoning District in which the property is located.
- C. Off-street parking facilities shall not be reduced below (or if already less than, shall not be further reduced below) the requirements of this Ordinance applicable to a similar new Structure or use.

### **Sec. 1.4.4 Change in Land Use or Land Classification**

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If a use of any Structure is hereafter changed to another use, then the new use must comply with the use regulations in CHAPTER 6, *Use Regulations*, of this Ordinance, but the mere establishment of the new use does not require the existing Structure to comply with the Density/ Intensity and Dimensional Standards of the base Zoning District.

## **ARTICLE 1.5 PURPOSE AND INTENT**

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This Ordinance is intended to protect the health, safety, and general welfare of existing and future Residents of Charleston County by:

- A. Implementing the goals, objectives and policies of the *Comprehensive Plan*;
- B. Providing for adequate light, air, and Open Space;
- C. Preventing overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the Streets;
- D. Protecting and preserving scenic, historic, or ecologically sensitive areas;
- E. Regulating the Density and distributions of populations and the uses of Buildings, Structures and land for trade, industry, residence, recreation, Agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- F. Facilitating the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, Affordable Housing, disaster evacuation, and other public services and requirements;
- G. Securing from fire, flood, and other dangers;
- H. Furthering the public welfare in any other regard specified by a local governing body;
- I. Facilitating the creation of a convenient, attractive and harmonious community;
- J. Encouraging the Development of economically sound and stable municipalities and counties;
- K. Assuring the timely provision of required Streets, Utilities, and other facilities and services to new Land Developments;
- L. Assuring the provision of needed public Open Spaces, Building sites and new Land Developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- M. Assuring, in general, the wise and timely Development of new areas, and redevelopment of previously developed areas in harmony with the *Comprehensive Plan*; and



- N. Fostering growth and Development, and preserving our natural and cultural resources, always respecting the rights of the individual, including private property rights.

## **ARTICLE 1.6 COMMENTARY**

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Commentaries may be included in this Ordinance whenever a provision requires additional explanation to clarify its intent. Commentaries have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting provisions of the Zoning and Land Development Regulations.

**[Commentary—"Commentaries" are used as a guide for administrative officials and the public to use in interpreting and understanding the rationale behind this Ordinance's regulations.]**

## **ARTICLE 1.7 WORD USAGE AND CONSTRUCTION OF LANGUAGE**

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### **Sec. 1.7.1 Meanings and Intent**

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All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the purpose and intent set out in Article 1.5, *Purpose and Intent*.

### **Sec. 1.7.2 Headings, Illustrations and Text**

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In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.

### **Sec. 1.7.3 Lists and Examples**

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Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

### **Sec. 1.7.4 Computation of Time**

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All references to "days" are to Charleston County Government work days unless otherwise expressly stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by Charleston County Government, that day shall be excluded.

### **Sec. 1.7.5 References to Other Regulations, Publications and Documents**

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Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent editions of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

### **Sec. 1.7.6 Delegation of Authority**

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Authority to enforce the provisions of this Ordinance falls to the Director of the Zoning and Planning Department or the designee of the Director, or to the head of the department (or that department head's designee) to which the responsibility of executing the provision falls. Any reference to the "Zoning and Planning Department" shall mean the Director of the Charleston County Zoning and Planning Department or their designee.

### **Sec. 1.7.7 Technical and Nontechnical Terms**

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Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Certain words and phrases are defined in CHAPTER 12, *Definitions*, of this Ordinance; those words and phrases shall be construed in accordance with their definitions in CHAPTER 12, *Definitions*.

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### **Sec. 1.7.8 Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of Charleston County, unless otherwise expressly provided. Whenever reference is made to a public official's title or name of a public agency, that reference shall be construed as referring to the most up-to-date title or agency name, or to the relevant successor official or agency.

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### **Sec. 1.7.9 Mandatory and Discretionary Terms**

The words "shall," "will," and "must" are mandatory. The words "may" and "should" are advisory and discretionary terms.

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### **Sec. 1.7.10 Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

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### **Sec. 1.7.11 Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

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## **ARTICLE 1.8 MINIMUM REQUIREMENTS**

The standards of this Ordinance are minimum requirements. The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of responsibility for complying with all other applicable requirements of any other county, state, or federal agency.

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## **ARTICLE 1.9 CONFLICTING PROVISIONS**

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### **Sec. 1.9.1 Conflict with State or Federal Regulations**

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

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### **Sec. 1.9.2 Conflict with Other County Regulations**

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision will control. No text amendment, zoning Variance, or condition of approval attached to any form of Development approval under this Ordinance shall have the effect of nullifying, abrogating, or diminishing the provisions of any other County ordinance.

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### **Sec. 1.9.3 Conflict with Private Easements, Agreements or Covenants**



This Ordinance is not intended to abrogate, annul, or otherwise interfere with any private Easement, agreement, covenant, restriction, or other private legal relationship. The County is responsible for enforcing this Ordinance; it does not enforce private agreements, Easements, covenants, or restrictions to which the County is not a party. Restrictive covenants affidavit(s) shall be signed by the Applicant or current property owner(s) for all permit applications including, but not limited to, zoning Variance applications, applications, for rezoning, Special Exception applications, Site Plan Review applications, Subdivision applications and Home Occupation permits in compliance with "Sec. 6-29-1145 et. seq. of the code of laws of South Carolina (1976), as amended.

## **ARTICLE 1.10 ZONING MAP**

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### **Sec. 1.10.1 Adoption**

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Charleston County is hereby divided into Zoning Districts as shown on the Charleston County Official Zoning Map (also known as the Digital Zoning Database or Zoning Map) which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

### **Sec. 1.10.2 Format**

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The Official Zoning Map is maintained in the form of a machine-readable representation of a geographic phenomenon stored for display or analysis by a digital computer. The digital zoning database stored in the Geographical Information System (GIS) is hereby designated, established, and incorporated as a part of these regulations and the originals thereof, which are on file at the offices of the Zoning and Planning Department, shall be as much a part of these regulations as if they were fully described in these regulations. Upon adoption of this Ordinance and any amendment thereto, the Zoning and Planning Department may produce a paper version of the Official Zoning Map.

### **Sec. 1.10.3 Amendments**

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If amendments are made in Zoning District boundaries in accordance with the procedures of Article 3.4, *Zoning Map Amendments [Rezoning]*, or Article 4.25, *Planned Development Zoning District*, such amendments shall be effective upon final approval of the Ordinance by County Council and shall be updated by the Zoning and Planning Department on the Zoning Database promptly after the amendment has been approved by County Council.

### **Sec. 1.10.4 Location**

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The original paper version of the Official Zoning Map shall be stored in the Office of the Zoning and Planning Department. The official Zoning Map shall be updated at least annually. In case of any dispute regarding the zoning classification of property subject to this Ordinance, the Official Zoning Map maintained by the Zoning and Planning Department shall control.

### **Sec. 1.10.5 Corrections and Replacement**

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In the event that the Official Zoning Map becomes damaged, destroyed, or lost, the County Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, as amended. The new Official Zoning Map shall be marked, "This Official Zoning Map, adopted by resolution of The County Council of The County of Charleston, S.C., on (date) supersedes the Official Zoning Map adopted (date) of the Charleston County," which statement shall be signed by the Chairman of County Council, attested by The County Clerk, and bear the seal of Charleston County, S.C. Unless the prior Official Zoning Map is lost or has been totally destroyed, the map or any significant parts thereof remaining after partial destruction shall be preserved, together with all records of Charleston County regarding its adoption and amendment.





### **Sec. 1.10.6 Interpretation of Zoning District Boundaries**

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Where uncertainty exists with respect to the boundary of any Zoning District shown on the Zoning Map the following rules shall apply:

- A. Unless otherwise indicated, district boundaries follow Lot Lines; center lines of Streets, highways, Alleys or railroads; center lines of water courses or impoundments of streams, reservoirs, or other bodies of water.
- B. Where so indicated, district boundaries are parallel to the center lines of Streets, highways, or railroads, or Rights-of-Way of same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended as such distances therefrom as indicated on the Zoning Map. If no distance is given, distance shall be determined by the use of the scale on the Zoning Map.
- C. Where any district boundary is indicated on the Zoning Map as approximately following the Charleston County boundary line or the corporate limits line of any incorporated place within Charleston County, then such County boundary line or corporate limits line shall be construed to be the actual district boundary.

### **Sec. 1.10.7 Marsh Boundaries**

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With the exception of lands within the ownership of national forests, swampland, wildlife refuges, and any other Publicly Designated Areas, the Office of Ocean and Coastal Resource Management shall determine the boundaries and have jurisdiction over critical areas. Freshwater Wetlands shall have boundaries set by the Army Corps of Engineers.

### **Sec. 1.10.8 Zoning of Additional Land Areas**

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It is the intent of this Ordinance that every part of the land area of unincorporated Charleston County be included in one of the Zoning Districts established by this Ordinance. Any land area that comes under the jurisdiction of this Ordinance or does not appear to be included in a Zoning District shall be classified in the RM district unless an alternative classification is approved by the Charleston County Council in accordance with the Zoning Map Amendment procedures of CHAPTER 3, *Development Review Procedures*.

## **ARTICLE 1.11 TRANSITIONAL PROVISIONS**

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### **Sec. 1.11.1 Violations Continue**

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Any violation of the previous Zoning Ordinance or Subdivision Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under CHAPTER 11, *Violations, Penalties, and Enforcement*, unless the use, Development, construction, or other activity complies with the provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before April 21, 1999.

### **Sec. 1.11.2 Legal Nonconformities Under Prior Ordinance**

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Any legal nonconformity under the previous Zoning Ordinance will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Zoning Ordinance continues to exist. If a nonconformity under the previous Zoning Ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be considered a nonconformity.

### **Sec. 1.11.3 Approved Projects**

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- A. Variances and preliminary Subdivision Plats that have received approval by April 20, 1999, shall remain valid until their expiration date. Construction pursuant to such approval may be carried out in accordance with the Development standards in effect at the time that approval was granted, provided that the permit or approval remains valid and has not lapsed. Construction pursuant to Conditional Use Permits,



Variations, preliminary Subdivision Plats, and Planned Developments that were approved without an expiration date may be carried out in accordance with the Development standards in effect at the time that approval was granted, provided that permits for such construction are issued prior to April 20, 2001. As of April 20, 2001, all construction shall be subject to strict compliance with the regulations of this Ordinance.

- B. No provision of this Ordinance shall require any change in the plans, construction, or designated use of any Structure for which a Zoning Permit or Building Permit has been issued prior to April 21, 1999, provided that permit does not lapse and remains valid.
- C. No previously approved Lot shall be deemed an unusable Lot under the provisions of this Ordinance.

#### **Sec. 1.11.4 Special Exception Uses**

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- A. 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, *Definitions*, of this Ordinance.
- B. 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, *Definitions*, of this Ordinance.

#### **ARTICLE 1.12 SEVERABILITY**

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If any Court of competent jurisdiction rules any provision of this Ordinance invalid, that ruling shall not affect any not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to a particular property, Building, or other Structure, or use, that ruling shall not affect the application of the Ordinance provisions to any property, Building, other Structure, or use not specifically included in the judgment.

The provisions of this Ordinance are hereby declared to be valid and enforceable, notwithstanding inadvertent and/or clerical error(s); such error(s) as may exist shall not affect the validity or intent of the associated provisions, nor that of the remainder of the Ordinance provisions hereunder.



## **CHAPTER 2 | REVIEW AND DECISION-MAKING BODIES**

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#### **ARTICLE 2.5 HISTORIC PRESERVATION COMMISSION**

### **ARTICLE 2.1 COUNTY COUNCIL**

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#### **Sec. 2.1.1 Review Authority**

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The County Council does not act in a review or recommending capacity.

#### **Sec. 2.1.2 Decision-Making Authority**

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The County Council shall have final (local) decision-making authority on the following matters:

- A. Comprehensive Plan Amendments;
- B. Zoning and Land Development Regulations (ZLDR) Text Amendments;
- C. Zoning Map Amendments (Rezoning);
- D. Planned Development (PD) Development Plans and PD Zoning Map Amendments; and
- E. Acceptance of public Dedications.

### **ARTICLE 2.2 PLANNING COMMISSION**

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#### **Sec. 2.2.1 Review Authority**

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The Planning Commission acts in a review and recommending capacity on the following matters:

- A. *Comprehensive Plan* Amendments;
- B. Zoning and Land Development Regulations Text Amendments;
- C. Zoning Map Amendments (Rezoning); and
- D. Planned Development (PD) Development Plans and PD Zoning Map Amendments.

#### **Sec. 2.2.2 Decision-Making Authority**

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The Planning Commission shall have final (local) decision-making authority on the following matters:

- A. Preliminary Subdivision Plats;
- B. Public Project Review;
- C. Appeals of Administrative Decisions on Final Subdivision Plats;
- D. Appeals of Administrative Decisions on Subdivision Matters;
- E. Names of New Streets and Roads;



- F. Requests for Street Name Changes; and
- G. Any other matters pursuant to Chapter 29, Title 6, Sec. 6-29-340 of the Code of Laws of South Carolina, as amended.

### **Sec. 2.2.3 Officers, Rules, Meetings, and Minutes**

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Pursuant to Chapter 29, Title 6 of the Code of Laws of South Carolina Sec. 6-29-350 and Sec. 6-29-360, the Planning Commission shall elect one of its members as chairperson and one as vice-chairperson whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the Planning Commission. The Planning Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Planning Commission shall meet at the call of the chairperson and at such times as the chairperson or commission may determine. The Planning Commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated.

### **Sec. 2.2.4 Composition**

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The Planning Commission shall consist of nine members appointed by the County Council for terms of four years each, provided, however, that of the initial members of the Planning Commission, five members shall be appointed for four year terms and four members shall be appointed for two year terms. Members shall serve until their successors are appointed and qualified. The members of the Planning Commission shall serve without compensation from the County. Any vacancy which may occur on the Planning Commission shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. In appointing members to the Planning Commission the County Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. The membership of the Planning Commission should represent a broad cross-section of the interests and concerns within Charleston County. No member of the Planning Commission may hold an elected public office in Charleston County.

## **ARTICLE 2.3 BOARD OF ZONING APPEALS**

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### **Sec. 2.3.1 Review Authority**

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The Board of Zoning Appeals does not act in a review or recommending capacity.

### **Sec. 2.3.2 Decision-Making Authority**

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The Board of Zoning Appeals shall have final decision-making authority on the following matters:

- A. Special Exceptions;
- B. Variances; and
- C. Appeals of Administrative Decisions on Zoning Related Matters.

### **Sec. 2.3.3 Officers, Rules, Meetings, and Minutes**

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Pursuant to Chapter 29, Title 6 of the Code of Laws of South Carolina Sec. 6-29-790, the Board of Zoning Appeals shall elect one of its members as Chair who shall serve for one year or until re-election or a successor is elected and qualified. The Board of Zoning Appeals shall adopt rules and procedures in accordance with the provisions of this Ordinance not inconsistent with the provisions of Chapter 29 Title 6 of the Code of Laws of South Carolina, as amended. The Board of Zoning Appeals shall appoint a Secretary. The Secretary may be an employee of the County. Meetings of the Board shall be at the call of the Chair and at such other times as the Board of Zoning Appeals may determine. Public notice of all meetings of the Board of Zoning Appeals shall be provided by publication in a newspaper of general circulation in Charleston County. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote. The Board of Zoning Appeals shall maintain records of its examinations and official actions, all of which, upon approval, shall be filed immediately in the office of the Zoning and Planning Director. Such records shall be available for public review and inspection during normal business hours.

### **Sec. 2.3.4 Composition**

---

The Board of Zoning Appeals shall consist of nine members appointed by the County Council for terms of four years each, provided, however, that of the initial members of the Board of Zoning Appeals, five members shall be appointed for four year terms and four members shall be appointed for two year terms. Members shall serve until their successors are appointed and qualified. The members of the Board of Zoning Appeals shall serve without compensation from the County. Any vacancy which may occur on the Board of Zoning Appeals shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. No member of the Board of Zoning Appeals may hold an elected public office in Charleston County.

## **ARTICLE 2.4 ZONING AND PLANNING DIRECTOR**

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### **Sec. 2.4.1 Review Authority**

---

The Zoning and Planning Director shall act in a review capacity on the following matters:

- A. *Comprehensive Plan* Amendments;
- B. Zoning and Land Development Regulations (ZLDR) Text Amendments;
- C. Zoning Map Amendments (Rezoning);
- D. Planned Development (PD) Development Plans and PD Zoning Map Amendments;
- E. Preliminary Subdivision Plats;
- F. Final Subdivision Plats;
- G. Special Exceptions;
- H. Variances; and
- I. Public Project Review.

### **Sec. 2.4.2 Decision-Making Authority**

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The Director of the Zoning and Planning Department shall have final (local) decision-making authority on the following matters:

- A. Written Interpretations;
- B. Zoning Permits;
- C. Preliminary Subdivision Plats;
- D. Final Subdivision Plats;
- E. Site Plan Review; and



- F. All other sections of this Ordinance and applications that require approval and/or interpretation by the Zoning and Planning Director.

### **Sec. 2.4.3 Other Powers and Duties**

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The Zoning and Planning Director shall have the following powers and duties in addition, to those otherwise set out under this Ordinance:

- A. Maintaining permanent and current records of this Ordinance including, but not limited to, all zoning maps, amendments, Special Exceptions, Variances, appeals, and applications thereof and records of hearings thereon. Such records shall be open to public inspection during business hours;
- B. Providing such clerical, technical, and consultative assistance as may be required by the Board of Zoning Appeals, Planning Commission, County Council, and other boards, commissions, and officials in the exercise of their duties relating to this Ordinance;
- C. Enforcing all provisions of this Ordinance;
- D. Maintaining a record of all applications for Zoning Permits, including all Plats and plans submitted therewith, which record shall be open to public inspection during business hours;
- E. Conducting inspections of Structures, land, and the uses thereof to determine compliance with this Ordinance; and
- F. Reviewing, approving, and issuing Administrative Permits as authorized by this Ordinance and maintaining records of these permits.



## **CHAPTER 3 | DEVELOPMENT REVIEW PROCEDURES**

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#### **ARTICLE 3.17 DEVELOPMENTS OF COUNTY SIGNIFICANCE**

### **ARTICLE 3.1 GENERAL**

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The general provisions of this Section apply to all development applications and procedures under this Chapter unless otherwise stated.

#### **Sec. 3.1.1 Authority to File Applications**

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Applications for review and approval under this Chapter may be initiated by:

- A. Petition of all the owners of the property that is the subject of the application;
- B. The owners' authorized agents; or
- C. Review and Decision-Making Bodies.

#### **Sec. 3.1.2 Form of Application**

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Applications required under this Chapter shall be submitted in a format and in such numbers as required by the official responsible for accepting the application. Application submittal requirements and format information shall be available to the public in the Zoning and Planning Department.

#### **Sec. 3.1.3 Filing Fees**

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Applications shall be accompanied by the fee amount that has been established by the County Council for the respective type of application. Fees shall not be required for applications initiated by authorized Review or Decision-Making Bodies.



### **Sec. 3.1.4 Application Completeness and Submission Deadlines**

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- A. Applications required under this Ordinance shall be considered complete only if they are submitted in the required format, include all mandatory information and are accompanied by the established fee as outlined in the Charleston County Fee Ordinance.
- B. Applications for consideration by the Board of Zoning Appeals shall be submitted no later than 12:00 p.m. on the Friday, six weeks prior to the regularly scheduled Board of Zoning Appeals meeting, unless otherwise provided in this Ordinance or as directed by the Chair of the Board of Zoning Appeals. Application filing deadlines and Board of Zoning Appeals meeting dates are available at the Zoning and Planning Department. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Board of Zoning Appeals meeting. The requirements for applications deemed incomplete by the Zoning and Planning Director are listed in Sec. 3.1.4(D), *Incomplete Applications*.
- C. Applications for consideration by the Planning Commission shall be submitted no later than 12:00 p.m. on the Friday, six weeks prior to the regularly scheduled Planning Commission meeting, unless otherwise provided in this Ordinance or as directed by the Chair of the Planning Commission. Application filing deadlines and Planning Commission meeting dates are available at the Zoning and Planning Department. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Planning Commission meeting. The requirements for applications deemed incomplete by the Zoning and Planning Director are listed in Sec. 3.1.4(D), *Incomplete Applications*.
- D. Any application that is determined to be incomplete shall, within 15 days of its submittal, be returned to the Applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted within six months of the date that the application was returned to the Applicant. Applications resubmitted more than six months after the date that the application was returned as incomplete shall require repayment of applicable fees, provided, however, that the Zoning and Planning Director may approve extensions of up to one year from the date that any Development of County Significance application was returned as incomplete without requiring repayment of applicable fees.

### **Sec. 3.1.5 Application Submittal**

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- A. Whenever the procedures of this Ordinance expressly state that applications are to be submitted after a "pre-application conference," Applicants shall be responsible for scheduling and attending such meetings. When pre-application conferences are required, an application shall not be accepted until the pre-application conference has been conducted, and any errors or omissions noted in review of the application for completeness have been addressed by the Applicant.
- B. Until an application is deemed complete pursuant to this Article, all related materials shall be treated as proprietary information.
- C. Once an application is deemed complete and submitted for consideration by the Planning Commission or Board of Zoning Appeals pursuant to this Article, it shall not be altered by the Applicant. Should the Applicant alter, modify, or change the application after it has been deemed complete, the application shall be considered withdrawn and the Applicant must submit a new application in compliance with this Article, and all applicable fees must be paid unless the change is requested by a Review or Decision-Making Body.

### **Sec. 3.1.6 Notices**

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- A. **Content.** All notices with the exception of Posted Notices required under this Ordinance shall:
  - 1. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;





2. Describe the property involved in the application by Street address and, if required, by legal description;
3. Describe the nature, scope, and purpose of the application or proposal; and
4. Indicate where additional information on the matter can be obtained.

Posted Notices under this Ordinance shall indicate time and place and indicate where any additional information on the subject of the notice can be obtained.

**[Commentary—References to "days" are to Charleston County Government work days, unless otherwise indicated.]**

Table 3.1.6, Notices									
Procedure	Review [R], Decision-Making [DM] And Appeal [A] Bodies					Notices See Sec. 3.1.6			
	Staff	PC	CC	HPC	BZA	News	Post	Neighbor	Parties in Interest & Community Interest
<b>Comprehensive Plan Amendments</b>	R	R	DM			✓			✓
<b>Ordinance Text Amendments</b>	R	R	DM			✓			✓
<b>Zoning Map Amendments</b>	R	R	DM			✓	✓	✓	✓
<b>Planned Development (PD) Zoning Map Amendment</b>	R	R	DM			✓	✓	✓	✓
<b>Special Exceptions</b>	R				DM	✓	✓	✓	✓
<b>Site Plan Review</b>	DM				A				
<b>Variances</b>	R				DM	✓	✓	✓	✓
<b>Written Interpretations</b>	DM				A				
<b>Public Project Review</b>	R	DM				✓			✓
<b>Subdivision Plat Applications</b>	R	DM							
<b>Zoning Permit</b>	DM								
<b>Appeals of Zoning-Related Administrative Decisions</b>					DM	✓	✓	✓	✓
<b>Appeals of Subdivision-Related Administrative Decisions</b>		DM				✓			✓
<b>Certificate of Historic Appropriateness</b>	R			DM		✓		✓	✓
<b>Designation of Historic Property/District</b>	R		DM	R		✓		✓	✓
<b>Removal of Designation of Historic Property/District</b>	R		DM	R		✓		✓	✓
<b>Notes:</b> In cases where no Appeal Body is shown or where the County Council is shown as final Decision-Making Body, appeals shall be taken to the Circuit Court of Charleston County, as provided by law. <b>R</b> = Review Body [Responsible for Review and Recommendation] <b>DM</b> = Decision-Making Body [Responsible for Final Decision to Approve or Deny] <b>A</b> = Authority to hear and decide appeals of Decision-Making Body's action Neighbor and Community Interest notice is a courtesy notice; failure to provide will not invalidate any action taken.									

**B. Types.**

1. *Newspaper Notice.* When the provisions of this Ordinance require that "Newspaper Notice" be provided, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the County. Unless otherwise expressly provided in state statutes or this Ordinance, the first required newspaper notice shall be published at least 15 calendar



days before the public hearing, meeting, or date of action that is the subject of the notice. Newspaper Notice shall indicate the time and place or date of action that is the subject of the notice, describe the property involved in the application by street address and, if required, by legal description, describe the nature, scope, and purpose of the application or proposal.

2. *Posted Notice.* When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the Subject Property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the Subject Property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the Subject Property are responsible for notifying the Zoning and Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting, or date of action that is the subject of the notice. Failure to notify the Zoning and Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the Decision-Making Body.
  3. *Neighbor Notice.* When the provisions of this Ordinance require that "Neighbor Notice" be provided, the official responsible for accepting the application shall mail notice to the Applicant and all property owners within 300 feet of the subject property. Ownership information shall be obtained from the County Assessor's Office. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Failure to provide this notice will not invalidate any action taken.
  4. *Parties in Interest.* When the provisions of this Ordinance require that notice be sent, the following "Parties in Interest" shall be notified: the Applicant and the owner of the property (if other than Applicant). Parties in Interest shall mean any individual, associations, corporations, or others who have expressed an interest in writing in an application pending before the Zoning and Planning Department and that has been received by the Zoning and Planning Director. It is the responsibility of the Parties in Interest to provide updated contact information to the Zoning and Planning Department. The Zoning and Planning Department will keep the Parties in Interest contact information on file for one year from the initial date received.
  5. *Community Interest Notice.* When the provisions of this Ordinance require that "Community Interest Notice" be provided, the official responsible for accepting the application shall provide written notice to any individual, group, or organization that has submitted a written statement of interest to the Zoning and Planning Director. When Community Interest Notice is required, courtesy notice will be provided to the Zoning and Planning Director of any municipality within the Planning Area of the subject tract. Community Interest Notice is a courtesy notice; failure to provide this notice will not invalidate any action taken.
- C. **Constructive Notice.** Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the date, time, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, Review and Decision-Making Bodies shall make formal findings regarding whether there was substantial compliance with the notice requirements of this Ordinance.

### **Sec. 3.1.7 Action by Decision-Making Bodies**

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Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to approve, approve with conditions, or disapprove applications and permit requests based on compliance with the applicable review and approval criteria. Decision-Making Bodies shall also be authorized to refer an application back to a Review Body or to defer action while additional information is being obtained.

### **Sec. 3.1.8 Inaction by Review and Decision-Making Bodies**

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When a Review or Decision-Making Body fails to take action on an application within the time required, such inaction shall be interpreted as a recommendation of approval of the application, respectively. Time frames for action may be extended by the Review or Decision-Making Body if the Applicant consents to the extension. When a Review Body fails to take action on an application within the time required, the Decision-Making Body shall be free to proceed with its own action on the matter, without further awaiting the recommendation of the Review Body. Delays in action by Review or Decision-Making Bodies due to an official declaration of a state of emergency shall not be subject to these requirements.

### **Sec. 3.1.9 Conditions of Approval**

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Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to impose conditions of approval as allowed by law. Conditions may be those deemed necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of this Ordinance. All conditions must relate to a situation created or aggravated by the proposed use and be roughly proportional to the impact of the approved use or activity.

### **Sec. 3.1.10 Approval Criteria: Burden of Persuasion**

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In all cases, the Applicant shall have the burden of establishing that an application complies with applicable approval criteria.

### **Sec. 3.1.11 Public Hearings**

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A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a certain date and time and the date and time is announced at the public hearing.

### **Sec. 3.1.12 Successive Applications**

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- A. **Time Limit.** If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, Development, or Use on the subject Parcel, whether the Parcel is in its original configuration, expanded, or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application, unless a waiver is obtained in compliance with this Ordinance.
- B. **Waivers.** The time limit of Sec. 3.1.12(A), *Time Limit*, notwithstanding, Decision-Making Bodies may, after receipt of written petition by the Property Owner, waive the waiting period requirement by a two-thirds vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give Written Notice to the Zoning and Planning Director, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Disapproval of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the Subject Property.
- C. **Applications Withdrawn Before Public Hearing Notice.** Withdrawal of an application by the Applicant before advertisement of any public hearing and before any required Signs have been posted on the Subject Property shall be considered a termination of the application. Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12-month waiting period.
- D. **Applications Withdrawn After Public Hearing Notice.** Withdrawals of applications that occur after advertisement of any public hearing or after any required Signs have been posted on the Subject Property shall be treated the same as a disapproved application. Application processing shall terminate upon receipt of Written Notice from the Applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Sec. 3.1.12(B), *Waivers*.
- E. **Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals.** Requests for



postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the Applicant. Such requests received after advertisement of any public hearing or after any postings on the Subject Property shall be subject to all applicable fees as listed in the fee schedule approved by County Council. An application is deemed withdrawn if it is postponed for more than one year from the date it was scheduled to be heard. If an application is deemed withdrawn, the Applicant must submit a new application in compliance with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance, and all applicable fees must be paid. For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals, the Applicant must file a reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the Applicant shall file the applicable Appeal, Special Exception, or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.

- F. **Requests for Postponements of Applications to the Planning Commission.** Requests for postponements of all applications from Planning Commission meetings, with the exception of Subdivision applications, must be made in writing and the letter must be signed by both the Property Owner(s) and the Applicant(s). Postponement requests received within 10 calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawn. An application that is postponed for more than one year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn, the Applicant must submit a new application in compliance with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances, as determined in the sole discretion of the Planning Commission.

### **Sec. 3.1.13 Vested Rights**

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The provisions of the Charleston County Vested Rights Ordinance, Ordinance Number 1393, shall apply.

## **ARTICLE 3.2 COMPREHENSIVE PLAN AMENDMENTS**

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### **Sec. 3.2.1 Pre-application Conference and Application Filing**

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- A. Prior to the submittal of an application for a *Comprehensive Plan* amendment, Applicants shall participate in a pre-application conference scheduled with the Zoning and Planning Director. A pre-application conference is not required for applications submitted by the County.
- B. Applications for amendments to the *Comprehensive Plan* shall be submitted by individuals or groups of individuals to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- C. No application for a *Comprehensive Plan* Amendment shall be accepted as complete unless it includes the required fee and the following information:
1. Completed *Comprehensive Plan* Amendment application signed by the current Property Owner(s) or Applicant(s);
  2. One paper copy and one digital copy of the Applicant's letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Sec. 3.2.6, *Approval Criteria*, are met;
  3. One paper copy and one digital copy of the proposed changes to the *Comprehensive Plan* based on the current *Comprehensive Plan* in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, italic text. Proposed changes to any *Comprehensive Plan* map shall be illustrated in a map format similar to the existing *Comprehensive Plan* maps and shall be labeled as "proposed amendment";
  4. One copy of the current, recorded deed for the property (if applicable);
  5. Restricted Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law (if applicable);



6. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law (if applicable);
  7. One copy of the current, recorded Plat showing the current boundaries of the property (if applicable); and
  8. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- D. Applications for *Comprehensive Plan* Amendments shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
- E. The Applicant may hold a community workshop for the proposed *Comprehensive Plan* amendment. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with Development applications and to provide an Applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. The workshop shall ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the Applicant to resolve any concerns at this stage of the process. A community workshop is not intended to produce complete consensus on all applications, but to encourage Applicants to be good neighbors. If the Applicant chooses to hold a community workshop, a summary of the workshop may be submitted with the application for the *Comprehensive Plan* amendment.

### **Sec. 3.2.2 Zoning and Planning Director Review and Report**

---

The Zoning and Planning Director shall review each proposed *Comprehensive Plan* amendment and may distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning and Planning Director shall provide a report on the proposed amendment to the Planning Commission. The Zoning and Planning Director shall have at least 30 calendar days to conduct required reviews.

### **Sec. 3.2.3 Planning Commission Review and Recommendation**

---

Newspaper notice of Planning Commission meeting on *Comprehensive Plan* amendments shall be provided at least 15 calendar days before the hearing. Newspaper and Parties in Interest notice shall be provided in accordance with Sec. 3.1.6, *Notices*, of this Chapter. The Planning Commission shall review the proposed amendment and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve, disapprove, or approve with conditions the proposed amendment. Planning Commission may hold a special meeting to gather community input as outlined in Sec. 3.2.1(E), *Community Workshop*, of this Ordinance prior to making a recommendation to County Council.

### **Sec. 3.2.4 Public Hearing Notice**

---

Newspaper Notice of public hearings on *Comprehensive Plan* amendments shall be provided at least 30 calendar days before the hearing. Newspaper and Parties in Interest notice shall be provided in accordance with Sec. 3.1.6, *Notices*, of this Chapter.

### **Sec. 3.2.5 County Council Hearing and Decision**

---

- A. After receiving the recommendations of the Planning Commission, the County Council shall take action to approve, approve with conditions, or disapprove the proposed *Comprehensive Plan* amendment based on the Approval Criteria of Sec. 3.2.6, Approval Criteria. County Council shall hold a public hearing prior to giving second reading to *Comprehensive Plan* amendment applications.
- B. A majority vote of the entire membership of County Council shall be required to approve, approve with conditions, or disapprove the amendment.
- C. *Comprehensive Plan* Amendments shall be adopted by Ordinance.

### **Sec. 3.2.6 Approval Criteria**

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*Comprehensive Plan* Amendments may be approved by the County Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the *Comprehensive Plan* and that any one of the following criteria has been met:

- A. There was a significant error in the original *Comprehensive Plan* adoption;
- B. In adopting the *Comprehensive Plan*, the County Council failed to take into account facts, projections, or trends that were reasonably foreseeable to exist in the future;
- C. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the County Council's original findings made upon plan adoption;
- D. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the character or condition of an area, making the proposed amendment necessary;
- E. The proposed *Comprehensive Plan* Amendment is requested pursuant to and complies with Article 3.17, *Developments of County Significance*; or
- F. The proposed *Comprehensive Plan* Amendment is consistent with the *Comprehensive Plan* Future Land Use recommendations of adjacent municipalities that have adopted extra-territorial jurisdiction for the subject Parcel(s).

### **Sec. 3.2.7 Notice of Decision**

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Following final action by the County Council, the Zoning and Planning Director shall be responsible for providing the Applicant with Written Notice of the decision.

## **ARTICLE 3.3 ZONING AND LAND DEVELOPMENT REGULATIONS TEXT AMENDMENTS**

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### **Sec. 3.3.1 Application Filing**

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- A. Applications for amendments to the text of this Ordinance shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. No application for a Zoning and Land Development Regulations Text Amendment shall be accepted as complete unless it includes the required fee and the following information:
  - 1. Completed Zoning and Land Development Regulations Text Amendment application signed by the current Property Owner(s) or Applicant(s);
  - 2. One paper copy and one digital copy of the Applicant's letter of intent explaining the proposed amendment(s) and how it meets the criteria listed in Sec. 3.3.6, *Approval Criteria*;
  - 3. One paper copy and one digital copy of the proposed text amendment based on the current Ordinance in effect and showing proposed deletions as strike-through text and proposed additions in bold, italic text;
  - 4. One copy of the current, recorded deed of the property (if applicable);
  - 5. One copy of the current, recorded Plat showing the current boundaries of the property (if applicable);
  - 6. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law (if applicable);
  - 7. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law, (if applicable); and
  - 8. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- C. Applications for Zoning and Land Development Regulations Text Amendments shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.



### **Sec. 3.3.2 Public Hearing Notice**

---

Newspaper and Party in Interest notice of the County Council's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*. Newspaper Notice of a public hearing regarding any proposed amendments to CHAPTER 8, *Subdivision Regulations*, shall be made at least 30 calendar days prior to a public hearing on any proposed amendments.

### **Sec. 3.3.3 Zoning and Planning Director Review and Report**

---

The Zoning and Planning Director shall review each proposed text amendment in light of Sec. 3.3.6, *Approval Criteria*, and provide a report to the Planning Commission. The Zoning and Planning Director shall have at least 30 calendar days to conduct required reviews.

### **Sec. 3.3.4 Planning Commission Review and Recommendation**

---

The Planning Commission shall review the proposed amendment and take action by majority vote of the entire membership, recommending that the County Council approve, approve with conditions, or disapprove the proposed amendment. The Planning Commission's recommendation shall be based on Sec. 3.3.6, *Approval Criteria*. The Planning Commission shall submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the amendment was introduced.

### **Sec. 3.3.5 County Council Hearing and Decision**

---

After receiving the recommendation of the Planning Commission, the County Council shall take action to approve, approve with conditions, or disapprove the proposed text amendment based on Sec. 3.3.6, *Approval Criteria*. County Council shall hold a public hearing prior to giving second reading to ZLDR text amendment applications. A simple majority vote of County Council members present and voting shall be required to approve the amendment.

### **Sec. 3.3.6 Approval Criteria**

---

Text amendments to this Ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5, *Purpose and Intent*; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

### **Sec. 3.3.7 Final Action**

---

Text amendments shall be adopted by Ordinance.

### **Sec. 3.3.8 Notice of Decision**

---

Following final action by the County Council, the Zoning and Planning Director shall be responsible for providing the Applicant with Written Notice of the decision.

### **Sec. 3.3.9 Pending Text Amendments**

---

No application for a Zoning Permit, Building Permit, or Certificate of Occupancy shall be accepted for property within any area involved in or affected by a pending Ordinance text amendment if the Zoning Permit, Building Permit, or Certificate of Occupancy would allow uses or activities that would be forbidden under the proposed amendment. This prohibition on acceptance of applications shall apply from the date that the application is filed until action on the amendment is taken by County Council.



## ARTICLE 3.4 ZONING MAP AMENDMENTS [REZONINGS]

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### Sec. 3.4.1 Application Filing

---

- A. Applications for amendments to the Official Zoning Map (rezonings) shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. Upon submission of a rezoning application, no additional rezoning applications shall be accepted for the Subject Property until the original application has been withdrawn or the County Council has rendered its final decision and all applicable time limits on refiling have expired.
- C. No application for a Zoning Map Amendment shall be accepted as complete unless it includes the required fee and the following information:
  1. Completed Zoning Map Amendment application signed by the current Property Owner(s);
  2. A copy of a legible Approved and Recorded Plat showing current property boundaries;
  3. A copy of the current, recorded deed;
  4. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law;
  5. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law; and
  6. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- D. Applications for Zoning Map Amendments shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.

### Sec. 3.4.2 Public Hearing Notice

---

Newspaper, Neighbor, Parties in Interest, and Posted Notice of the County Council's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

### Sec. 3.4.3 Zoning and Planning Director Review and Report

---

The Zoning and Planning Director shall review each proposed zoning map amendment based on Sec. 3.4.6, *Approval Criteria*, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning and Planning Director shall provide a report on the proposed amendment to the Planning Commission. The Zoning and Planning Director shall have at least 30 working days to conduct required reviews.

### Sec. 3.4.4 Planning Commission Review and Recommendation

---

The Planning Commission shall review the proposed zoning map amendment and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve or disapprove the proposed zoning map amendment. The Planning Commission's recommendation shall be based on Sec. 3.4.6, *Approval Criteria*, of this Chapter. The Planning Commission shall submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the zoning map amendment was introduced.

### Sec. 3.4.5 County Council Hearing and Decision

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After receiving the recommendation of the Planning Commission, the County Council shall take action to approve or disapprove the proposed zoning map amendment based on Sec. 3.4.6, *Approval Criteria*. County Council shall hold a public hearing prior to giving second reading to zoning map amendment applications. A simple majority vote of County Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved "with conditions" except Planned Developments or property Developments under the South Carolina Local Government Development Agreement Act (1993), as amended.

### **Sec. 3.4.6 Approval Criteria**

---

Zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow Development that is compatible with existing uses, recommended Density, established Dimensional Standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency; or
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

**[Commentary-This provision does not require that the Applicant submit a special study in every instance of a zoning map amendment request.]**

### **Sec. 3.4.7 Final Action**

---

Zoning map amendments shall be adopted by Ordinance.

### **Sec. 3.4.8 Notice of Decision**

---

Following final action by the County Council, the Zoning and Planning Director shall be responsible for providing the Applicant with Written Notice of the decision and for revising the Official Zoning Map, if the amendment was adopted.

## **ARTICLE 3.5 PD, PLANNED DEVELOPMENT ZONING DISTRICT**

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### **Sec. 3.5.1 General**

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Planned Developments shall adhere to the procedures and guidelines contained in Article 4.25, *PD, Planned Development Zoning District*, of this Ordinance, and shall be considered zoning text and map amendments.

## **ARTICLE 3.6 SPECIAL EXCEPTIONS**

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### **Sec. 3.6.1 Application Filing**

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- A. Applications for Special Exceptions shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the Subject Property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refileing have expired.



- C. Special Exception applications shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
- D. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:
  - 1. Completed Special Exception application signed by the current Property Owner(s);
  - 2. Applicant's letter of intent explaining the proposed use and how it meets all of the Approval Criteria of Sec. 3.6.5, *Approval Criteria*;
  - 3. Site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed Structures and improvements, driveways, parking areas, Grand Trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or Plat), holding basins and buffers when applicable. However, if the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Zoning and Planning Director, the Applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing Structures and improvements, parking areas, etc. as the site plan. At least one copy drawn and printed to an engineer's scale, and 18 reduced (8 1/2" x 11" or 11" x 17") legible copies shall be submitted;
  - 4. A copy of a legible Approved and Recorded Plat showing the current boundaries of the property;
  - 5. A copy of the current, recorded deed of the property;
  - 6. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law;
  - 7. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law; and
  - 8. Any other information that the Zoning and Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Article 3.6, *Special Exceptions*.
- E. All proposed Special Exception uses, except the placement of Manufactured Housing Units not located within a Manufactured Housing Park, shall satisfy the Site Plan Review process. Applicants shall attend at least one Site Plan Review meeting (not including a pre-application meeting). Special Exception applications shall only be reviewed after the Site Plan Review application is in an approvable state, as determined by the Zoning and Planning Director.

### **Sec. 3.6.2 Public Hearing Notice**

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Newspaper, Neighbor, Parties in Interest, and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

### **Sec. 3.6.3 Zoning and Planning Director Review and Report**

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The Zoning and Planning Director shall review each proposed Special Exception based on Sec. 3.6.5, *Approval Criteria*, of this Chapter, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning and Planning Director shall provide a report on the proposed Special Exception to the Board of Zoning Appeals.

### **Sec. 3.6.4 Board of Zoning Appeals Hearing and Decision**

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- A. The Board of Zoning Appeals shall hold at least one public hearing on the proposed Special Exception. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions, or disapprove the proposed Special Exception based on Sec. 3.6.5, *Approval Criteria*. The Board of Zoning Appeals may defer action for a period of time not to exceed 90 days from the date of deferral.



- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A majority of the members present and voting are required to approve a Special Exception.

### **Sec. 3.6.5 Approval Criteria**

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- F. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed Use:
  - 1. Is consistent with the recommendations contained in the Charleston County *Comprehensive Plan* and the character of the base Zoning District "Purpose and Intent";
  - 2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
  - 3. Adequate provision is made for such items as Setbacks and buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, Vibration, dust, glare, odor, traffic congestion, and similar factors;
  - 4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
  - 5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to, any use conditions, Zoning District standards, or Site Plan Review requirements of this Ordinance; andDoes not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads.
- G. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed Building or Structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

### **Sec. 3.6.6 Final Decision and Orders**

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Final decisions and orders of the Board must be in writing and be filed in the Office of the Zoning and Planning Director as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to Parties in Interest by certified mail. As a courtesy notice, the orders of the Board may be sent via U.S. mail to persons on the Neighborhood notice list.

### **Sec. 3.6.7 Notice of Decision**

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The written final decision shall be mailed to all Parties in Interest by certified mail and published once in a newspaper of general circulation in the County.

### **Sec. 3.6.8 Appeals**

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Any Person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the county may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

### **Sec. 3.6.9 Lapse of Approval**

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An approved Special Exception shall lapse and be of no further effect 12 months after the date that the Special Exception was approved by the Board of Zoning Appeals unless a Complete Application for a Zoning Permit to establish the Special Exception use is submitted in accordance with Article 3.8, *Zoning Permits*, of this Ordinance.



One one-year extension of a Special Exception approval may be granted by the Zoning and Planning Director if the Applicant/Property Owner can demonstrate that a Complete Application for a Zoning Permit is being diligently pursued. Applications for extensions of Special Exception approvals shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department at least 15 days prior to the expiration of the Special Exception approval.

## **ARTICLE 3.7 SITE PLAN REVIEW**

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### **Sec. 3.7.1 Applicability**

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Except as expressly exempted in Sec. 3.7.4, *Site Plan Review*, the Site Plan Review procedures shall apply to any of the following:

- A. New Development, redevelopment, and property improvements that increase by more than 25 percent the area devoted to vehicular use or the gross Floor Area of Buildings;
- B. Any change in use to a more intensive use, as determined by the Zoning and Planning Director; and
- C. Any earth disturbing activity greater than or equal to 5,000 square feet.

The entire site shall be brought into compliance with all applicable Ordinance standards at the time of Site Plan Review.

Prior to Site Plan Review approval for properties located within 300 feet of a National Register of Historic Places (NRHP) listed Historic Property or Historic District, or a locally designated Historic Property or Historic District, a Certificate of Historic Appropriateness must be obtained pursuant to the procedures of Chapter 21 of the County Code of Ordinances, as amended. This requirement shall also apply to Site Plan Review approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts.

### **Sec. 3.7.2 Definitions**

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For the purposes of this Section, a change in use to a more intensive use shall include any occupancy of a Building that has not been occupied by a business for more than three years, as determined by County records.

### **Sec. 3.7.3 Limited Site Plan Review**

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The Limited Site Plan Review Procedure applies to all property improvements that are not listed in Sec. 3.7.1, *Applicability*, as determined by the Zoning and Planning Director. The Limited Site Plan Review Procedure is intended to ensure that these property improvements are in compliance with all applicable sections of this Ordinance. The Limited Site Plan Review Procedure requires payment of a fee and a formal application.

### **Sec. 3.7.4 Exemptions**

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Applications for placement of Manufactured Housing Units and proposals for Single-Family Dwellings on existing Approved and Recorded Plats shall be expressly exempt from the Site Plan Review procedures of this Section.

### **Sec. 3.7.5 Applications**

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Applications for Site Plan Review shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department. Upon submission of an application for Site Plan Review, no additional applications for Site Plan Review shall be accepted for the Subject Property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refile have expired.

### **Sec. 3.7.6 Review and Action Site Plan Review Committee**

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The Site Plan Review Committee shall review each Site Plan application in light of Sec. 3.7.7, *Approval Criteria*. The Site Plan Review Committee consists of representatives from the Zoning and Planning Department, Public Works Department, and other departmental representatives as deemed necessary by the Zoning and Planning Director, each of whom addresses the issues relevant to their respective department's responsibilities. The Site Plan Review Committee provides a recommendation to the Zoning and Planning Director to approve or disapprove the Site Plan application.

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### **Sec. 3.7.7 Approval Criteria**

A Site Plan Review application may not be approved unless the Zoning and Planning Director finds that the proposed project complies with all applicable provisions of this Ordinance.

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### **Sec. 3.7.8 Appeals**

Appeals shall be processed in accordance with the procedures of Article 3.13, *Appeals of Zoning-Related Administrative Decisions*, of this Chapter. Applications for Appeals of approved site plans shall clearly state the error in any order, requirement, decision, or determination that was made by the administrative official when approving the site plan.

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### **Sec. 3.7.9 Amendments**

The procedure for amending an approved Site Plan Review application shall be the same as required for the original approval.

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### **Sec. 3.7.10 Lapse of Approval**

An approved Site Plan Review shall lapse and be of no further effect one year after the date that the Site Plan Review application was approved by the Zoning and Planning Director, unless a Zoning Permit is issued in accordance with Article 3.8, Zoning Permits, or, if no Zoning Permit is required, unless construction or development has commenced and has not been suspended or abandoned for a period of more than one year.

A one-time one-year extension of Site Plan Review approval may be allowed if construction or development has not commenced but is being diligently pursued. The burden of proof for diligent pursuit of the completion of the project shall be upon the Applicant. The Applicant shall submit documentation demonstrating such pursuit to the Zoning and Planning Director for review and final determination. Applications for extensions of Site Plan Review approvals shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department at least 15 days prior to the expiration of the Site Plan Review approval.

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## **ARTICLE 3.8 ZONING PERMITS**

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### **Sec. 3.8.1 Applicability**

Except as expressly exempted in Sec. 3.8.2, *Exemptions*, of this Chapter, a Zoning Permit shall be required before any of the following activities:

- A. The issuance of a Building Permit under the Charleston County Building Code;
- B. Excavation preparatory to constructing a Structure for which a Building Permit is required;
- C. Improving any Zoning Lot by grading, filling, or surfacing, or by constructing a driveway in conjunction with the construction of a Single-Family Dwelling, or by constructing or enlarging parking areas containing more than six parking spaces. This includes all new impervious surfaces greater than 120 square feet in cumulative total on properties located in the Urban/Suburban Area with the exception of properties located in the S-3 Zoning District;
- D. Change in the use classification of any part of a Structure or Lot, including any increase in the number of Families or Dwelling Units occupying a Building or Lot;



- E. Installation of any Sign (On-Premises or Off-Premises);
- F. Moving of any Dwelling Unit or Manufactured Housing Unit;
- G. Prior to obtaining a business license;
- H. Any earth disturbing activity;
- I. Clearing and Grubbing, including grading, drainage, or the construction of roads or Utilities in a Subdivision;
- J. Prior to issuance of a Zoning Permit, a pre-construction planning conference for Tree preservation, as specified in Article 9.4, *Tree Protection and Preservation*, shall be required and shall include, at a minimum, the Zoning and Planning Director's representative, the Applicant, and any parties deemed appropriate for the purpose of determining if there is a need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction Offices, and Dumpsters; and/or
- K. Redirecting or altering in any way a pre-existing stormwater conveyance feature on-site.

### **Sec. 3.8.2 Exemptions**

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- A. **Agriculture.** A Zoning Permit shall not be required with respect to any parcel of land being used for a Bona Fide Agricultural Use as of April 21, 1999, including: farming, dairying, pasturage, agriculture, horticulture, floriculture, venticulture, animal and poultry husbandry, forestry, and other uses or enterprises customarily carried on in the field of general agriculture, including the necessary Accessory Uses for packing, treating, or storing of produce, in any Zoning District. The operation of any Accessory Use shall be secondary to that of the normal agricultural activity.
- B. **Utility Lines.** A Zoning Permit shall not be required for a service connection with established electric distribution or transmission lines, water lines, Sewer, gas or other pipelines, provided that such facilities shall comply with all other applicable standards of this Ordinance. Installation of new main or distribution Trunk Lines for water, Sewer, or gas shall not be exempt.
- C. **Fences.** A Zoning Permit shall not be required for the installation of any fence that is less than six feet in height and exempt from Charleston County Building Code requirements, as amended, except those made of brick, stone, or concrete. Fence installation must also comply with the vision clearance requirements of Sec. 4.2.3, *Setbacks*, of this Ordinance.
- D. **Accessory Structures.** A Zoning Permit shall not be required for the placement of one, one-story detached Accessory Structure used as a tool or storage shed, playhouse, or similar Accessory Structure, provided the Building footprint does not exceed 120 square feet. In the event that one detached Accessory Structure already exists on the Subject Property, a Zoning Permit is required for any additional detached Accessory Structure. Detached Accessory Structures must also comply with all applicable standards of the Zoning and Land Development Regulations Ordinance.

### **Sec. 3.8.3 Application Filing**

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Applications for Zoning Permits shall be filed with the Zoning and Planning Director on forms available in the Zoning and Planning Department. Zoning Permit applications shall include the following information:

- A. For all new construction or changes in Building footprint, applications shall include a site plan drawn to engineer's scale that shows proper dimensions, dimensions and locations of all existing and all proposed: Structures and accessories; Setbacks; driveways; access(es) to public Rights-of-Way; private Rights-of-Way and/or ingress/egress Easements; public Easements that exist on the property; and current wetlands/OCRM Critical Line delineation, if applicable;
- B. Applications shall include an approved, recorded Plat indicating the County Parcel Identification Number or if an approved, recorded Plat is not available, the application shall include a Charleston County Parcel Boundary Map showing the subject Parcel, surrounding properties, and County Parcel ID Number;



- C. Proposed construction, including Accessory Uses and Structures, if occurring on more than one abutting Lot of record, shall not be placed on property lines and must meet all Setback requirements;
- D. Applications shall include paid receipt(s) from local providers for public water and/or Sewer, or a letter from the Utility company stating the fee(s) have been paid. For new construction, if water and/or Sewer service is not available, a well and/or septic tank permit final approval from SC DHEC shall be required;
- E. Applications shall include an approved Tree survey showing Grand Trees in Building and Structure footprints, or within 40 feet, of any proposed construction, as required by this Ordinance, and the Applicant provides a signed statement indicating no Grand Trees will be affected;
- F. For all Structures requiring a new address (e.g., new Building construction, power poles, irrigation systems, or Accessory Structures with electrical service), written address confirmation must be obtained from the applicable County department. A site plan showing the location of all proposed and all existing: Structure(s); access(es) to public Rights-of-Way; private Rights-of-Way and/or ingress/egress Easements; and public Easements that exist on the property, is required for address confirmation; and
- G. Commercial, Multi-Family, Office, Industrial, and other nonresidential uses require Site Plan Review approval prior to an application for a Zoning Permit.
- H. The requirements listed below apply to all Zoning Permit applications for new construction of Structures, with the exception of Additions/renovations to existing Structures that are legally permitted and new construction of Accessory Structures, located on properties which access from an existing or proposed ingress/egress Easement or private Right-of-Way as shown on an approved, recorded Plat.
  - 1. Prior to issuance of Zoning Permits for land Development activities other than construction of ingress/egress Easements or private Rights-of-Way and installation of required street Signs, all ingress/egress Easements and private Rights-of-Way shall be: constructed in the location shown on the approved, recorded Plat; constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained Right-of-Way to Lot(s) proposed for Development; and inspected pursuant to Sec. A.2.5, *County Inspection*, of this Ordinance.
  - 2. The Zoning and Planning Director may allow use of a portion of an ingress/egress Easement or private Right-of-Way that was constructed prior to July 18, 2017 that cannot comply with the width clearance requirements of the International Fire Code when:
    - a. The Zoning and Planning Director determines that moving the ingress/egress Easement or private Right-of-Way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.;
    - b. The Applicant submits letters from the providers of emergency services for the Subject Properties stating they can access all properties utilizing the ingress/egress Easement or private Right-of-Way; and
    - c. All future portions of the ingress/egress Easement or private Right-of-Way comply with the International Fire Code.
  - 3. The landowner/Developer shall submit construction plans to the Public Works Department demonstrating compliance with the requirements of this Ordinance.
  - 4. If any portion of an ingress/egress Easement or private Right-of-Way was constructed prior to submittal of Zoning Permit applications for Development of any Parcel(s) that use the ingress/egress Easement or private Right-of-Way for access, the landowner/Developer shall submit documentation to the Public Works Department to verify that the previously constructed ingress/egress Easement or private Right-of-Way exists in the location shown on the approved, recorded Plat and shall coordinate with the Public Works Department to have the ingress/egress Easement, private Right-of-Way, and any required Street Signs inspected prior to submittal of applications for Zoning Permits. If any portion of an ingress/egress Easement or private Right-of-Way was not constructed in the location shown on the approved, recorded Plat, a new Plat showing the existing location of the ingress/egress Easement or private Right-of-Way must be submitted to the Zoning and Planning Department for approval and recording pursuant to CHAPTER 8, *Subdivision Regulations*, of this



Ordinance, and the inspection process described above shall apply. Alternatively, the ingress/egress Easement or private Right-of-Way may be constructed in the location shown on the approved, recorded Plat that exists at the time of Development plan submittal. Any portion(s) of the ingress/egress Easement or private Right-of-Way that has not been constructed as required by this Ordinance must comply with the applicable sections of this Ordinance.

5. Upon approval of Roadway and/or drainage construction plans by the Public Works Department, the landowner/Developer may submit a Zoning Permit application for construction of the ingress/egress Easement, private Right-of-Way, and/or drainage, as well as installation of required Street Signs, if applicable, to the Zoning and Planning Department. The landowner/Developer must submit written documentation of the approval of the Roadway construction plans by the Public Works Department as part of the Zoning Permit application submittal.
  6. Upon issuance of a Zoning Permit for construction of the ingress/egress Easement, private Right-of-Way, and/or drainage, as well as for installation of required Street Signs, such work may commence. Upon completion, the landowner/Developer must coordinate with the Public Works Department to have the Roadway and/or drainage construction inspected pursuant to Sec. A.2.5, *County Inspection*, of this Ordinance.
  7. No other Zoning Permits shall be issued for the property until the ingress/egress Easement, private Right-of-Way, and/or drainage, and any required street Signs, have been inspected and approved by the Public Works Department pursuant to Sec. A.2.5, *County Inspection*, of this Ordinance. After the County inspection and approval, the landowner/Developer may submit a Zoning Permit application(s) for subsequent land Development activities to the Zoning and Planning Department. The landowner/Developer must submit written documentation of the approval of the Roadway and/or drainage inspection by the Public Works Department as part of the first Zoning Permit application submittal, following approval of the Roadway construction inspection.
- I. A Building Safety Inspection shall be carried out by the Building Inspection Services Department and the Building deemed safe for the proposed use, before a Zoning Permit is issued for a change in Building use.

### **Sec. 3.8.4 Zoning and Planning Director Review and Action**

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- A. When a complete application, pursuant to this Ordinance, is made for a Zoning Permit for improvements and uses that comply with all requirements of this Ordinance, the Zoning and Planning Director shall issue a Zoning Permit to the Applicant within 15 days of receipt of the application.
- B. When the Zoning and Planning Director receives a Zoning Permit application for improvements or uses that do not comply with all requirements of this Ordinance, the Zoning and Planning Director shall disapprove the Zoning Permit application, and notify the Applicant of the deficiencies within 15 days of receipt of the application.

### **Sec. 3.8.5 Effect of Permit Issuance**

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- A. After a Zoning Permit is issued for construction requiring a Building Permit, the Building Inspection Services Director shall issue a Building Permit when the requirements of the Building Codes have been met.
- B. After a Zoning Permit is issued for a use or construction not requiring a Building Permit, the Applicant may proceed to carry out the improvement described in the approved Zoning Permit application.

### **Sec. 3.8.6 Lapse of Approval**

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- A. A Zoning Permit issued for construction that requires a Building Permit shall lapse and be of no further effect if a Building Permit is not issued within six months of the date of issuance of the Zoning Permit.
- B. A Zoning Permit issued for use or construction that does not require a Building Permit shall lapse and be of no further effect if the authorized Development has not commenced within six months, or if after the Development has commenced, the work is suspended or abandoned for a period of more than one year.





- C. Zoning Permit extensions, for periods of up to six months, shall be approved by the Zoning and Planning Director. No more than three additional six month extensions will be allowed. An application for a Zoning Permit extension shall be submitted to the Zoning and Planning Director prior to the expiration of the Zoning Permit.

### **Sec. 3.8.7 Administrative Permits**

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- A. **Temporary Zoning Permits.** The Zoning and Planning Director may issue a Temporary Zoning Permit not to exceed a one-year period, provided such uses are in compliance with and are authorized by this Ordinance. Permits for permanent installation shall be obtained simultaneously with the Temporary Zoning Permit.
  - 1. Temporary Zoning Permits may be issued for temporary installation of the following if located on the same Zoning Lot as the permanent installation:
    - a. Manufactured Housing Unit installation to be used as a residence while the permanent Dwelling is being built, renovated, or remodeled;
    - b. Temporary office for construction office or security guard quarters;
    - c. Temporary Structure for commercial use while construction of the permanent structure is in progress; and
    - d. Temporary power permits for construction of permitted uses.
  - 2. A Temporary Zoning Permit may be issued by the Zoning and Planning Director to move a Single-Family Detached Dwelling, Modular Home, or Manufactured Housing Unit to a Lot of record, subject to the following:
    - a. The Lot on which the home is placed must be zoned for Residential Use;
    - b. The Lot on which the home is placed must comply with all requirements for the applicable Zoning District;
    - c. An application for a Temporary Zoning Permit shall be completed by the owner of the property on a form established by the Zoning and Planning Director prior to movement of the home;
    - d. The home will not be occupied until a Certificate of Occupancy is issued after a complete Zoning and Building permit application has been approved and is in compliance with all of the requirements of this Ordinance ; and
    - e. The Temporary Zoning Permit is valid for a period not to exceed 30 days from the date the permit is issued.
  - 3. The Temporary Zoning Permit may be renewed by the Zoning and Planning Director if the Applicant provides documentation indicating they have submitted a Complete Application for a Zoning Permit and Building Permit.
  - 4. The use or Structure must be removed within 15 days after the Temporary Zoning Permit expires. Failure to comply is a violation of this Ordinance and is subject to the provisions of CHAPTER 11, *Violations, Penalties and Enforcement*.
  - 5. All regulatory agencies may inspect at any time for safety and non-movement of the temporary placement and require further installation safeguards in compliance with these regulations.
- B. **Renewal of Temporary Zoning Permits**
  - 1. Renewal of Temporary Zoning Permits may be granted for one additional year when construction is being diligently pursued, and it is evident that progress is being made in construction. Extensions beyond the renewal shall be processed as a Special Exception.
  - 2. The temporary use of a Manufactured Housing Unit as an Accessory Dwelling Unit as per CHAPTER 6, *Use Regulations*, of this Ordinance may be renewed annually subject to the criteria listed in Sec. 6.6.1, *Accessory Uses and Structures Allowed*.



3. Administrative review and renewal of a Special Exception for an Accessory Dwelling Unit shall occur every five years and will be contingent upon confirmation by the Zoning and Planning Director that the Structure complies with the Accessory Dwelling Unit provisions of this Ordinance.
- C. **Minor Repair Permits.** If an application for a Zoning Permit is to effect only Minor Repairs, the Zoning and Planning Director shall be authorized to waive the requirement for an approved Plat, site plan, and/or septic tank approval. The work to be performed shall be clearly defined in the Zoning Permit.
- D. **Emergency Permits.**
1. *Individual.* When a use, Structure, or Building has been damaged or destroyed by fire, flood, wind or other act of God, and strict compliance with Zoning Permit requirements will impair the health and safety of the affected individuals or the security of the premises, the Zoning and Planning Director may declare an emergency condition and grant a Temporary Administrative Permit in accordance with the following requirements:
    - a. If the use, Structure, or Building complies with all applicable requirements of this Ordinance, a nonrenewable, Temporary Administrative Permit shall be issued for a period not to exceed one year;
    - b. If the use, Structure or Building is a legal nonconformity, and less than 50 percent of the appraised value has been damaged or destroyed, a nonrenewable, Temporary Administrative Permit shall be issued for a period not to exceed one year; or
    - c. If the use, Structure or Building is a legal nonconformity, and 50 percent or more of the appraised value has been damaged or destroyed, only emergency housing or the use of a Manufactured Housing Units for the conduct of emergency business operations while relocation efforts are in progress shall be allowed. The nonrenewable, Temporary Administrative Permit shall be issued for a period not to exceed six months.
  2. *Community.* Where a major disaster affects the health, safety, or welfare of the general public and compliance with Zoning Permit requirements will delay remedial action, the Zoning and Planning Director shall be authorized, upon approval of the County Administrator, to waive Zoning Permit requirements for a specified period of time.

## ARTICLE 3.9 CERTIFICATES OF OCCUPANCY

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### Sec. 3.9.1 Applicability

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No Structure or Zoning Lot or part thereof for which a Zoning Permit has been issued shall be used or occupied until the Building Inspection Services Director has, after final inspection, issued a Certificate of Occupancy indicating that the use or Structure complies with all applicable requirements of the Zoning Permit and this Ordinance. This Certificate of Occupancy may be combined with or made a part of the Certificate of Occupancy required under the Building Code. The issuance of a Certificate of Occupancy shall not be construed as waiving any provision of this Ordinance or the applicable Zoning Permit.

### Sec. 3.9.2 Utility Connections

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- A. Electric or gas Utility companies or cooperatives shall not provide their respective utility until receipt of an approved Certificate of Occupancy.
- B. Temporary electrical power permits shall require authorization from the Zoning and Planning Director prior to such services being provided by the Utility companies.

## ARTICLE 3.10 ZONING VARIANCES

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### Sec. 3.10.1 Applicability; Limitations

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The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning-related dimensional, design, or performance standard set forth in this Ordinance, provided that the Approval Criteria of Sec. 3.10.6, *Approval Criteria*, are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business, or operation that is not otherwise allowed by the Use Regulations of the Zoning District in which the property is located;
- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in CHAPTER 10, *Nonconformities*, of this Ordinance;
- C. Increasing the Density of a Residential Use above that permitted by the Zoning District in which the property is located;
- D. Varying the Sign regulations of this Ordinance;
- E. Varying or waiving the Subdivision Regulations contained in CHAPTER 8, *Subdivision Regulations*, of this Ordinance; or
- F. Varying from the requirements of Sec. 6.8.3.A, *Use Limitations and Standards*, of this Ordinance.

### **Sec. 3.10.2 Application Filing**

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- A. Applications for Zoning Variances shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. Zoning Variance applications shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
- C. No Application for a Zoning Variance shall be accepted as complete unless it includes the required fee and the following information:
  - 1. Completed Zoning Variance Application signed by the current Property Owner(s);
  - 2. Applicant's letter of intent explaining the requested Zoning Variance and how it meets all of requirements of Sec. 3.10.6, *Approval Criteria*;
  - 3. Site plan drawn to engineer's scale showing the property dimensions, dimensions and locations of existing and proposed Structures and improvements, driveways, parking areas, Grand Trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or Plat), holding basins, and buffers when applicable. At least one copy drawn to an engineer's scale and 18 reduced (8 1/2" x 11" or 11" x 17") legible copies shall be submitted;
  - 4. A copy of a legible Approved and Recorded Plat showing the current boundaries of the property;
  - 5. Copy of the current recorded deed of the property.
  - 6. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law;
  - 7. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law; and
  - 8. Any other information that the Zoning and Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Art. 3.10, *Zoning Variances*.
- D. All proposed Zoning Variances, except Single-Family Dwellings, shall satisfy the Site Plan Review process. Applicants shall attend at least one Site Plan Review meeting (not including a pre-application meeting). Variance applications shall only be reviewed after the Site Plan Review application is in an approvable state, as determined by the Zoning and Planning Director.
- E. Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance. If an Applicant requests a Variance for removal of more than one Protected/Grand Tree, each additional Protected/Grand Tree shall require an additional fee.



### **Sec. 3.10.3 Public Hearing Notice**

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Newspaper, Neighbor, Parties in Interest, and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

### **Sec. 3.10.4 Zoning and Planning Director Review and Report**

---

The Zoning and Planning Director shall review each proposed Zoning Variance in light of the requirements of Sec. 3.10.6, *Approval Criteria*, and if deemed necessary, distribute the application to other agencies and reviewers. The Zoning and Planning Director shall provide a report on the proposed Zoning Variance to the Board of Zoning Appeals.

### **Sec. 3.10.5 Board of Zoning Appeals Hearing and Decision**

---

- A. The Board of Zoning Appeals shall hold at least one public hearing on the proposed Zoning Variance. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions, or disapprove the proposed Zoning Variance based on Sec. 3.10.6, *Approval Criteria*. The Board of Zoning Appeals may defer action for up to 90 calendar days.
- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A majority of the members present and voting are required to approve a Zoning Variance.

### **Sec. 3.10.6 Approval Criteria**

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- A. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance, when strict application of the provisions of this Ordinance would result in unnecessary hardship.
- B. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:
  - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - 2. These conditions do not generally apply to other property in the vicinity;
  - 3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
  - 4. The authorization of a Variance will not be of substantial detriment to adjacent property, or to the public good, and the character of the Zoning District will not be harmed by the granting of the Variance;
  - 5. The Board of Zoning Appeals shall not grant a Variance the effect of which would be to allow the establishment of a use not otherwise permitted in a Zoning District, to extend physically a Nonconforming Use of land, or to change the Zoning District boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance;
  - 6. The need for the Variance is not the result of the Applicant's own actions; and
  - 7. Granting of the Variance does not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.
- C. In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed Building or Structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

### **Sec. 3.10.7 Final Decisions and Orders**

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Final decisions and orders of the Board must be in writing and be filed in the Office of the Zoning and Planning Director as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to Parties in Interest by certified mail. As a courtesy notice, the orders of the Board may be sent via U.S. mail to neighborhood notice lists.

### **Sec. 3.10.8 Notice Of Decision**

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The written final decision shall be mailed to all Parties in Interest by certified mail and published once in a newspaper of general circulation in the County.

### **Sec. 3.10.9 Appeals**

---

Any Person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the county may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

### **Sec. 3.10.10 Lapse of Approval**

---

An approved Zoning Variance shall lapse and be of no further effect 12 months after the date that the Zoning Variance was approved by the Board of Zoning Appeals unless a Complete Application of a Zoning Permit utilizing the approved Variance is submitted in accordance with Art. 3.8, *Zoning Permits*, of this Ordinance.

A one-time one-year extension of a Zoning Variance approval may be granted by the Zoning and Planning Director if the Applicant/Property Owner can demonstrate that a Complete Application for a Zoning Permit is being diligently pursued. Applications for extensions of Zoning Variance approvals shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department at least 15 days prior to the expiration of the Zoning Variance approval.

## **ARTICLE 3.11 WRITTEN INTERPRETATIONS**

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### **Sec. 3.11.1 Application Filing**

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Applications for Written Interpretations of this Ordinance shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.

### **Sec. 3.11.2 Zoning and Planning Director Review and Decision**

---

Within 30 days of receipt of a Complete Application for a Written Interpretation, the Zoning and Planning Director shall:

- A. Review and evaluate the application in light of this Ordinance, the *Comprehensive Plan*, and any other relevant documents;
- B. Consult with other staff as necessary; and
- C. Render a Written Interpretation.

### **Sec. 3.11.3 Form**

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The Written Interpretation shall be provided to the Applicant in writing and shall be filed in the official record of Written Interpretations.

### **Sec. 3.11.4 Official Record of Interpretations**

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An official record of Written Interpretations shall be kept on file in the Zoning and Planning Department. The record of Written Interpretations shall be available for public inspection in the Zoning and Planning Department during normal business hours.

### **Sec. 3.11.5 Appeals**

---

Appeals of the Zoning and Planning Director's Written Interpretation shall be taken to the Board of Zoning Appeals in accordance with procedures of Article 3.13, *Appeals of Zoning-Related Administrative Decisions*, of this Ordinance. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of Written Interpretations.

## **ARTICLE 3.12 PUBLIC PROJECT REVIEW**

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### **Sec. 3.12.1 Applicability**

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Public Project Review shall apply to all Public Projects except those expressly exempt under S. C. Code Sec. 6-29-540.

### **Sec. 3.12.2 Application Filing**

---

- A. Applications for Public Project Review shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. No application for a Public Project Review shall be accepted as complete unless it includes the required fee and the following information:
  - 1. Completed Public Project Review application signed by the current Property Owner(s);
  - 2. A copy of a legible Approved and Recorded Plat showing current property boundaries;
  - 3. A copy of the current, recorded deed;
  - 4. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law, as applicable;
  - 5. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law; and
  - 6. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- C. Applications for Public Project Reviews shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.

### **Sec. 3.12.3 Public Hearing Notice**

---

Newspaper and Parties in Interest notice of the Planning Commission meeting shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

### **Sec. 3.12.4 Zoning and Planning Director Review and Report**

---

The Zoning and Planning Director shall review each proposed Public Project in light of the *Comprehensive Plan*. Based on the results of that review, the Zoning and Planning Director shall provide a report on the proposed Public Project to the Planning Commission.

### **Sec. 3.12.5 Planning Commission Review and Decision**

---

- A. The Planning Commission shall review the Public Project to determine whether it is consistent with the *Comprehensive Plan*. This determination shall include written findings. The Planning Commission may



hold one or more public hearings in accordance with the requirements of Sec. 3.1.6, *Notices*, prior to completing their review.

- B. If the Planning Commission finds the proposal conflicts with the *Comprehensive Plan*, it shall forward its written findings and an explanation of its reasoning to the public entity proposing the project.
- C. If the public entity proposes to proceed with its Public Project in conflict with the *Comprehensive Plan*, then the entity must publicly state its intention to proceed and its reasons for proceeding. The public entity must provide Written Notice of its intention to proceed and its reasons to the Planning Commission, as well as public notice in a publication of general circulation at least 30 calendar days in advance of award of a contract or beginning construction of the proposed Public Project.

## **ARTICLE 3.13 APPEALS OF ZONING-RELATED ADMINISTRATIVE DECISIONS**

---

### **Sec. 3.13.1 Authority**

---

The Board of Zoning Appeals shall be authorized to hear and decide appeals only on zoning-related matters where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration of any of the zoning-related regulations of this Ordinance. The Board of Zoning Appeals shall have no authority to hear or decide appeals from Administrative Decisions made pursuant to CHAPTER 8, *Subdivision Regulations*, or from enforcement-related decisions and actions made pursuant to CHAPTER 11, *Violations, Penalties, and Enforcement*, of this Ordinance.

### **Sec. 3.13.2 Right to Appeal**

---

Appeals of Administrative Decisions on zoning-related matters may be filed by any officer, board, or bureau of the County, or by any Person with a substantial interest in a decision of an administrative official.

### **Sec. 3.13.3 Application Filing; Timing**

---

Applications for Appeals of Administrative Decisions on zoning-related matters shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department. Appeals of Administrative Decisions shall be filed within 30 calendar days from the date of the Administrative Decision.

### **Sec. 3.13.4 Effect of Filing**

---

Upon filing a Complete Application for an appeal of an Administrative Decision on a zoning-related matter, any permits, decisions, or determinations that are the subject of the appeal shall be temporarily suspended. Any work or performance of any activity that has been undertaken pursuant to an appealed permit, decision or determination, shall be subject to CHAPTER 11, *Violations, Penalties, and Enforcement*, of this Ordinance.

After a Complete Application for an appeal has been filed, an appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings may not be stayed other than by a restraining order which may be granted by a court of record, with notice to the officer from whom the appeal is taken, and with due cause shown.

### **Sec. 3.13.5 Record of Administrative Decision**

---

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

### **Sec. 3.13.6 Public Hearing Notice**

---



Newspaper and Parties in Interest Notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter. Neighbor and Posted Notice of the Board of Zoning Appeals Public Hearing shall be provided in accordance with the requirements of Section 3.1.6, *Notices*, if applicable.

### **Sec. 3.13.7 Board of Zoning Appeals Review and Action**

---

- A. The Board of Zoning Appeals shall hold at least one public hearing on the appeal, and within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section.
- B. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Board of Zoning Appeals in execution of the duties specified in this Chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The Board of Zoning Appeals may defer action for a period of time not to exceed 90 days from the date of deferral.
- D. A quorum of the Board of Zoning Appeals shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Board of Zoning Appeals. At least two-thirds of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

### **Sec. 3.13.8 Approval Criteria; Findings Of Fact**

---

An appeal shall be sustained only if the Board of Zoning Appeals finds that the administrative official erred. The decision of the Board of Zoning Appeals shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by certified mail, published once in a newspaper of general circulation in the county, and permanently filed in the Zoning and Planning Department.

### **Sec. 3.13.9 Appeals**

---

Any Person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the County may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

## **ARTICLE 3.14 APPEALS OF SUBDIVISION-RELATED ADMINISTRATIVE DECISIONS**

---

### **Sec. 3.14.1 Authority**

---

The Planning Commission shall be authorized to hear and decide appeals only on subdivision-related matters (including determinations of Subdivision application incompleteness) where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of any requirement of CHAPTER 8, *Subdivision Regulations*, of this Ordinance.

### **Sec. 3.14.2 Right to Appeal**

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Appeals of Administrative Decisions on subdivision-related matters may be filed by any officer, board, or bureau of the County, or by any Person with a substantial interest in a decision of an administrative official.

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### **Sec. 3.14.3 Application Filing: Timing**

---

Applications for Appeals of Administrative Decisions on subdivision-related matters shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department. Appeals of Administrative Decisions on Subdivision matters shall be filed within 30 calendar days of the date of Written Notice of the decision being appealed.

---

### **Sec. 3.14.4 Effect of Filing**

---

Upon filing a Complete Application for an appeal of an Administrative Decision on a subdivision-related matter, any permits, decisions, or determinations that are the subject of the appeal shall be temporarily suspended. Any work or performance of any activity that has been undertaken pursuant to an appealed permit, decision or determination, shall be subject to Chapter 11, *Violations, Penalties, and Enforcement*, of this Ordinance.

After a Complete Application for an appeal has been filed, an appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Planning Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings may not be stayed other than by a restraining order which may be granted by a court of record, with notice to the officer from whom the appeal is taken, and with due cause shown.

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### **Sec. 3.14.5 Record of Administrative Decision**

---

The official whose decision is being appealed shall transmit to the Planning Commission all papers constituting the record upon which the action appealed is taken.

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### **Sec. 3.14.6, Public Hearing Notice**

---

Newspaper Notice of the Planning Commission's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

---

### **Sec. 3.14.7 Planning Commission Review and Action**

---

- A. The Planning Commission shall hold at least one public hearing on the appeal and, within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section. When the appeal relates to a determination of application incompleteness, the Planning Commission shall hear and take action on the appeal within 15 calendar days of the date of the appeal.
- B. In exercising the appeal power, the Planning Commission shall have all the powers of the official from whom the appeal is taken, and the Planning Commission may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken.
- D. A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning Commission.
- E. At least two-thirds of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

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### **Sec. 3.14.8 Approval Criteria: Findings of Fact**

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An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. The decision of the Planning Commission shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by certified mail and permanently filed in the Zoning and Planning Department.

### **Sec. 3.14.9 Appeals**

---

Any Person with a substantial interest in a decision of the Planning Commission or any officer, board, or bureau of the County may appeal a final decision of the Planning Commission to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Planning Commission is mailed.

## **ARTICLE 3.15 ADDRESSING AND STREET NAMES**

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### **Sec. 3.15.1 Authority**

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The Zoning and Planning Director shall be authorized to assign and change physical addresses as provided for in Chapter 4; Art. VII of the Charleston County Code of Ordinances, as amended, and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended.

The Planning Commission shall be authorized to approve the name of a new Street or road within the jurisdiction of Charleston County, as provided for in the Code of Laws of South Carolina Sec. 6-29-1200 and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended. The Planning Commission may delegate this authority to the Zoning and Planning Director.

### **Sec. 3.15.2 Application Filing**

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Applications for Street name changes shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.

### **Sec. 3.15.3 Street Names**

---

- A. **Reservations of Street Names.** All Street names shall comply with Chapter 4; Art. VII of the Charleston County Code of Ordinances, as amended, and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended. Street names proposed by the Applicant shall be approved by the Charleston County Consolidated 9-1-1 Center.
- B. **Requests for Street Name Changes.** The Planning Commission shall be authorized to approve requests for Street name changes within the jurisdiction of Charleston County, including, but not limited to, the naming of existing unnamed Easements, Rights-of-Way, and other access types where there is no Street name or the current Street name poses a threat to the efficient provision of emergency services. Requests for Street name changes shall be in accordance with the Code of Laws of South Carolina Sec. 6-29-1200 and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended, and Chapter 4; Art. VII of the Charleston County Code of Ordinances, as amended.

## **ARTICLE 3.16 DEVELOPMENT AGREEMENTS**

---

Development Agreements are hereby authorized for land Development in Charleston County, subject to and in accordance with the South Carolina Local Government Development Agreement Act in Sec. 6-31-10 et seq., Code of South Carolina (1976), as amended. Requests for Development Agreements shall be processed pursuant to Sec. 6-31-10 et seq., Code of Laws of South Carolina (1976), as amended.

## **ARTICLE 3.17 DEVELOPMENTS OF COUNTY SIGNIFICANCE**

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### **Sec. 3.17.1 Purpose and Intent**

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The *Comprehensive Plan* contains four Major Implementation Initiatives for the County to implement some of the strategies recommended in the *Comprehensive Plan*. The purpose and intent of this Article is to implement one such initiative, Developments of County Significance, in order to ensure that planning in the Rural Area, as defined in the Charleston County *Comprehensive Plan*, is compatible with the surrounding rural and agricultural character and is coordinated with the provision of public facilities and transportation initiatives as well as with adjacent jurisdictions. This Article establishes the procedures for submission requirements and review of requests for Developments of County Significance, as defined in the Charleston County *Comprehensive Plan* and the *Zoning and Land Development Regulations Ordinance*, and includes the application, process, and criteria as outlined in the Charleston County *Comprehensive Plan*.

### **Sec. 3.17.2 Applicability**

---

This Article applies to Developments of County Significance, which are defined as proposed Developments that: (1) Have a gross acreage equal to or exceeding 1,000 acres; (2) Are located in the Rural Area of the County; and (3) May be considered consistent with the recommendations of the *Comprehensive Plan* if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the *Comprehensive Plan* and *Zoning and Land Development Regulations Ordinance*. Upon approval, the Development of County Significance will be considered consistent with the *Comprehensive Plan*.

### **Sec. 3.17.3 Application and Process**

---

- A. Development of County Significance Applications (“Application”) may be submitted on forms available in the Zoning and Planning Department once the Zoning and Planning Director has determined that the Application complies with the requirements of this Ordinance and all other applicable regulations.
- B. Developments of County Significance Applications shall require:
  - 1. A *Comprehensive Plan* Amendment application(s) that complies with the requirements of Article 3.2, *Comprehensive Plan Amendments*, of this Ordinance, and a narrative description of how the application at the time of submission may not be in full compliance with the *Comprehensive Plan*, however upon approval, the application will be consistent with the *Comprehensive Plan*. *Comprehensive Plan* Amendment applications and narrative descriptions of consistency shall include documentation addressing each element of the *Comprehensive Plan*. *Comprehensive Plan* Amendment application(s) shall be submitted when a rezoning application is included as part of the Developments of County Significance application;
  - 2. A Development Agreement application submitted to Charleston County;
  - 3. Zoning Map Amendment [Rezoning] applications, including but not limited to applications for Planned Development Zoning Districts and Form-Based Zoning Districts, which comply with the applicable sections of this Ordinance, may be submitted in conjunction with a Development of County Significance Application, where applicable; and
  - 4. Payment of all required application fees for Development Agreements, Zoning Map Amendments [Rezoning], and *Comprehensive Plan* Amendments and submission of 35 copies and one digital version.
  - 5. All information required by this Article.
- C. *Comprehensive Plan* Amendment applications, Development Agreement applications, and any Zoning Map Amendment [Rezoning] applications, including but not limited to applications for Planned Development Zoning Districts and Form-Based Zoning Districts, submitted in conjunction with a Developments of County Significance Application shall be considered concurrently and shall comply with the applicable processes contained in County Ordinances.

### **Sec. 3.17.4 Criteria and Required Information**

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At the time of submittal, the Application shall include the information addressing the *Comprehensive Plan* criteria for Developments of County Significance in the Zoning Map Amendment [Rezoning] application and the Development Agreement application as set forth in Sec. 3.17.4.A.(1-9). The approval of a Zoning Map Amendment [Rezoning] application and a Development Agreement application pursuant to the provisions of this Article 3.17, *Criteria and Required Information*, shall conclusively establish compliance by the applications so approved with the Developments of County Significance criteria of the *Comprehensive Plan* and this Ordinance, and no subsequent Development of the property shall be subject to any provision of the *Comprehensive Plan* or this Ordinance regarding Developments of County Significance during the term of the approved Development Agreement.

- A. The Zoning Map Amendment [Rezoning] application for any Zoning District other than a Form-Based Zoning District shall include the information required in the following Sec. 3.17.4(1-9):
  1. Documentation demonstrating that 75 percent of the acreage included in the Application shall be in the form of Common Open Space, as defined in this *Ordinance*, that complies with the requirements of Sec. 4.25.7, *Common Open Space*;
  2. An analysis of how the proposed form and character of Development is compatible with the intent of the Rural Area guidelines;
  3. An analysis of how proposed residential land use patterns are coordinated with employment and service opportunities in the area of the proposed Development and adjacent areas of the County or other jurisdictions;
  4. A historic and archeological resource study including documentation demonstrating the preservation, mitigation, and/or management of resources pursuant to the findings of the study;
  5. A traffic impact study;
  6. Documentation that the proposed Development includes an interconnected and complete transportation network;
  7. An analysis of public transit alternatives;
  8. Documentation that the proposed Development provides feasible transportation alternatives; and
  9. Emergency evacuation plans.
- B. The Zoning Map Amendment [Rezoning] application to Form-Based Zoning District shall include Sec. 3.17.4.B(1-3).
  1. Documentation demonstrating that 75 percent of the acreage included in the Application shall be either private land permanently restricted by deed restriction or conservation Easement to unclustered rural densities, or other areas proposed for private and/or public ownership (e.g., parks, lakes, greenways, parkways, buffer zones, agricultural and silvicultural areas, recreational areas, Preserved historic and/or cultural areas, Preserved areas of biological significance), or areas to be purchased by the County's Green Belt Bank or other Open Space preservation organizations. The number of unclustered rural Dwelling Units allowed in the 75 percent acreage is determined by multiplying the base zoning Density at the time of the application times the number of acres in the 75 percent acreage. The 75 percent acreage is not required to be contiguous and will be developed in accordance with the Form-Based Zoning District regulations submitted with this application for unclustered growth. Areas of clustered growth will be developed in accordance with the Form-Based Zoning District regulations submitted with this application and can be surrounded by the 75 percent acreage;
  2. An analysis of how the proposed form and character of Development is compatible with the intent of the Rural Area guidelines;
  3. An analysis of how proposed residential land use patterns are coordinated with employment and service opportunities in the area of the proposed Development and adjacent areas of the County or other jurisdictions;



Information required in Sec. 3.17.4.B(4-9) shall be addressed in the procedures and regulations submitted as part of the Form-Based Zoning District regulations submitted as part of this application for approval, as entitled in the Development Agreement, of the land development applications within the specific Form-Based Zoning District. Such procedures and regulations approved as part of the Form-Based Zoning District Rezoning shall be applicable to all development within such Form-Based Zoning District, and compliance with such procedures and regulations shall constitute compliance with the Developments of County Significance requirements.

4. A historic and archaeological resource study including documentation demonstrating the preservation, mitigation, and/or management of resources pursuant to the findings of the study;
  5. A traffic impact study;
  6. Documentation that the proposed Development includes an interconnected and complete transportation network;
  7. An analysis of public transit alternatives;
  8. Documentation that the proposed Development provides feasible transportation alternatives; and
  9. Emergency evacuation plans.
- C. The Development Agreement application shall include the information required in the following Sec. 3.17.4.C(1-6); provided, however that at its sole discretion, County Council may forward the information submitted pursuant to this Sec. 3.17.4.C to Planning Commission for informational purposes only.
1. Inclusion of a variety of housing ownership types and affordability;
  2. Documentation demonstrating strategy for preservation, mitigation, and/or management of significant cultural, historic, and archaeological sites, resources, and landscapes;
  3. Information regarding the location, Density, and intensity of proposed land uses for the first five years of the proposed project and projections for each subsequent five year time period until buildout;
  4. Economic Development information such as an economic analysis (e.g., estimates of average annual ad valorem tax yields and economic development analysis) of the impact of the proposed Development on the local economy and employment market;
  5. A fiscal impact analysis of the infrastructure needs; and
  6. A list of needed and/or required public improvements including, but not limited to, transportation improvements, educational facilities, public Safety Services, and government facilities.
- D. The Planning Commission may require additional information on the items submitted pursuant to Sec. 3.17.4.A.(1-2) as reasonably necessary to determine whether the application complies with the requirements of County Ordinances.

### **Sec. 3.17.5 Notice of Decision And Mapping of Approved Developments of County Significance**

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Following final action by the County Council, the Zoning and Planning Director shall be responsible for providing the Applicant with Written Notice of the County Council final decision(s) and for revising *Comprehensive Plan* text and/or maps and the Official Zoning Map, where applicable. Upon approval, the Development of County Significance will be considered consistent with the *Comprehensive Plan*.



## CHAPTER 4 | BASE ZONING DISTRICTS

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**ARTICLE 4.19 NC, NEIGHBORHOOD COMMERCIAL DISTRICT**

**ARTICLE 4.20 RC, RURAL COMMERCIAL DISTRICT**

**ARTICLE 4.21 CC, COMMUNITY COMMERCIAL DISTRICT**

**ARTICLE 4.22 RI, RURAL INDUSTRIAL DISTRICT**

**ARTICLE 4.23 IN, INDUSTRIAL DISTRICT**

**ARTICLE 4.24 WATERFRONT DEVELOPMENT STANDARDS**

**ARTICLE 4.25 PD, PLANNED DEVELOPMENT ZONING DISTRICT**

### ARTICLE 4.1 GENERAL

#### Sec. 4.1.1 Establishment of Zoning Districts

The following base Zoning Districts are hereby established:

Table 4.1.1, Establishment of Zoning Districts		
District Name		Comprehensive Plan Land Use Designation
NR	Natural Resource Management	Conservation Management
OS	Parks, Recreation, and Open Space	Parks, Recreation, and Open Space
RM	Resource Management	Resource Management
AG-15	Agricultural Preservation	Wadmalaw Agricultural Preservation



**Table 4.1.1, Establishment of Zoning Districts**

Table 4.1.1, Establishment of Zoning Districts		
District Name		Comprehensive Plan Land Use Designation
AG-10	Agricultural Preservation	Agricultural Preservation
AG-8	Rural Agricultural	Rural Agriculture
AGR	Agricultural Residential	Agricultural Residential
RR	Rural Residential	Rural Residential
S-3	Special Management	Urban/Suburban Cultural Community Protection
R-4	Low Density Residential	Urban/Suburban Mixed Use
UR	Urban Residential	Urban/Suburban Mixed Use
MHS	Low-Density Manufactured Housing Subdivision	Urban/Suburban Mixed Use
MHP	Manufactured Housing Park	Urban/Suburban Mixed Use
RO	Residential Office	Urban/Suburban Mixed Use and Office
CI	Civic / Institutional	Civic / Institutional
GO	General Office	Urban/Suburban Mixed Use and Office
NC	Neighborhood Commercial	Urban/Suburban Mixed Use and Commercial
RC	Rural Commercial	Rural Commercial
CC	Community Commercial	Commercial
RI	Rural Industrial	Rural Industrial and Rural Economic Development Area
IN	Industrial	Industrial
PD	Planned Development	Planned Development

**Sec. 4.1.2 Zoning District References**

- A. References in this Ordinance to "nonresidential", "office," "residential", and "agricultural" Zoning Districts shall be construed as follows:
1. Nonresidential.
    - a. CI, Civic / Institutional;
    - b. NC, Neighborhood Commercial;
    - c. RC, Rural Commercial;
    - d. CC, Community Commercial;
    - e. RI, Rural Industrial; and
    - f. IN, Industrial.
  2. Office.
    - a. GO, General Office; and
    - b. RO, Residential Office.
  3. Residential.
    - a. RR, Rural Residential;
    - b. S-3, Special Management;
    - c. R-4, Low Density Residential;
    - d. MHS, Mobile Home Subdivision;
    - e. MHP, Manufactured Housing Park; and
    - f. UR, Urban Residential.
  4. Agricultural.
    - a. NR, Natural Resource Management;
    - b. OS, Parks, Recreation and Open Space;
    - c. RM, Resource Management;



- d. AG-15, Wadmalaw Agricultural Preservation;
- e. AG-10, Agricultural Preservation;
- f. AG-8, Rural Agricultural; and
- g. AGR, Agricultural Residential.

### **Sec. 4.1.3 Zoning District Hierarchy**

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Under the hierarchy established by this Ordinance, the NR, Natural Resource Management District is the most restrictive Zoning District, while the IN, Industrial District is the least restrictive Zoning District. Table 4.1.1, *Establishment of Zoning Districts*, presents the districts in order, from most to least restrictive. The Planned Development, Overlay and Special Purpose Zoning Districts are not included in the Zoning District hierarchy (see Chapter 5, *Overlay and Special Purpose Zoning Districts*).

### **Sec. 4.1.4 Existing and Proposed Parcels Containing Split Zoning Districts**

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#### **A. Existing Lots of Record with Split Zoning Districts.**

1. Uses and Development standards for existing Lots of record with split Zoning Districts shall be limited to the most restrictive Zoning District within the Parcel per Article 1.9, *Conflicting Provisions*, and Article 4.1.3, *Zoning District Hierarchy*.
2. No new Parcels with split Zoning Districts shall be created. A property boundary line may be created to eliminate the existing split Zoning Districts, provided the proposed parcels meet the minimum Lot Area requirements for the Zoning District each parcel is to be located.

- B. This Section does not apply to Mixed Use Developments such as parcels zoned UR, PD, or the Overlay and Special Purpose Zoning Districts.

**[Commentary—Planning Staff recommends that Property Owner(s) with existing split Zoning Districts apply for a Zoning Map Amendment (Rezoning) in order to eliminate split Zoning Districts if the Comprehensive Plan supports the proposed future land use or file a Comprehensive Plan Amendment.]**

## **ARTICLE 4.2 MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS**

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### **Sec. 4.2.1 Density**

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Density refers to the number of Principal Dwelling Units per unit of land area. Density is calculated by dividing the number of Principal Dwelling Units on a site by the gross area (in acres) of Highland of the site on which the Dwelling Units are located. Freshwater Wetlands and OCRM Critical Line Area shall not be used to calculate Density. The number of Principal Dwelling Units allowed on a site is based on the presumption that all other applicable standards of this Ordinance shall be met. The maximum Density established for a District is not a guarantee that such densities may be obtained, nor shall the inability of a Development to achieve the stated maximum Density be considered sufficient justification for varying or otherwise adjusting other Density, Intensity or Dimensional Standards of this Ordinance.

In the Rural Area, as defined in the Charleston County Comprehensive Plan, Density is calculated from the acreage of the parent tract as it existed on or prior to April 21, 1999.

### **Sec. 4.2.2 Lot Area**

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- A. **Measurement.** Lot Area refers to the horizontal land area within Lot Lines including Freshwater Wetlands, unless otherwise stated.
- B. **Exceptions.** No Zoning Permit, Building Permit or Development approval may be issued for a Lot that does not meet the minimum Lot Area requirements of this Ordinance except in the following cases:
1. Nonconforming Lots may be used in accordance with the provisions contained in CHAPTER 10, *Nonconformities*, of this Ordinance.





2. Utilities using land or an unoccupied Building covering less than 1,000 square feet of site area shall be exempt from minimum Lot Area standards.
- C. **Absence of Sewer or Water.** In the absence of public water or public sewer, no Zoning Permit or Building Permit shall be issued until the Lot meets all applicable requirements of this Ordinance and the South Carolina Department of Health and Environmental Control (DHEC).

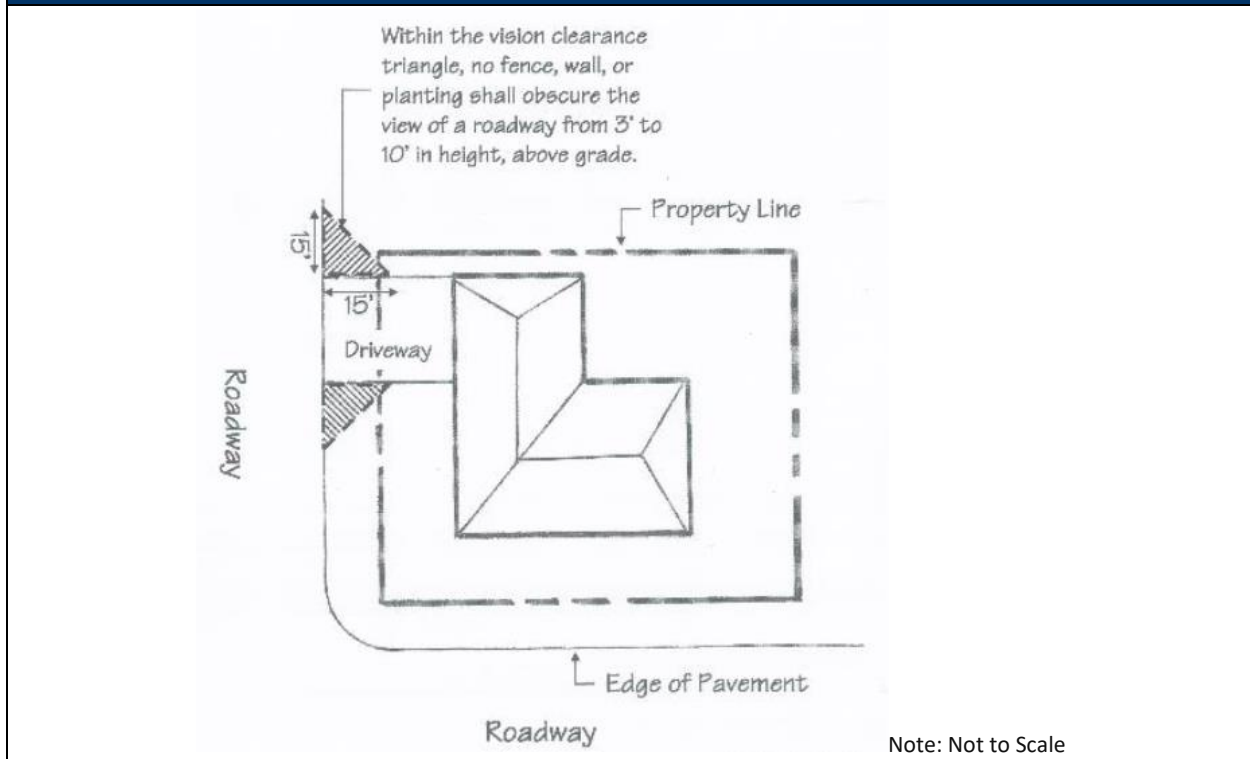
### **Sec. 4.2.3 Setbacks**

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Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a Structure and the property line of the Lot on which the structure is located, except as modified by the standards of this Section. The terms "unobstructed" and "unoccupied open area" in this section shall refer to anything that is constructed or erected within the setback that is determined to have a permanent location on the ground.

- A. **Exceptions to Setbacks.** Every part of a required Setback must be open and unobstructed from the ground to the sky except as set out in this Section.
1. Trees, shrubbery, or other landscape features may be located within any required Setback; however, they shall be selected for site specific conditions. Plant material to be located adjacent to public Drainage Easements and Right-of-Ways shall be selected and placed not to impede future access. Additionally, vegetation planted within Utility Easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Zoning and Planning Director may require modifications (substitutions and relocation) of plant material on proposed landscape plans when necessary to assure access and ease of maintenance to any Easements and Right-of-Ways and to preserve the public health, safety, and welfare.
  2. In all Zoning Districts, fences, hedges and walls may be located within any required setback, provided that no fence, wall or hedge shall obstruct the view of vehicular access to any Roadway between three and 10 feet in height above grade. For the safety of pedestrian and vehicular traffic, in residential Zoning Districts, an unobstructed vision clearance triangle shall be maintained along intersections of residential driveways with adjacent Roadways. The vision clearance triangle shall be formed by the connection of a perpendicular line measuring 15 feet from the point of intersection at the edge of the travelway into the driveway and a 15 foot parallel line away from the point of intersection along the Roadway (see Figure 4.1, Residential vision clearance triangle). Residential driveways along Roadways with a classification of collector or higher may be subject to a greater distance of measurement.
  3. In all Zoning Districts, elements that are not designed or intended to have a permanent location on the ground as determined by the Zoning and Planning Director including, but not limited to, vehicles, boats, RV's, lawn and garden furniture and equipment, and similar items.

**Figure 4.2.3 – Residential Vision Clearance Triangle**



4. Driveways may be located in front and Street Side Setbacks.
  5. Sidewalks may be located within any required Setback.
  6. Utility lines, wires and associated structures, such as power poles, may be located within any required Setback.
  7. Uncovered porches, uncovered steps to Building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required Front, Rear or Street Side Setback.
  8. Openwork fire balconies and fire escapes may extend up to five feet into any required Side Setback.
  9. Sills, belt courses, cornices, buttresses, eaves, and other architectural features may extend up to two feet into any required Setback.
  10. Chimneys and flues may extend up to two feet into any required Setback.
  11. Satellite dish antennas may be placed in required Rear Setbacks.
  12. Mechanical equipment, including Heating Ventilation and Air Conditioning (HVAC) equipment, may be extended up to five feet into required Side or Rear Setbacks in all Zoning Districts.
  13. A Variance may not be required when a Structure encroaches less than 12 inches into any required Setback as shown on an as-built survey or site plan drawn to an engineer's scale. Such administrative Setback reductions shall be determined by the Zoning and Planning Director on a case by case basis.
- B. **Contextual Setbacks.** Notwithstanding the Front Setback requirements of the applicable Zoning District, the front Building line of any Structure or Addition to a Structure may be as close to the Street as the front Building line of a Structure located on any Lot that is immediately adjacent to the subject Lot. If the subject Lot is located between two developed Lots, the front Building line of the Structure that is set back further from the Street shall apply to the subject Lot.
- C. **Setback Reductions.** Where the Front, interior Side and Rear Setbacks of the applicable Zoning District reduces the buildable width of a Lot to less than 20 feet, the Zoning and Planning Director shall be authorized to reduce the required Setbacks as much as necessary, up to a 15-foot setback.
- D. **Front Setbacks on Narrow Rights-of-Way.** Where a Lot abuts a Right-of-Way with a width of less than 50 feet, the required Front Setback shall be measured from the centerline of the Right-of-Way, provided all Building Code and fire/safety requirements are met.



- E. **Front Setbacks on Narrow Ingress/Egress Easements.** Where a Lot abuts an ingress/egress Easement with a width of less than 50 feet, and is used as a primary access point to the Lot as indicated on an approved Plat recorded prior to April 21, 1999, the required Front Setback shall be measured from the centerline of the Easement, provided all Building Code and fire/safety requirements are met. There shall be a minimum 25 foot Setback between the edge of the Easement to the front of any Structure.
- F. **Setbacks on Corner and Double-Frontage Lots.** On Corner and Double-Frontage Lots, Front Setback standards will apply to each Lot Line that borders a street. The remaining Lot Lines will be subject to Side Setback standards. There is no Rear Lot Line.
- G. **Reduction for Public Purpose.** When an existing Setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining Setback is at least 50 percent of the required minimum Setback for the district in which it is located, then that remaining Setback will be deemed to satisfy the minimum Setback standards of this Ordinance.
- H. **One Time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999.** A one time subdivision creating one Lot from a Nonconforming Lot of record (Lot existing prior to April 21, 1999) shall be allowed if each Lot resulting from the Subdivision meets the minimum Lot Area of the Zoning District. An Ingress/Egress Easement may be utilized to access a proposed Lot (singular) to the rear of the property. The setback from the edge of the Easement will be the Side Setback required for the Zoning District. The Side Setback from the edge of the Easement will only be utilized to create one proposed Lot from the provision of a One Time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999
- I. **Setbacks for Waterfront Lots.** Setbacks for Waterfront Lots shall be in accordance with the standards contained in Article 4.24, *Waterfront Development Standards*, of this Ordinance.

#### **Sec. 4.2.4 Building Height and Structure Height**

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- A. **Fences or Walls.**
  - 1. In the case of Fences or Walls, height shall be measured from ground level on the higher side of the Fence or Wall.
  - 2. Fences and Walls shall not limit or obstruct the flow of water in natural drainage courses or Drainage Easements. Fences built within an Easement may be removed for Utility purposes with all costs for removal and restoration borne by the Property Owner. Fences across or through overland drainage areas shall not inhibit the flow of overland surface water.
- B. **Exceptions to Height Limits.** Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:
  - 1. Farm Buildings in any Agricultural Zoning District (see Sec. 4.1.3, *Zoning District Hierarchy*);
  - 2. Electrical power transmission lines;
  - 3. Roof-mounted Solar Collectors;
  - 4. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas, or chimney flues; or
  - 5. Bulkhead, elevator, water tank, or any other similar Structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

#### **Sec. 4.2.5 Building Coverage**

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Building Coverage is the proportion, expressed as a percentage of a Lot covered by Buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than fire escapes, canopies and the first two feet of a roof overhang. Swimming Pools (excluding the pool decking) shall be included in Building Coverage.

#### **Sec. 4.2.6 One-Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999**

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A one-time subdivision creating one Lot from a Nonconforming Lot of record (Lot existing prior to April 21, 1999) shall be allowed, if each Lot resulting from the Subdivision meets the minimum Lot Area requirement of the applicable RM, AG-15, AG-10, AG-8, AGR, RR, S-3, R-4, or MHS Zoning District. An ingress/egress Easement may be utilized to access a proposed Lot (singular) to the rear of the property. The Setback from the edge of the Easement will be the required Side Setback required for the Zoning District. The Side Setback from the edge of the Easement will only be utilized to create one proposed Lot from the provision of a One Time Subdivision of a Non-Conforming Lot of Record Existing Prior to April 21, 1999.

## **ARTICLE 4.3 NR, NATURAL RESOURCE MANAGEMENT DISTRICT**

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### **Sec. 4.3.1 Purpose and Intent**

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The NR, Natural Resource Management Zoning District implements the Conservation Management policies of the *Comprehensive Plan*.

### **Sec. 4.3.2 Use Regulations**

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Uses are allowed in the NR Zoning District in accordance with the Use Regulations of CHAPTER 6.

### **Sec. 4.3.3 Development Standards**

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Unless otherwise expressly allowed in this Article, all development within the NR district shall require review and approval of a Planned Development, in accordance with procedures contained within this Ordinance. Development standards shall be established as a part of the Planned Development approval procedures, taking into account all applicable Comprehensive Plan policies, FEMA designations, erosion patterns, wildlife and plant habitat, soils, wetlands and other natural resource constraints.

### **Sec. 4.3.4 Exceptions**

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- A. **RM District Standards.** For islands within the NR Zoning District, the Zoning and Planning Director shall be expressly authorized to issue permits for Development that complies with the RM Zoning District standards, provided that only one principal Dwelling Unit shall be allowed per Lot.
- B. **Dewees Island.** For property located on Dewees Island, the Zoning and Planning Director shall be expressly authorized to issue permits for development that complies with Dewees Island Architectural and Environmental Design Guidelines (dated October 25, 1996) and other applicable standards of this Ordinance.
  1. Short-Term Rental use of the Huyler House shall be allowed as described below. The requirements of Art. 6.8, Short-Term Rentals, of this Ordinance shall not apply; however, the use shall comply with all other applicable sections of this Ordinance and other County Ordinances.
  2. For the purposes of this Section, Short-Term Rental use shall mean rentals for intervals of 29 days or less regardless of: (1) the occupancy status of the property; and (2) whether rental fees are charged or other forms of compensation are offered or required.
    - a. The Huyler House shall only be rented to Dewees Island property owners and their guests and guests of the Dewees Island Property Owners Association (POA);
    - b. Rental of the Huyler House shall only be advertised through the POA intranet site and shall not be marketed or advertised through any other means including, but not limited to, online advertisements or advertisements through rental agencies, realtors, brokers, or other third party entities;
    - c. There is no cap on the number of days the Huyler House can be rented per calendar year;
    - d. A STRP Zoning Permit shall be required to establish the Short-Term Rental use of the property. Administrative review shall be required to establish the use and the following requirements apply:



- i. The Building Inspection Services Department may require a building safety inspection and/or Building Permit;
  - ii. A minimum of four parking spaces are required. The location of the required parking shall be indicated and parking agreements necessary to facilitate off-site parking shall be submitted with the STRP Zoning Permit application; and
  - iii. Each room where tenants may lodge shall contain a notice providing the following information:
    - a. Contact information for the owner of the property;
    - b. Zoning Permit Number and Business License Number for the Short-Term Rental use of the property for the current year;
    - c. Trash collection location and schedule; and
    - d. Fire and emergency evacuation routes.
  - e. Once the STRP Zoning Permit is issued, a Business License must be obtained;
  - f. The STRP Zoning Permit must be renewed by December 31st of each year or the existing STRP Zoning Permit will expire. The STRP Zoning Permit will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director. The STRP Zoning Permit annual renewal application must include:
    - i. The STRP Zoning Permit renewal application fee; and
    - ii. A notarized affidavit signed by the property owner stating that the STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the requirements of this Section.
  - g. A new STRP Zoning Permit application must be filed if the aforementioned requirements are not met.
  - h. Notwithstanding the provisions of Chapter 11 of this Ordinance, the STRP Zoning Permit may be administratively revoked by the Zoning and Planning Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. Provided however, the STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no Business License for the property, the STRP is being advertised or marketed on the POA intranet site in a manner not consistent with this Section, the advertisement of the STRP does not include the County issued Zoning Permit Number and Business License Number, the STRP is being advertised on a platform other than the POA intranet site, or the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use.
  - i. If the STRP Zoning Permit is administratively revoked, the STRP owner (or authorized agent) may appeal the Zoning and Planning Department Director's administrative decision revoking the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of Chapter 3, Article 3.13, of this Ordinance.

Once the STRP Zoning Permit and/or Business License has been revoked, no new STRP Zoning Permit and/or Business License shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new STRP Zoning Permit application must be submitted in accordance with this Section.
- C. **Goat Island.** For property located on Goat Island, the Zoning and Planning Director shall be expressly authorized to issue permits for development that complies with the R-4 Zoning District standards, provided that only one Principal Dwelling Unit shall be allowed per Lot and the following requirements shall apply:
1. The dimensional standards listed in Table 4.3.4, *Dimensional Standards*, below shall be met:



Table 4.3.4 Dimensional Standards		
Minimum Lot Area	Minimum Front/Street Side Setback	Minimum Interior Side Setback
18,000 sq. ft.	10 Feet	15 Feet

2. One Accessory Dwelling Unit shall be allowed per Zoning Lot;
3. The combined heated square footage of the principal Dwelling Unit and the Accessory Dwelling Unit shall not exceed 3,300 square feet; and
4. The combined square footage dedicated to unheated areas (decks, porches, steps) of the principal Dwelling Unit and the Accessory Dwelling Unit shall not exceed 2,000 square feet.

## ARTICLE 4.4 OS, PARKS, RECREATION, AND OPEN SPACE DISTRICT

### Sec. 4.4.1 Purpose and Intent

The OS, Parks, Recreation, and Open Space Zoning District implements the Parks, Recreation and Open Space policies of the Comprehensive Plan.

### Sec. 4.4.2 Use Regulations

Uses are allowed in the OS district in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.4.3 Density, Intensity and Dimensional Standards

All Development in the OS Zoning District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.4.3, OS Density, Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	1 Principal Dwelling Unit per 25 acres	
MINIMUM LOT AREA	1 acre	
MINIMUM LOT WIDTH	135 feet	200 feet
MINIMUM LOT WIDTH AVERAGE	N/A	250 feet
MINIMUM SETBACKS		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of the lot	
MAXIMUM HEIGHT	35 feet	

### Sec. 4.4.4 Other Regulations

Development in the OS Zoning District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.



## ARTICLE 4.5 RM, RESOURCE MANAGEMENT DISTRICT

### Sec. 4.5.1 Purpose and Intent

The RM, Resource Management Zoning District implements the Resource Management policies of the *Comprehensive Plan*.

### Sec. 4.5.2 Use Regulations

Uses are allowed in the RM District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.5.3 Density/Intensity and Dimensional Standards

All Development in the RM District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.5.3, RM Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY [1]	1 Principal Dwelling Unit per 25 acres	
MINIMUM LOT AREA	1 acre	
MINIMUM LOT WIDTH	135 feet	200 feet
MINIMUM LOT WIDTH AVERAGE	N/A	250 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet	
[1] On tracts of 100 or more acres, where lots ranging from one to three acres are created, a bonus of one Principal Dwelling Unit shall be allowed on the residual area of the parent tract.		

### Sec. 4.5.4 Other Regulations

Development in the RM District shall comply with all other applicable regulations of this ordinance, including the Development standards of CHAPTER 9, *Development Standards*.

## ARTICLE 4.6 AG-15, AGRICULTURAL PRESERVATION DISTRICT

### Sec. 4.6.1 Purpose and Intent

The AG-15, Agricultural Preservation Zoning District implements the Wadmalaw Agricultural Preservation policies of the *Comprehensive Plan*.

### Sec. 4.6.2 Use Regulations

Uses are allowed in the AG-15 District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.



### Sec. 4.6.3 Density/Intensity and Dimensional Standards

- A. **Density/Intensity and Dimensional Standards Table.** All Development in the AG-15 District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.6.3, AG-15 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM DENSITY</b>	1 Principal Dwelling Unit per 15 acres	
<b>MINIMUM LOT AREA</b>	3 acres	
<b>MINIMUM LOT WIDTH</b>	135 feet	200 feet
<b>MINIMUM LOT WIDTH AVERAGE</b>	N/A	250 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	50 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of Lot	
<b>MAXIMUM HEIGHT</b>	35 feet	

- B. **Development Along Critical Line.** The area of a Parcel in the AG-15 District within 1,000 feet of the OCRM Critical Line has a Maximum Density of one Principal Dwelling Unit per three acres with a minimum Lot Area of three acres. The remaining Acreage of the Parcel (more than 1,000 feet from the OCRM Critical Line) maintains a Density of one Principal Dwelling Unit per 15 acres.

### Sec. 4.6.4 Other Regulations

Development in the AG-15 District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

## ARTICLE 4.7 AG-10, AGRICULTURAL PRESERVATION DISTRICT

### Sec. 4.7.1 Purpose and Intent

The AG-10, Agricultural Preservation Zoning District implements the Agricultural Preservation policies of the *Comprehensive Plan*.

### Sec. 4.7.2 Use Regulations

Uses are allowed in the AG-10 District in accordance with the Use Regulations of Chapter 6, *Use Regulations*.

### Sec. 4.7.3 Density/Intensity and Dimensional Standards

All Development in the AG-10 District shall be subject to the following Density/Intensity and Dimensional Standards:





Table 4.7.3, AG-10 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	1 Principal Dwelling Unit per 10 acres	
MINIMUM LOT AREA	1 acre	
MINIMUM LOT WIDTH	135 feet	175 feet
MINIMUM LOT WIDTH AVERAGE	N/A	200 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet	

**Sec. 4.7.4 Other Regulations**

Development in the AG-10 District shall comply with all other applicable regulations of this Ordinance, including the development standards of CHAPTER 9, *Development Standards*.

**ARTICLE 4.8 AG-8, RURAL AGRICULTURAL DISTRICT**

**Sec. 4.8.1 Purpose and Intent**

The AG-8, Rural Agricultural Zoning District implements the Agricultural Preservation and Rural Agriculture policies of the *Comprehensive Plan*.

**Sec. 4.8.2 Use Regulations**

Uses are allowed in the AG-8 District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.8.3 Density/Intensity and Dimensional Standards**

All Development in the AG-8 District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.8.3, AG-8 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	1 Principal Dwelling Unit per 8 acres	
MINIMUM LOT AREA	1 acre	
MINIMUM LOT WIDTH	135 feet	175 feet
MINIMUM LOT WIDTH AVERAGE	N/A	200 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	



**Table 4.8.3, AG-8 Density/Intensity and Dimensional Standards**

	Non-Waterfront Development Standards	Waterfront Development Standards
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet	

Note: Refer to Article 8.14, *Conservation Subdivisions*, for alternative Development standards, where applicable.

**Sec. 4.8.4 Other Regulations**

Development in the AG-8 District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

**ARTICLE 4.9 AGR, AGRICULTURAL /RESIDENTIAL DISTRICT**

**Sec. 4.9.1 Purpose and intent**

The AGR, Agricultural Residential Zoning District implements the Agricultural Residential policies of the *Comprehensive Plan*. The district is intended for application in all Settlement Areas.

**Sec. 4.9.2 Use Regulations**

Uses are allowed in the AGR District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.9.3 Density/Intensity and Dimensional Standards**

All Development in the AGR District shall be subject to the following Density/Intensity and Dimensional Standards:

**Table 4.9.3, AGR Density/Intensity and Dimensional Standards**

	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	1 Principal Dwelling Unit per Acre	
MINIMUM LOT AREA	30,000 square feet	1 acre
MINIMUM LOT WIDTH	100 feet	125 feet
MINIMUM LOT WIDTH AVERAGE	N/A	150 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet	



### Sec. 4.9.4 Other Regulations

Development in the AGR District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

### Sec. 4.9.5 Settlement Areas

Settlement Areas include small older Crossroads communities, Family lands, typical suburban-style Subdivisions, Frontage Lots along local roads, waterfront Developments, and vacant land that has been subdivided for residential Use but not yet built upon. The criteria for additional Parcels to qualify for inclusion into a "Settlement Area" are as follows:

- A. Parcel size of 30 acres or less (including highland areas and Freshwater Wetlands) on Parcels existing prior to April 21, 1999; and
- B. Parcel must be located in an AG-8, AG-10, or RM Zoning Districts or adjacent to lands currently zoned AGR; and
- C. Parcel must be either within 1,000 feet of an existing AGR Zoning District or show the same obvious spatial characteristics of other existing AGR Zoning Districts in the agricultural area; and
- D. Parcels are not located on Wadmalaw Island or Edisto Island.

## ARTICLE 4.10 RR, RURAL RESIDENTIAL DISTRICT

### Sec. 4.10.1 Purpose and Intent

The RR, Rural Residential Zoning District implements the Rural Residential policies of the *Comprehensive Plan*.

### Sec. 4.10.2 Use Regulations

Uses are allowed in the RR District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.10.3 Density/Intensity and Dimensional Standards

All Development in the RR District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.10.3, RR Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM DENSITY</b>	1 Principal Dwelling Unit per 3 Acres	
<b>MINIMUM LOT AREA</b>	30,000 sq. ft.	1 acre
<b>MINIMUM LOT WIDTH</b>	100 feet	125 feet
<b>MINIMUM LOT WIDTH AVERAGE</b>	N/A	135 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	50 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of Lot	
<b>MAXIMUM HEIGHT</b>	35 feet	



Table 4.10.3, RR Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
Note: Refer to Article 8.14, <i>Conservation Subdivisions</i> , for alternative Development standards, where applicable.		

### Sec. 4.10.4 Other Regulations

Development in the RR District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

## ARTICLE 4.11 S-3, SPECIAL MANAGEMENT DISTRICT

### Sec. 4.11.1 Purpose and Intent

The S-3, Special Management Residential Zoning District implements the Urban/Suburban Cultural Community Protection policies of the *Comprehensive Plan*.

### Sec. 4.11.2 Use Regulations

Uses are allowed in the S-3 District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.11.3 Density/Intensity and Dimensional Standards

All Development in the S-3 District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.11.3, S-3 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM DENSITY</b>	3 Principal Dwelling Units per acre	
<b>MINIMUM LOT AREA</b>	14,500 square feet if no water or sewer is available 12,500 square feet if water or sewer is available	0.5 acre
<b>MINIMUM LOT WIDTH</b>	70 feet with public water and public sewer 80 feet without public water and/or public sewer	100 feet
<b>MINIMUM LOT WIDTH AVERAGE</b>	N/A	125 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	25 feet	
Interior Side	15 feet	
Rear	25 feet	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	35 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	15 feet
<b>MAXIMUM BUILDING COVER</b>	30% of Lot	
<b>MAXIMUM HEIGHT</b>	35 feet	

### Sec. 4.11.4 Other Regulations



Development in the S-3 District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

## ARTICLE 4.12 R-4, LOW DENSITY RESIDENTIAL DISTRICT

### Sec. 4.12.1 Purpose and intent

The R-4, Low Density Residential Zoning District implements the Urban/Suburban Mixed Use policies of the *Comprehensive Plan*.

### Sec. 4.12.2 Use Regulations

Uses are allowed in the R-4 Zoning District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.12.3 Density/Intensity and Dimensional Standards

All development in the R-4 District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.12.3, R-4 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM DENSITY</b>	4 Principal Dwelling Units per acre	
<b>MINIMUM LOT AREA</b>	5,000 square feet with public water and sewer 10,000 square feet with public water or sewer 14,500 without public water and sewer	12,000 square feet
<b>MINIMUM LOT WIDTH</b>	50 feet	90 feet
<b>MINIMUM LOT WIDTH AVERAGE</b>	N/A	100 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	20 feet	
Interior Side	5 feet	
Rear	10 feet	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	35 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	15 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot	
<b>MAXIMUM HEIGHT</b>	35 feet	

### Sec. 4.12.4 Other Regulations

Development in the R-4 District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

## ARTICLE 4.13 MHS, LOW-DENSITY MANUFACTURED HOUSING SUBDIVISION DISTRICT

### Sec. 4.13.1 Purpose and Intent

The MHS, Low-Density Manufactured Home Subdivision district implements the Urban/Suburban Mixed Use policies and the housing policies of the *Comprehensive Plan*.



**Sec. 4.13.2 Use Regulations**

Uses are allowed in the MHS district in accordance with the Use Regulations of Chapter 6, *Use Regulations*.

**Sec. 4.13.3 Density/Intensity and Dimensional Standards**

Table 4.13.3, MHS Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	6 Principal Dwelling Units per acre	
MINIMUM LOT AREA	5,000 square feet	12,000 square feet
MINIMUM LOT WIDTH	50 feet	90 feet
MINIMUM LOT WIDTH AVERAGE	N/A	100 feet
<b>MINIMUM SETBACKS</b>		
FRONT/STREET SIDE	25 feet	
INTERIOR SIDE	5 feet	
REAR	15 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet	

**Sec. 4.13.4 Other Regulations**

Development in the MHS District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*. For properties abutting an OCRM Critical Line, all applicable Waterfront Development Standards of the R-4 Zoning District shall apply, with the following exception:

- A. Where a current lot of record (existing prior to April 21, 1999) zoned MHS has resulted from the combination of two previously platted and recorded Lots, the current Lot of Record may be subdivided into the configuration of the originally platted Lots as shown on the corresponding approved, recorded Plat of record. The Subdivision resulting in the original configuration of the previously recorded Lots may occur even if the originally platted Lots do not meet the minimum Lot Width requirement of this Section and/or the minimum Lot Area, minimum Lot Width and minimum Lot Width average requirements of Article 4.22, *Waterfront Development Standards*, provided that the Subdivision meets all other requirements of this Ordinance.

**ARTICLE 4.14 UR, URBAN RESIDENTIAL DISTRICT**

**Sec. 4.14.1 Purpose and intent**

The UR, Urban Residential Zoning District implements the Urban/Suburban Mixed Use policies of the *Comprehensive Plan*.

**Sec. 4.14.2 Use Regulations**

Uses are allowed in the UR District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.14.3 Density/Intensity and Dimensional Standards**



All Development in the UR District shall be subject to the following Density/Intensity and Dimensional Standards and shall provide proof to the Zoning and Planning Director that the property will be served by public water and sewer:

Tabl4.14.3, UR Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM DENSITY</b>	16 Principal Dwelling Units per acre	
<b>MINIMUM LOT WIDTH</b>	12 feet	
<b>MINIMUM SETBACKS</b>		
Front/Street Side	15 feet	
Interior Side	0/5 feet [1]	
Rear	10 feet	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	35 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	15 feet
<b>MAXIMUM BUILDING COVER</b>	50% of Lot	
<b>MAXIMUM HEIGHT</b>	4 stories/50 feet, whichever is less	
[1] Zero Lot Line homes may be built with no Setback on one side of the property, but must have at least 10 feet of separation between Buildings.		

#### Sec. 4.14.4 Other Regulations

Development in the UR District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

### ARTICLE 4.15 RO, RESIDENTIAL OFFICE DISTRICT

#### Sec. 4.15.1 Purpose and Intent

The RO, Residential Office Zoning District implements the Urban/Suburban Mixed Use and Office policies of the *Comprehensive Plan*.

#### Sec. 4.15.2 Use Regulations

Uses are allowed in the RO District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

#### Sec. 4.15.3 Density/Intensity and Dimensional Standards

All Development in the RO District shall be subject to the following Density/Intensity and Dimensional Standards:

Tabl4.15.3, RO Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MINIMUM LOT AREA</b>	6,000 square feet	
<b>MINIMUM LOT WIDTH</b>	50 feet	
<b>MINIMUM SETBACKS</b>		
Front/Street Side	20 feet	
Interior Side	5 feet	
Rear	5 feet	



**Tabl4.15.3, RO Density/Intensity and Dimensional Standards**

	Non-Waterfront Development Standards	Waterfront Development Standards
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	35% of lot	
MAXIMUM HEIGHT	35 feet	

#### **Sec. 4.15.4 Other Regulations**

Development in the RO District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

#### **Sec. 4.15.5 Supplemental District Standards**

In addition to all other applicable provisions of this Ordinance, Structures within the RO District shall be subject to the following standards:

- A. **Architectural Character.** Structures in the RO District shall be compatible with the established architectural character of the neighborhood in which they are located by using a design that is complementary in terms of:
  1. Consistency of roof lines, roof material,s and roof colors;
  2. Use of similar proportions in Building mass and outdoor spaces;
  3. Similar relationships to the Street;
  4. Similar window and door patterns; and
  5. Similar streetscapes including landscaping, light fixtures, and other site amenities.
- B. **Building Orientation.** Primary Facades and entries shall face the adjacent Street.
- C. **Building Materials.** Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form architectural detailing, and color and texture shall be utilized to ensure that enough similarity exists for the Building to be compatible despite the differences in materials.
- D. **Building Colors.** Color shades shall be used to facilitate blending into the neighborhood and unifying the Development with its surroundings. The color shades of Building materials shall draw from the range of color shades found in structures in the immediate area.

#### **Sec. 4.15.6 Residential Uses**

Single-Family Detached Dwellings in the RO District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance. .

### **ARTICLE 4.16 MHP, MANUFACTURED HOUSING PARK DISTRICT**

#### **Sec. 4.16.1 Purpose and intent**

The MHP, Manufactured Housing Park Zoning District implements the Urban/Suburban Mixed Use policies of the *Comprehensive Plan*. It is primarily intended to accommodate manufactured housing park developments.

#### **Sec. 4.16.2 Use Regulations**





Uses are allowed in the MHP District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.16.3 Density/Intensity and Dimensional Standards

All Development in the MHP District shall be subject to the following Density/ Intensity and Dimensional Standards:

Table 4.16.3, MHP Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	10 Principal Dwelling Units per acre	
MINIMUM PARK AREA	1 acre	
MINIMUM SETBACKS		
Front/Street Side	25 feet	
Interior Side	5 feet	
Rear	10 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM BUILDING COVER	35% of Lot	
MAXIMUM HEIGHT	35 feet	

### Sec. 4.16.4 Other Regulations

Development in the MHP District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

### Sec. 4.16.5 Supplemental District Standards

In addition to all other applicable provisions of this ordinance, Manufactured Housing Parks within the MHP District shall be subject to the following standards.

- A. **Area per Manufactured Housing Unit Space.** The Manufactured Housing Unit space shall be no less than 4,000 square feet and shall require provision of the Required Parking space for the Manufactured Housing Unit.
- B. **Separation of Service Buildings.**
  1. Every Accessory Structure in a manufactured housing park shall be at least 25 feet from the boundary of any other property in any Residential or Office Zoning District.
  2. There shall be a separation of at least 10 feet between each Manufactured Housing Unit and Manufactured Housing Units and other Buildings.
- C. **Access Road.** Each Manufactured Housing Unit space shall abut an access road that is constructed under the Charleston County Road Construction Standards and is not less than 20 feet wide.
- D. **Drainage Plan.** A drainage plan shall be approved by the Public Works Department prior to the processing of a Manufactured Housing Park Development.
- E. **Temporary, Accessory Manufactured Housing Park.** A temporary, accessory Manufactured Housing Park shall be established only in connection with a construction project and shall be discontinued within 60 days after such project is completed. Written approval from the South Carolina Department of Health and Environmental Control (DHEC) shall be obtained prior to the issuance of a Zoning Permit.

## ARTICLE 4.17 CI, CIVIC / INSTITUTIONAL DISTRICT



**Sec. 4.17.1 Purpose and Intent**

The CI, Civic/Institutional Zoning District implements the Civic/Institutional policies of the *Comprehensive Plan*.

**Sec. 4.17.2 Use Regulations**

Uses are allowed in the CI District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.17.3 Density/Intensity and Dimensional Standards**

All Development in the CI District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.17.3 , CI Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MINIMUM LOT AREA	6,000 square feet	
MINIMUM LOT WIDTH	50 feet	
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet/2.5 stories, whichever is less	

**Sec. 4.17.4 Other Regulations**

Development in the CI District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

**ARTICLE 4.18 GO, GENERAL OFFICE DISTRICT**

**Sec. 4.18.1 Purpose and intent**

The GO, General Office Zoning District implements the Urban/Suburban Mixed Use and Office policies of the *Comprehensive Plan*.

**Sec. 4.18.2 Use Regulations**

Uses are allowed in the GO District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.18.3 Density/Intensity and Dimensional Standards**

All Development in the GO District shall be subject to the following Density/Intensity and Dimensional Standards:



Tab4.18.3, GO Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MINIMUM LOT AREA	2,000 square feet	
MINIMUM LOT WIDTH	50 feet	
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, Development Standards of this Ordinance.	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	40% of Lot	
MAXIMUM HEIGHT	35 feet/2.5 stories, whichever is less	

**Sec. 4.18.4 Other Regulations**

Development in the GO District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

**Sec. 4.18.5 Residential Uses**

Single-Family Detached Dwellings in the GO District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance.

**ARTICLE 4.19 NC, NEIGHBORHOOD COMMERCIAL DISTRICT**

**Sec. 4.19.1 Purpose and intent**

The NC, Neighborhood Commercial Zoning District implements the Urban/Suburban Mixed Use and Commercial policies of the *Comprehensive Plan*.

**Sec. 4.19.2 Use Regulations**

Uses are allowed in the NC District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.19.3 Density/Intensity and Dimensional Standards**

All Development in the NC district shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.19.3, NC Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MINIMUM LOT AREA	4,000 square feet	
MINIMUM LOT WIDTH	15 feet	
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	25% of Lot	



**Table 4.19.3, NC Density/Intensity and Dimensional Standards**

	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM HEIGHT</b>	35 feet/2.5 stories, whichever is less	

**Sec. 4.19.4 Other Regulations**

Development in the NC District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

**Sec. 4.19.5 Residential Uses**

Single-Family Detached Dwellings in the NC District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance.

**ARTICLE 4.20 RC, RURAL COMMERCIAL DISTRICT**

**Sec. 4.20.1 Purpose and intent**

The RC, Rural Commercial Zoning District implements the Rural Commercial policies of the *Comprehensive Plan*.

**Sec. 4.20.2 Use Regulations**

Uses are allowed in the RC District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.20.3 Density/Intensity and Dimensional Standards**

All Development in the RC District shall be subject to the following Density/Intensity and Dimensional Standards:

**Table 4.20.320, RC Density/Intensity and Dimensional Standards**

	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MINIMUM LOT AREA</b>	40,000 square feet	
<b>MINIMUM LOT WIDTH</b>	125 feet	
<b>MINIMUM SETBACKS</b>	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	50 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	35 feet
<b>MAXIMUM BUILDING COVER</b>	40% of Lot	
<b>MAXIMUM HEIGHT</b>	35 feet	

**Sec. 4.20.4 Other Regulations**

Development in the RC District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

**Sec. 4.20.5 Residential Uses**



Single-Family Detached Dwellings in the RC District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance.

## ARTICLE 4.21 CC, COMMUNITY COMMERCIAL DISTRICT

### Sec. 4.21.1 Purpose and intent

The CC, Community Commercial Zoning District implements the Commercial policies of the *Comprehensive Plan*.

### Sec. 4.21.2 Use Regulations

Uses are allowed in the CC District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

### Sec. 4.21.3 Density/Intensity and Dimensional Standards

All Development in the CC District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.21.3, CC Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MINIMUM LOT AREA	4,000 square feet	
MINIMUM LOT WIDTH	15 feet	
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	35% of Lot	
MAXIMUM HEIGHT	55 feet/3.5 stories, whichever is less, in the Urban/Suburban Area, as defined by the Charleston County <i>Comprehensive Plan</i> . 35 feet in the Rural Area, as defined by the Charleston County <i>Comprehensive Plan</i> .	

### Sec. 4.21.4 Other Regulations

Development in the CC District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

### Sec. 4.21.5 Residential Uses

Single-Family Detached Dwellings in the CC District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance .

## ARTICLE 4.22 RI, RURAL INDUSTRIAL DISTRICT

### Sec. 4.22.1 Purpose and Intent



The RI, Rural Industrial Zoning District, implements the Rural Industrial and Rural Economic Development Area policies of the *Comprehensive Plan*.

**Sec. 4.22.2 Use Regulations**

Uses are allowed in the RI District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.22.3 Density/Intensity and Dimensional Standards**

All Development in the RI District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.22.3 RI Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MINIMUM LOT AREA	40,000 square feet	
MINIMUM LOT WIDTH	125 feet	
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet
MAXIMUM BUILDING COVER	30% of Lot	
MAXIMUM HEIGHT	35 feet	

**Sec. 4.22.4 Other Regulations**

Development in the RI District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

**Sec. 4.22.5 Residential Uses**

Single-Family Detached Dwellings in the RI District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance.

**ARTICLE 4.23 IN, INDUSTRIAL DISTRICT**

**Sec. 4.23.1 Purpose and Intent**

The IN, Industrial Zoning District implements the Industrial policies of the *Comprehensive Plan*.

**Sec. 4.23.2 Use Regulations**

Uses are allowed in the IN District in accordance with the Use Regulations of CHAPTER 6, *Use Regulations*.

**Sec. 4.23.3 Density/Intensity and Dimensional Standards**

All Development in the IN District shall be subject to the following Density/Intensity and Dimensional Standards:



**Tab4.23.3, IN Density/Intensity and Dimensional Standards**

	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MINIMUM LOT AREA</b>	15,000 square feet	
<b>MINIMUM LOT WIDTH</b>	70 feet	
<b>MINIMUM SETBACKS</b>	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	50 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	35 feet
<b>MAXIMUM BUILDING COVER</b>	No Maximum	
<b>MAXIMUM HEIGHT</b>	55 feet/3.5 stories, whichever is less, in the Urban/Suburban Area as defined in the Charleston County <i>Comprehensive Plan</i> . 35 feet in the Rural Area, as defined by the Charleston County <i>Comprehensive Plan</i> .	

**Sec. 4.23.4 Other Regulations**

Development in the IN District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.

**Sec. 4.23.5 Residential Uses**

Single-Family Detached Dwellings in the IN District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance.

**ARTICLE 4.24 WATERFRONT DEVELOPMENT STANDARDS**

**Sec. 4.24.1 Minimum Lot Width (ft)**

The minimum Lot Width (ft) is measured and maintained from the Front Lot Line through the entire parcel to the OCRM Critical Line. All Lots within a Subdivision must meet the minimum Lot Width average. (Exception: Flag Lots and Lots served by Cul-de-Sacs). Lots fronting on cul-de-sacs shall meet the minimum Lot Width at the required minimum Front Setback. Flag Lots are designed with a “flag pole” area with a minimum width of 20’. The flag pole area is not required to meet the minimum Lot Width nor does this area count towards the minimum Lot size or area. Flag lots must meet the minimum Lot Width at the end of the flag pole area/base of Lot. All Lots within a Subdivision must meet the required minimum Lot Width average for the applicable Zoning District.

Reductions from minimum Lot Width average requirements for Parcels which contain or abut an OCRM Critical Line may be permitted if the Zoning and Planning Director determines that one of the following criteria has been met:

- A. No more than three waterfront Lots are being created from the original Parcel and that a reduction of no more than 10 percent of Lot Width average is required for any resulting Lot; or
- B. Where two Lots of record (Lots existing prior to April 21, 1999) have been combined, the resulting Lot may be subdivided into the original configuration shown on the previously approved, recorded plat of record, even if the original Lots do not meet the minimum Lot Width requirement of this Section, provided that the Subdivision meets all other requirements of this Ordinance.



#### **Sec. 4.24.2 Minimum Lot Standards for Accessory Dwelling Units on Parcels Which Contain or Abut an OCRM Critical Line**

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In order to establish an Accessory Dwelling Unit on a parcel that contains or abuts an OCRM Critical Line the following standards shall apply:

- A. When an Accessory Dwelling Unit is to be located in front of the Principal Dwelling Unit (between the street and the front of Principal Dwelling Unit) the minimum Lot Area shall be 50% larger than the minimum Lot Area requirement for waterfront Lots of the base Zoning District.
- B. When the Accessory Dwelling Unit is to be located to the side or rear of the Principal Dwelling Unit (between the OCRM critical line and the Principal Dwelling Unit) the minimum Lot Width shall be two times the minimum Lot Width required for waterfront Lots in the applicable base Zoning District.
- C. The Accessory Dwelling Unit shall meet the minimum Setbacks of the Zoning District where it will be located, and:
  1. The distance between the Accessory Dwelling Unit and the Principal Dwelling Unit shall not be less than the sum of the minimum setbacks as required for the Zoning District.
- D. The Zoning Lot and Accessory Dwelling Unit shall comply with all other requirements of this Ordinance, including but not limited to the requirements of Sec. 6.5.9, *Accessory Dwelling Units*.

#### **Sec. 4.24.3 Minimum Lot Standards for Dwelling Groups on Parcels Which Contain or Abut an OCRM Critical Line**

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The number of Dwelling Units shall not exceed the maximum number permitted by the Density/Intensity and Dimensional Standards of the base Zoning District. In addition, the Dwelling Groups shall comply with the requirements of Article 4.24, *Waterfront Development Standards*, of this Ordinance, and shall comply with the minimum Lot Area and Lot Width requirements of waterfront Lots in the applicable Zoning District.

#### **Sec. 4.24.4 Reduction of OCRM Critical Line Setbacks and Buffers**

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- A. The Zoning and Planning Director shall be authorized to reduce OCRM Critical Line Setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable Development of the Parcel when it is determined by the Director that the Setback reduction will not have a significant adverse impact on public health or safety.
- B. The Zoning and Planning Director shall be authorized to modify the OCRM Critical Line Setbacks and buffers when DHEC-OCRM has granted approval to modify or alter OCRM jurisdictional wetlands within public or private Rights-of-Way.

#### **Sec. 4.24.5 Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999**

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When the application of buffer/Setback requirements contained within this Ordinance render a parcel that existed prior to April 21, 1999, unbuildable, the Zoning and Planning Director shall be authorized to reduce front, side, and rear yard buffers/Setbacks as necessary to make a Parcel buildable. The Zoning and Planning Director cannot reduce any front and/or rear yard buffer in an amount which would result in the placement of a Structure closer to either the front or rear property line than any Structure on an adjacent property. Any further reduction in any required buffer shall be made by appeal to the Board of Zoning Appeals.

#### **Sec. 4.24.6 Measurement**

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Required OCRM Critical Line buffers and setbacks shall be measured from the OCRM Critical Line, whether the Critical Line or wetland/waterway is located on, adjacent to, or near the subject Parcel.

#### **Sec. 4.24.7 Prohibited Activities**

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The following activities are specifically prohibited in a buffer area:





- A. Removal, excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping;
- B. Grassed lawns requiring regular maintenance such as herbicides, pesticides, fertilizers, and frequent mowing;
- C. Gardens, fences, or Structures, except for permitted crossings;
- D. Paves or other impervious surfaces; and
- E. Destruction or addition of plant life that would alter the existing pattern of vegetation.

## **ARTICLE 4.25 PD, PLANNED DEVELOPMENT ZONING DISTRICT**

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### **Sec. 4.25.1 Authority**

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The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to utilize zoning and planning techniques (not limited to those found in the Planning Act) for implementation of the goals specified in S.C. Code Ann. Sec. 6-29-720 (2007). Charleston County Council hereby establishes a zoning and planning technique called a “Planned Development” Zoning District. The “Planned Development” Zoning District incorporates provisions of the planning technique called “Planned Development District” referred to in the Planning Act and identified in this ordinance and the additional provisions found in this Article that expands, varies and/or differs from the provisions found in the references to Planned Development districts in the Planning Act. A “Planned Development,” as applied herein, is a type of Zoning District (PD) and a type of Development plan. PD Zoning Districts are inextricably linked to Planned Development plans, in that no rights of development apply to a PD zoning designation other than those of the approved Planned Development plan.

Planned Development provisions are intended to encourage innovative site planning for residential, commercial, institutional, and/or industrial Developments within Planned Developments. Planned Developments may provide for variations from other ordinances and the regulations of other established Zoning Districts concerning use, Setbacks, Lot size, Density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. A Planned Development as used in this ordinance is intended to apply the flexibility and variation provisions of the Planning Act provided in the Planned Development Zoning District provision, along with the additional regulatory and procedural provisions of this Article.

### **Sec. 4.25.2 Purpose**

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The purpose of the Planned Development Zoning District is to allow flexible development standards that implement the *Comprehensive Plan* strategies.

### **Sec. 4.25.3 Intent and Results**

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The PD, Planned Development, Zoning District regulations of this Article are intended to encourage achievement of the goals of the Charleston County *Comprehensive Plan* and to allow flexibility in Development of property that proposes a single or multiple use(s) that will result in improved design, character, and quality of new or redesigned Developments and preserve natural and scenic features of Open Spaces.

### **Sec. 4.25.4 Applicability and Terminology**

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There is no minimum site area requirement to qualify for a Planned Development as long as the Planned Development meets all requirements of Article 4.25, *Planned Development Zoning District (PD)*, of this Ordinance.

Planned Development (PD) applications are comprised of PD Guidelines and Sketch Plans, collectively referred to as the PD Development Plan. Approval of the PD Development Plan creates a new Planned Development Zoning District (Planned Development).



## Sec. 4.25.5 Development Standards

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The Development standards listed in this Section, those in the approved PD Guidelines, and any in the approved PD Sketch Plan(s) apply.

### A. **Maximum Density.**

1. The maximum allowed Density in a Planned Development Zoning District may not exceed the maximum Density as stated in Tables 3.1.1 and 3.1.2 of the Charleston County *Comprehensive Plan*, except as provided in Chapter 3.1.7 of the Charleston County *Comprehensive Plan*, as amended, and this Article. Density and Lot Area calculations shall comply with the requirements contained in Article 4.2, *Measurements, Computations, and Exceptions*.
2. In order to achieve the maximum Density, the following minimum amounts of common Open Space, as defined in this Ordinance, shall apply where applicable:
  - a. Provide 0.2 acres of Common Open Space per Principal Dwelling Unit plus ten percent of the land area designated for office, commercial, and/or industrial uses is required for Parcels located in the Rural and Agricultural Areas. The maximum density permitted in the Agricultural Preservation Future Land Use Designation on Edisto Island, as identified in the *Comprehensive Plan*, shall not exceed one Dwelling Unit per ten acres;
  - b. If the parcel is located in the Urban/Suburban Area, the following standards shall apply:
    - i. Where the Zoning District is Low Density Residential (R-4) and all requirements of this Ordinance are met, a maximum density of eight Principal Dwelling Units per acre may be permitted when 0.05 acres of common Open Space per dwelling unit plus ten percent of the land area designated for office, commercial, and/or industrial uses is provided; and
    - ii. Where the Zoning District is UR, Urban Residential and all requirements of this Ordinance are met, a maximum Density of not more than 24 Principal Dwelling Units per acre may be permitted when 0.05 acres of common Open Space per Principal Dwelling Unit plus ten percent of the land area designated for office, commercial, and/or industrial uses is provided.
3. Planned Developments that include a Parcel or Parcels of land that have varying future land use designations and/or varying zoning classifications categories may be deemed consistent with the Comprehensive Plan if the total density proposed does not exceed the maximum combined density permitted in the future land use designations pursuant to the Comprehensive Plan and/or Zoning Districts pursuant to this Ordinance.

### B. Development standards pertaining to Density, Lot size, location, and arrangement of Buildings and Structures, Lot dimensions, and landscaping shall be defined in the PD Development Plan. The Development standards of the Zoning District in which the Subject Property(ies) was located at the time of submission of the application to rezone to the PD Zoning District may be altered, pursuant to this Article, only if County Council determines that the Development will serve an overriding public interest and/or public safety concern. Applicants shall not propose alteration of the following standards:

1. Chapters 1, 2, 3, 10, 11, 12, and Appendix A of this Ordinance;
2. Waterfront Development Standards of the Zoning District in which the subject property(ies) was located at the time of submission, as set forth in Article 4.24;
3. Architectural Design Guidelines of Article 9.5, *Landscaping, Screening, and Buffers*, except where the Zoning and Planning Director determines that the proposed architectural design of the development is compatible with the architectural design of development on adjacent properties;
4. Sign Regulations of Article 9.9, *Signs*, provided, however, that the minimum distance from a Billboard/Digital or Electronic Billboard proposed as part of a Planned Development to the nearest On-Premises Sign(s) may be less restrictive than the standards set forth in this Ordinance;
5. The Dimensional Standards for the S-3 Zoning District, as stated in CHAPTER 4, *Base Zoning Districts*; and



6. Parking standards of Article 9.2, *Off-Street Parking and Loading*, except where the Zoning and Planning Director determines that the amount of parking requested and its location is sufficient, based on a generally-accepted planning source or authority, for the use proposed.
- C. There shall be a minimum Type A, 10- foot vegetated buffer, around the perimeter of the property, which may be located on private Lots. In cases of conflict between the perimeter buffer requirement and other buffer and/or Setback requirements stated in this Ordinance or the Planned Development Guidelines, the more restrictive will apply.
- D. **Lots to Abut Upon Common Open Space.** Residential Parcels shall maximize orientation towards common Open Space or similar areas.
- E. **Access**
  1. Streets within Planned Developments shall connect to adjoining neighborhoods/Developments. In cases where adjoining properties are not developed, Planned Developments shall include stub outs for connections to future development on adjacent parcels. Cul-de-sacs, T-turnarounds, and dead-end streets shall only be allowed at the discretion of the Zoning and Planning Director.
  2. Areas between Structures shall be covered by Easements where necessary for access and to provide for maintenance and utility service.
  3. Primary vehicular access to office, commercial, or industrial development shall be through limited access roads.
  4. Sidewalks and/or multi-use paths shall be provided, as required by this Ordinance.
- F. **Commercial Areas**
  1. Commercial areas and adjacent residential, office, and industrial areas shall be directly connected through paved sidewalks, trails, or other pedestrian Infrastructure.
  2. Commercial areas shall be planned as groups having common parking areas and common ingress and egress points.
- G. **Industrial Areas.** A minimum 40-foot Type D vegetated buffer shall be required where industrial uses abut residential uses within the development.
- H. **Areas Designated for Future Use.** A statement specifying that all areas designated for future expansion or not intended for immediate improvement or Development shall remain in a natural state until such time as Development permits are approved must be included in the PD Guidelines.
- I. **Resource Areas.**
  1. Planned Developments shall protect any resources determined significant by the Zoning and Planning Director including, but not limited to: agricultural soils and active farmland, buffer areas between active farmland and existing/planned future non-farm Development, wetlands, mature trees, land adjacent to preserved farmland on neighboring properties, scenic views, Water access and shoreline buffers, and habitat of species designated as of federal, state and local concern.
  2. Planned Developments shall comply with all provisions of Article 9.4, *Tree Protection and Preservation*, of this Ordinance.

#### **Sec. 4.25.6 Common Open Space**

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- A. **Purpose.**
  1. The purpose of Common Open Space is to permit areas that could otherwise be developed into buildable Lots or otherwise sold individually to provide a significant amenity to the residents who will interact with the Open Space on a daily basis.
  2. It is not the purpose of Common Open Space to permit Open Space for land that is otherwise unusable on a daily basis by residents.
- B. Where Common Open Space is designated, the following standards shall apply:
  1. Common Open Space areas shall be:



- a. Located so as to preserve any significant resources,
  - b. Appropriate to the size of the development, and
  - c. Usable by the new residents of the Planned Development.
2. Common Open Space may include, but is not limited to:
- a. Unimproved land,
  - b. Landscaped areas,
  - c. Improved recreation areas,
  - d. Recreational Buildings and Structures that are totally accessory to recreational uses, and
  - e. Freshwater Wetland areas, and water surfaces, all located within the Development. Natural landscapes, such as wetlands, may also be considered as Open Space if preserved and meet the requirements of this Section. "Usable" means that the Open Space includes uses or facilities that are adaptable to recreational or leisure use and are accessible to the residents of the proposed Development or the general public, such as seating areas, picnic shelter, Community Garden, pedestrian and Bicycle Trail access to a designated greenway, public square, Swimming Pools, playing fields, or a new playground. The use or facility must be approved by County Council in accordance with the approval and conveyance procedures below.
  - f. The total combined acreage of Freshwater Wetlands, detention ponds, and buffers to be used as Open Space shall not comprise more than 30% of the open space requirement as stated in this Section.
3. Common Open Space shall not include:
- a. Streets;
  - b. Drives;
  - c. Parking areas; or
  - d. Structures, other than recreational Structures.
4. All Property Owners in the Planned Development shall have access to the open space by means of a public or private Street or a walkway in an Easement with a minimum width of 20 feet.
5. Common Open Space shall be provided within each phase of the Planned Development in sufficient amounts to serve the expected population of that phase.
- C. The approval and conveyance procedures listed below apply to Common Open Space:
1. The Common Open Space area shall be detailed on each PD Sketch Plan and recorded with the final Plat (as approved under Article 8.5, *Final Plat*, of this Ordinance).
  2. The Common Open Space shall be conveyed prior to recording the final Plat, in accordance with one of the methods listed below. The applicant must have proof of commitment from the entity that will be responsible for the Common Open Space prior to the Planning Commission Meeting for which the case is scheduled.
    - a. By Dedication to the County as publicly-owned Open Space. Parks, Open Space, and recreation facilities proposed for Dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or
    - b. By leasing, conveying, or retaining title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the area to Open Space/recreational uses.

#### **Sec. 4.25.7 Affordable and Workforce Dwelling Units**

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Pursuant to Section 3.1.7, *Future Land Use Recommendations*, of the Charleston County *Comprehensive Plan*, as amended, County Council may approve Planned Developments with Density bonuses above the maximum allowable Densities provided for in CHAPTER 4, *Base Zoning Districts*, of this Ordinance for Developments that are located in the Urban/Suburban Area, as defined by Map 3.1.2, *Growth Management Areas*, of the Charleston County *Comprehensive Plan*, as amended, and in which at least 30 percent of the total number of Dwelling Units qualify as Affordable and/or Workforce Dwelling Units, as defined in this Ordinance.

Applicants wishing to utilize such Density bonuses shall submit a Planned Development Zoning District application that complies with the requirements of this Article, in addition to the requirements of Sec. 6.4.19 of this Ordinance, with the exception of the minimum percentages of Affordable and Workforce Dwelling Units required and maximum Densities contained in Table 6.4.19.D.2, *Density, Intensity, and Dimensional Standards: Urban/Suburban Area*, of Sec. 6.4.19.

#### **Sec. 4.25.8 Planned Development Procedure**

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The procedure and criteria for PD applications are outlined below. All Sketch Plan(s) shall be drawn to scale.

- A. **Pre-Application Conference.** Before submitting a PD Development Plan, the applicant shall confer with the Zoning and Planning Director and any other officials designated by the Zoning and Planning Director. The purpose of this pre-application conference is to discuss the proposal and the applicable Development review and approval procedures.
- B. **Conceptual PD Development Plan Presentation**
  - 1. At least one time prior to submitting a formal application, Planned Development applicants shall present their Conceptual PD Development Plan to the Charleston County Planning Commission at a Planning Commission workshop. This presentation shall be for discussion and feedback purposes only and no action shall be taken on the Conceptual PD Development Plan at the workshop. At least 20 days prior to the Planning Commission workshop, the applicant shall submit a memo and presentation describing the proposed PD Development Plan.
  - 2. This requirement applies to Planned Developments that contain 50 or more dwelling units and/or 5 or more acres of nonresidential development.
  - 3. The Planning Commission or Zoning and Planning Director may require applicants for Planned Developments that do not meet the thresholds in sub-section 2, above, to present the proposed Development at a Planning Commission workshop prior to submitting a formal application.
- C. **Community Workshop**
  - 1. After the pre-application conference, it is recommended that the applicant hold one or more community workshops.
  - 2. The purpose of a community workshop is to:
    - a. Ensure early citizen participation in an informal forum, in conjunction with the development applications; and
    - b. Provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community.
  - 3. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.
  - 4. It shall be the responsibility of the applicant to provide Neighbor and Parties in Interest Notice of the community workshop in accordance with Sec. 3.1.6 of this Ordinance.
- D. **Draft PD Development Plan Submittal**
  - 1. After the required pre-application conference, and prior to submitting a formal application, the applicant shall submit one digital version of a draft of the requested PD Development Plan for staff review. Staff will not review the proposed PD Development Plan until all required information has been submitted.
  - 2. The draft PD Development Plan must comply with all requirements of this Ordinance and all other applicable regulations.



3. Additionally, the Article 4.25, *PD Checklist*, available in the Zoning and Planning Department, must be filled out and submitted with the draft PD Development Plan, indicating the page number and section of the PD for each of the required information.
- E. **PD Development Plan Application.** Complete Applications for Planned Developments may be submitted on forms available in the Zoning and Planning Department once the Zoning and Planning Director has determined that the requested PD Development Plan complies with the requirements of this Ordinance and all other applicable regulations.
1. No application for a PD Development Plan shall be accepted as complete unless it includes one required paper copy and one Digital copy of the PD Development Plan, the required fee, and the following information:
    - a. One completed Zoning Map Amendment application signed by the current Property Owner(s), and for property(ies) owned by corporations or partnerships, a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership must be submitted;
    - b. One copy of a legible Approved and Recorded Plat showing the current property lines of the property(ies) to be included in the Planned Development;
    - c. One copy of the current, recorded deed;
    - d. One Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with state law;
    - e. One copy of the completed Article 4.25, *PD Checklist*;
    - f. Documentation of any community workshops held and outreach made regarding the proposed PD Development Plan application;
    - g. A digital version of all text, charts, tables, exhibits and graphics used in the PD;
    - h. A current aerial overlaid with the proposed Sketch Plan; and
    - i. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
  2. Applications for PD Development Plans shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
  3. County Council may waive the fees at its discretion.
- F. **Public Hearing Notice.** Newspaper, Neighbor, Parties in Interest, and Posted notice of the County Council's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6 of this Ordinance.
- G. **Zoning and Planning Director Review and Report.**
1. Once an application is deemed complete and to contain all information required herein by the Zoning and Planning Director, the application will be scheduled for a Planning Commission meeting and the Applicant and other interested parties will be notified in accordance with this Ordinance.
  2. The Zoning and Planning Director shall prepare a staff report that reviews the PD Development Plan application.
- H. The Planning Commission shall:
1. Review the proposed PD Development Plan and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve, approve with conditions, or deny the proposed Development plan;
  2. Base its recommendation on the Approval Criteria set forth in Sec. 4.25.8(J); and
  3. Submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the PD Development Plan was introduced. Deferrals approved by the Planning Commission, whether requested by the Planning Commission or the Property Owner, and delays in action due to an official declaration of a state of emergency, shall not be subject to this requirement.



## I. **County Council Hearing and Decision.**

1. After receiving the recommendation of the Planning Commission, the County Council shall:
  - a. Hold a Public Hearing prior to giving second reading to the Planned Development/zoning map amendment application; and
  - b. Take action to approve, approve with conditions, or deny the proposed PD Development Plan based on the Approval Criteria set forth in Sec. 4.25.8(J).
2. If the County Council takes action to approve the PD Development Plan, it may require time-frames for Development of the entire Planned Development and its individual phases, if any.
3. The approval of a Planned Development shall deem it to be a new Zoning District with its own zoning designation.
4. Within 10 working days of approval by County Council of a Planned Development Zoning District , the Applicant shall submit each of the following to the Zoning and Planning Department:
  - a. One digital copy of the approved Planned Development Guidelines and Sketch Plan, clearly showing all changes and conditions approved by Council as redlines for staff review; and
  - b. One digital copy of the approved Planned Development Guidelines and Sketch Plan, incorporating all changes and conditions approved by Council.

## J. **Approval Criteria.** Applications for Planned Developments may be approved only if the County Council determines that the following criteria are met:

1. The PD Development Plan complies with the standards contained in this Article;
2. The Development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents; and
3. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the Development proposed, at the time the property is developed.

## **Sec. 4.25.9 Planned Development Guidelines and Sketch Plan Requirements**

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### A. The following shall be included in the proposed PD Guidelines:

1. The name of the Planned Development, not duplicating the name of any other Planned Development or Subdivision, the Final Plat of which has been recorded in Charleston County, South Carolina;
2. A statement of objectives of the proposed Development;
3. The total acreage of the Planned Development, broken down into total acreage, total Highland acreage, total Freshwater Wetland acreage, and total Critical Line wetland, or marsh acreage;
4. A table of proposed land uses including:
  - a. A table of proposed maximum and average residential Densities for each residential use (The applicant shall refer to the Density ranges listed in the Charleston County *Comprehensive Plan* for residential densities);
  - b. The maximum total acreage of each residential use;
  - c. The maximum allowable number of each type of residential Dwelling Unit requested (Single-Family Detached, Single-Family Attached, etc.); and
  - d. Planned Developments that request increased Density for the inclusion of Affordable and Workforce Dwelling Units shall include the Affordable/Workforce Dwelling Unit Plan that complies with the requirements of Sec. 6.4.19.G.3 of this Ordinance.
5. A statement that the requirements of the Zoning District in which the property is located prior to rezoning will apply, if the property is not developed in accordance with the approved PD Development Plan;
6. The maximum proposed Floor Area ratios (% of lot in relation to building floor area), maximum number of Buildings, maximum size of each Building, and maximum Building/Lot coverage for each non-residential use; and
7. All dimensional and lot standards proposed, for each land use type designated.



8. For Planned Developments that are requesting Density bonuses pursuant to Sec. 4.25.7, *Affordable and Workforce Dwelling Units*, all information required by Sec. 6.4.19 of this Ordinance shall be submitted as part of the PD Development Plan;
  9. An analysis of the impact of the proposed Development on existing public facilities and services (e.g. roads and Streets, Water, Sewer, stormwater, etc.). Any proposed future improvements to these facilities and services to be made as part of the Planned Development shall also be included;
  10. A traffic study as required by Article 9.6, *Traffic Impact Studies*, of this Ordinance. On-site improvements recommended by the traffic study shall be included in the PD Development Plan;
  11. A Development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of Dwelling Units, total acreage of each residential use, total gross Floor Area of each non-residential use, and percentage and acreage of Common Open Space to be included in each phase;
  12. A statement indicating how any Common Open Space/recreation areas will be owned or managed;
  13. A statement indicating how all roads and Alleys will be owned and maintained;
  14. A narrative statement defining proposed Stormwater system design approach and system integration within proposed plan. Statement should include conceptual stormwater system design configuration including: site specific natural and man-made features (e.g. wetland, ditches, canals, rivers, Water bodies) incorporated within the Stormwater management system; system components; component purpose/function; stormwater system ownership; party(ies) responsible for maintenance. A compliance statement is required referencing applicable South Carolina Department of Health and Environmental Control (SCDHEC) and Charleston County Stormwater Program criteria;
  15. A statement of inclusion and compliance with processes included in the Charleston County Zoning and Land Development Regulations that are not mentioned in the Planned Development Guidelines;
  16. A statement of agreement to proceed with proposed Development in accordance with the provisions of these zoning regulations, applicable provisions of the Charleston County *Comprehensive Plan*, and with such conditions as may be attached to any rezoning to the applicable PD district;
  17. A statement that proposed modifications to the approved PD Development Plan shall be processed in accordance with Section 4.25.10;
  18. A description of how the proposed development complies with the approval criteria contained in Sec. 4.25.8(J), in a list format, addressing each criterion separately;
  19. A historic and archeological survey identifying all historic and cultural sites, structures and landscapes on the subject property, consistent with Article 9.7, *Historic Preservation*, of this Ordinance. If there are no resources, a map from SCDAH indicating such must be included. Any required on-site mitigation must be detailed in the Planned Development Guidelines and proof of coordination with OCRM and/or the South Carolina State Historic Preservation Office must be included;
  20. Letters of coordination from all agencies from which the Applicant must:
    - a. Obtain permits; or
    - b. Obtain services and/or facilities; and
    - c. Any other information that the Zoning and Planning Director determines is necessary to determine whether or not an application complies with the standards established in this Article.
- B. The following shall be included on the proposed Sketch Plan. Multiple Sketch Plans may be submitted. Sketch Plans shall be drawn to scale.
1. The general location and amount of land proposed for each land use including single family residential, multi-family residential, institutional, office, commercial, industrial, common Open Space/recreation, Street use, etc.;
  2. Conceptual Lot Lines;
  3. Pedestrian and motor traffic circulation;
  4. Location, acreage, and type (freshwater or Critical Line/marsh) of all wetlands as they exist prior to Development. The location and acreage of all Freshwater Wetlands to be developed upon shall be indicated;





5. A tree survey to include all Grand Trees (24 inches or greater) on residential Lots of one acre or less and in road Rights-of-Way and Easements. Tree surveys for non-residential uses shall conform with the standards of Sec. 9.2.3 of this Ordinance;
6. Architectural elevations for each type of residential and nonresidential unit;
7. The general location, size, and capacity of all existing and proposed Water and Sewer lines;
8. Areas to be included in each phase of Development, including the location of all common Open Space areas and/or Affordable/Workforce Dwelling Units to be included in each phase;
9. The location of all construction entrances;
10. A Landscaping Sketch Plan including the location and composition of all screening and buffering materials;
11. Stormwater Sketch Plan to provide graphic representation of existing and proposed stormwater system components, as defined within Planned Development Guidelines Stormwater narrative;
12. A Utility Sketch Plan with the location of any on-site natural areas, buffers, Trees, and sidewalks that may be impacted by Utility facilities including existing and proposed location of any Easements or Rights-of-Way; and
13. Any other information that the Zoning and Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.

#### **Sec. 4.25.10 Variances and Other Modifications to Approved PD Development Plans**

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The Zoning and Planning Director shall determine whether a proposed modification affecting one or more Parcels in a previously approved PD Development Plan is considered a minor or major modification, or requires a Variance, pursuant to the criteria in this section. Modifications of approved PD Development Plans are categorized as major or minor depending on the type and extent of proposed changes, as described below:

##### **A. Minor Modifications.**

1. Increase in Common Open Space area;
2. Decrease in residential Density or number of Dwelling Units;
3. Increase in Setbacks;
4. Increase in the area, dimensions, and/or Density of Landscape Buffers;
5. Decrease in Building Floor Area;
6. Decrease in the number or size of Signs;
7. Minor shifts in the layout of the land uses in the Sketch Plan; and
8. Minor shifts in the location of access points or internal Roadways necessary to resolve regulatory (e.g., SCDOT) permitting issues.

The Zoning and Planning Director is authorized to approve minor modifications to an approved PD Development Plan.

##### **B. Major Modifications.**

1. Any modification not considered “minor” pursuant to paragraph A, above, is considered a major modification.
2. Major modifications require an amendment to the PD Development Plan, in accordance with the procedure specified in this Article.
3. Any PD Amendment must comply with all requirements of this Article.

##### **C. Variances.**

1. Upon adoption of this Ordinance, the provisions of Article 3.10 of the ZLDR, relating to Variances, shall apply to all approved PD Development Plans with respect to zoning-related dimensional, design, or performance standards on individual lots. Variance applications for Trees, Setbacks, Buffers, height, and maximum Lot/Building Coverage for individual Lots shall be processed pursuant to Article 3.10, *Zoning Variances*, of this Ordinance. All other proposed modifications, except minor



modifications as described above, require an amendment to the PD Development Plan, in accordance with the procedure specified in this Article.

2. The Director's determination does not bind the Board of Zoning Appeals to a particular decision.

#### **Sec. 4.25.11 Identification on Zoning Maps**

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Approved PDs shall be indicated on the official Zoning Map.

#### **Sec. 4.25.12 Compliance with Other Regulations**

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- A. Unless expressly stated in this Section or approved at the time of a PD Development Plan approval, all applicable standards of this Ordinance and other law shall apply to Development within a Planned Development Zoning District.
- B. As described in this Article, Planned Development Zoning Districts may provide for variations from this Ordinance or other ordinances and the regulations of established Zoning Districts concerning use, Setbacks, Lot Area, Density, bulk and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare.
- C. All Development, other than Single-Family Detached Dwelling Units, shall comply with Article 3.7, *Site Plan Review*.



## CHAPTER 5 | OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS

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### ARTICLE 5.1 GENERAL

#### Sec. 5.1.1 Establishment of Districts

The following Overlay and Special Purpose Zoning Districts are hereby established:

DISTRICT NAME		TYPE
WDU	Water-Dependent Use	Special Purpose
JO-MHC-O	Johns Island Maybank Highway Corridor Overlay Zoning District	Overlay Zoning District
MP-O	Mount Pleasant Overlay Zoning District	Overlay Zoning District
FRC-O	Folly Road Corridor Overlay Zoning District	Overlay Zoning District
DRC-O	Dorchester Road Corridor Overlay Zoning District	Overlay Zoning District
UB-O	University Boulevard Overlay Zoning District	Overlay Zoning District
STA-O	St. Andrews Area Overlay Zoning District	Overlay Zoning District
ARRC-O	Ashley River Road Corridor Overlay Zoning District	Overlay Zoning District
DUWAP-O	DuPont-Wappoo Area Overlay Zoning District	Overlay Zoning District
PF-O	Parkers Ferry Community Overlay Zoning District	Overlay Zoning District
SL-O	Sol Legare Community Overlay Zoning District	Overlay Zoning District
JA-MHC-O	James Island Maybank Highway Corridor Overlay Zoning District	Overlay Zoning District
MRC-O	Main Road Corridor Overlay Zoning District	Overlay Zoning District



### **Sec. 5.1.2 Procedure for Establishment**

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Overlay and Special Purpose Zoning Districts shall be established, changed or modified in accordance with the procedures applicable to all Zoning Districts as described in CHAPTER 3, *Development Review Procedures*, of this Ordinance.

### **Sec. 5.1.3 Overlay Zoning District Applicability**

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The Overlay Zoning District regulations only apply to parcels indicated on the corresponding Overlay Zoning District Maps.

### **Sec. 5.1.4 Overlay Zoning District Effect**

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- A. Development of parcels within the Overlay Zoning Districts shall comply with the applicable Overlay Zoning District requirements and all other applicable requirements and processes of this Ordinance, including but not limited to the Site Plan Review process, the Zoning Permit process, and the Subdivision process.
- B. The provisions of this Section do not apply to Special Purpose Districts, where compliance with Article 3.4, *Zoning Map Amendments (Rezoning)*, and all other applicable sections of this Ordinance, may be required.

## **ARTICLE 5.2 WDU, WATER-DEPENDENT USE OVERLAY DISTRICT**

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### **Sec. 5.2.1 Purpose and Intent**

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The WDU, Water-Dependent Use Overlay District is intended to accommodate Community Docks, Boat Ramps, Marinas, and Commercial Docks and other nonresidential uses that require locations near water bodies. The below Water-Dependent Uses are exempt as follows:

- A. Private Docks intended for the private use of one Family shall be exempt from the requirements of this Ordinance.
- B. Joint Use Docks intended for the private use of two to four Families shall be exempt from the requirements of this Article.

### **Sec. 5.2.2 Uses**

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Community Docks, Boat Ramps, Marinas, and Commercial Docks and other uses that require locations near water bodies may be allowed in the WDU District, if approved in accordance with the procedures of this Ordinance.

### **Sec. 5.2.3 Community Docks**

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Community Dock(s) shall be subject to the following standards:

- A. All proposed Community Docks shall comply with the Site Plan Review procedures contained within this Ordinance;
- B. All proposed Community Docks shall comply with all applicable regulatory requirements of State and Federal agencies including, but not limited to, the South Carolina Department of Health and Environmental Control (SCDHEC) and U.S. Army Corps of Engineers;
- C. All proposed Community Docks shall require review and approval in accordance with the Special Exception procedures of this Ordinance;



- D. All proposed Community Docks must have a minimum of 75 feet of Lot Frontage at the marsh edge (OCRM Critical Line) and a minimum of 75 feet between its extended property lines at the location in the waterbody of the proposed dock;
- E. No leasing or other transfer of space to individuals who do not reside in the residential community or other commercial uses are allowed at Community Docks;
- F. Project proposals shall include facilities for the proper handling of litter, waste, refuse, and petroleum products in accordance with SCDHEC regulations;
- G. A Boat Ramp may be allowed at a Community Dock subject to Sec. 5.2.4, *Standards for Boat Ramps*;
- H. Approval of this particular use by Charleston County shall not relieve the recipient (use) of responsibility for complying with all other applicable requirements of any other Local, County, State or Federal Agency. In addition, approval by Charleston County does not guarantee nor recommend approval from any other legal entity or governmental agency; and
- I. Off-street parking shall be provided in accordance with the requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance. Any parking associated with the use of the Community Dock and other marine activities must be accommodated on-site. Parking surfaces and off-street roads or driveways within the facility shall be graded and covered with a permanent dust proof surface.

#### **Sec. 5.2.4 Standards for Boat Ramps**

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Boat Ramps provide access to the water for the launching and retrieving of watercraft. Boat Ramps providing launching and retrieving of watercraft in excess of 12,000 pounds gross weight shall follow the Special Exception provisions of this Ordinance, in addition to the following requirements, which shall apply to all Boat Ramps.

- A. Filling or excavating of vegetated wetlands for Boat Ramp construction is prohibited, unless no feasible alternatives exist in non-vegetated wetland areas. In addition, the area to be filled or excavated must be limited to that which is reasonable for the intended use;
- B. Boat ramps must consist of environmentally acceptable materials, demonstrate sound design and construction so that they could reasonably be expected to be safe and effective, and minimize adverse effects;
- C. Justification for Boat Ramp construction in environmentally sensitive areas shall be considered using the following priorities:
  - 1. Public use – open to all citizens;
  - 2. Restricted use – open to citizens of a particular area or organization only;
  - 3. Private use – use for one citizen or family.
- D. In cases where private use is necessary, siting of ramps must, wherever feasible, be located in areas where the least environmental impact will accrue to the area and be limited to 12 feet in width;
- E. Boat Ramp location requiring dredging or filling of wetlands to provide deep water access to the ramp, parking areas for the ramp, or other associated facilities are prohibited, unless no feasible alternatives exist and environmental impacts can be minimized;
- F. The siting of “public use” Boat Ramps is encouraged in easily accessible areas such as Bridges and existing, abandoned Causeways, provided that these sites comply with other applicable regulations;
- G. All proposed Boat Ramps shall comply with the Site Plan Review procedures contained within this Ordinance;
- H. All proposed Boat Ramps shall comply with all applicable regulatory requirements of State and Federal agencies including, but not limited to, the South Carolina Department of Health and Environmental Control (SCDHEC) and U.S. Army Corps of Engineers;



- I. All proposed “public use” Boat Ramps shall require review and approval in accordance with the Special Exception procedures of this Ordinance;
- J. Approval of this particular use by Charleston County shall not relieve the recipient (use) of responsibility for complying with all other applicable requirements of any other Local, County, State, or Federal agency. In addition, approval by Charleston County does not guarantee nor recommend approval from any other legal entity or governmental agency; and
- K. Off-street parking shall be provided in accordance with the requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance. Any parking associated with the use of the Boat Ramp and other marine activities must be accommodated on-site. Parking surfaces and off-street roads or driveways within the facility shall be graded and covered with a permanent dust proof surface.

**Sec. 5.2.5 Standards for Marinas**

- A. **Uses.** The following uses and activities shall be allowed in association with a Marina:
  - 1. Marinas may provide the following services if specifically authorized by a Special Exception approval:
    - a. Launching ramps and small hoists (to accommodate primarily the launching of watercraft not exceeding 12,000 pounds in Residential and Agricultural Residential Zoning Districts);
    - b. Piers, wharfs, and other facilities for the berthing and securing of recreational watercraft;
    - c. Dockside maintenance and repair necessary to keep watercraft in operable condition;
    - d. Wet storage and mooring of seaworthy pleasure craft in operable condition;
    - e. Dispensing of fuel, subject to all applicable Ordinance requirements;
    - f. Shower and laundry facilities for Marina clientele only;
    - g. Vending machines; and
    - h. Dry stack storage of watercraft.
  - 2. Excluding Marinas in Agricultural and Residential Zoning Districts, Marinas providing 25 or more boat slips may provide the following additional services:
    - a. Bait and tackle retail sales;
    - b. Retail sales of basic marine supplies and accessories necessary for boat operation, maintenance and upkeep (not to include the sale of boats and/or motors); and
    - c. Snack bars and retail groceries.
- B. **Performance Standards.** In addition to any other applicable provisions of the Ordinance, Marinas shall be subject to the following performance standards.
  - 1. **Lot Area and Location.** The property shall have Frontage on a publicly-owned road or a privately owned and maintained road and meet the following Density/Intensity and Dimensional Standards unless more restrictive standards are imposed at the time of Special Exception approval:

<b>MARINA DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	1 Acre
<b>MINIMUM LOT WIDTH</b>	250 feet
<b>MINIMUM SETBACKS [1]</b>	
Front/Street Side	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	35% of Lot



MARINA DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
<b>MAXIMUM HEIGHT</b>	35 feet [2]
<p>[1] Landscape buffer standards and Wetlands buffer standards of CHAPTER 9, <i>Development Standards</i>, of this Ordinance also apply.</p> <p>[2] Properties located within the Water-Dependent Use district that have a Zoning District designation of Industrial (IN) or Community Commercial (CC) are allowed a maximum height of 60 feet.</p>	

2. **Services.** All Services provided by the Marina shall be located on the same Lot or on the piers associated therewith.
3. **Structures.** All retail sales and services shall be enclosed. The maximum Structure size or bulk shall be limited to 10 square feet of net Floor Area for each Boat Slip.
4. **Setbacks.** All Structures shall be Setback a minimum of 100 feet from abutting Agricultural and Residential Zoning Districts except where the property line is the street Right-of-Way line, in which case the Front Setback established for the Zoning Lot shall apply.
5. **Parking.** Off-street parking shall be provided in accordance with the requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance. Any parking associated with the use of the launching ramp and other marine activities must be accommodated on-site. Parking surfaces and off-street roads or driveways within the facility shall be graded and covered with a permanent dust proof surface.
6. **Storage.** Areas for boat trailer storage and open field boat Storage shall be designated and screened in accordance with the Landscaping, Screening and Buffer requirements of CHAPTER 9, *Development Standards*, of this Ordinance. Open field boat Storage on trailers may be provided at a ratio of one (10-foot x 20-foot space) for each two Boat Slips.
7. **Screening.** Marina Developments, including areas for boat trailer Storage and open field boat Storage, shall be screened from adjacent uses in accordance with the Landscaping, Screening and Buffer requirements of CHAPTER 9, *Development Standards*, of this Ordinance.
8. **Signs. Compliance with the requirements of Article 9.11, Signs, of this Ordinance is required.**
9. **Wastewater Disposal Facilities.** Wastewater disposal facilities shall meet the requirements of the regulatory agencies having jurisdiction.
10. **Fire Prevention.** Firefighting or fire prevention equipment shall be as specified by the local fire district in which the marina is located.
11. **Siting Standards.** Marinas shall meet all of the following requirements:
  - a. All proposed Marinas shall comply with the Site Plan Review procedures contained within this Ordinance;
  - b. All proposed Marinas shall comply with all applicable regulatory requirements of State and Federal agencies including but not limited to, the South Carolina Department of Health and Environmental Control (SCDHEC) and U.S. Army Corps of Engineers;
  - c. All proposed Marinas shall require review and approval in accordance with the Special Exception procedures of this Ordinance;
  - d. New Marinas are not allowed in Waters classified for shellfish harvesting, except for any lock harbor, dry stack, or expanded existing Marina that does not close any additional Waters for shellfish harvesting, as provided by SCDHEC;
  - e. Marinas should be located in areas that will have minimal adverse impact on wetlands, Water quality, wildlife and marine resources, or other critical habitats; and
  - f. Approval of this particular use by Charleston County shall not relieve the recipient (use) of responsibility for complying with all other applicable requirements of any other Local, County, State or Federal Agency. In addition, approval by Charleston County does not guarantee nor recommend approval from any other legal entity or governmental agency.



### **Sec. 5.2.6 Standards for Commercial Docks That Are Not Marinas**

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A Commercial Dock shall be subject to the following standards:

- A. All proposed Commercial Docks shall comply with the Site Plan Review procedures contained within this Ordinance;
- B. All proposed Commercial Docks shall comply with all applicable regulatory requirements of State and Federal agencies including but not limited to the South Carolina Department of Health and Environmental Control (SCDHEC) and U.S. Army Corps of Engineers;
- C. All proposed Commercial Docks shall require review and approval in accordance with the Special Exception procedures of this Ordinance;
- D. All proposed Commercial Docks must meet the Density/Intensity and Dimensional standards of Sec. 5.2.5.B.1, *Lot Area and Location*.
- E. Project proposals shall include facilities for the proper handling of litter, waste, refuse, and petroleum products in accordance with SCDHEC regulations;
- F. New Commercial Docks are not allowed in Waters classified for shellfish harvesting if their proposed uses would result in closure of additional Waters for shellfish harvesting, as provided by SCDHEC;
- G. Commercial Docks should be located in areas that will have minimal adverse impact on wetlands, wildlife and marine resources, or other critical habitats;
- H. A Boat Ramp may be allowed at a Commercial Dock subject to Sec. 5.2.4, *Standards for Boat Ramps*; and
- I. Approval of this particular use by Charleston County shall not relieve the recipient (use) of responsibility for complying with all other applicable requirements of any other Local, County, State or Federal Agency. In addition, approval by Charleston County does not guarantee nor recommend approval from any other legal entity or governmental agency.
- J. Off-street parking shall be provided in accordance with the requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance. Any parking associated with the use of Commercial Docks that are not Marinas and other marine activities must be accommodated on-site. Parking surfaces and off-street roads or driveways within the facility shall be graded and covered with a permanent dust proof surface.

### **Sec. 5.2.7 Legal Nonconforming Water-Dependent Uses**

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Any Water-Dependent Use, as defined by this Article, that is a legal Nonconforming Use, has been permitted or application has been made for permitting to the State existing prior to June 17, 2008, shall be considered an existing Water-Dependent Use for the purposes of this Article. Any expansion of the existing use that is more intense or increases by 25 percent or more of the use shall be subject to all provisions contained within this Article.

## **ARTICLE 5.3 JO-MHC-O, JOHNS ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT**

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### **Sec. 5.3.1 Statement of Findings**

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The MHC-O, Maybank Highway Corridor Overlay Zoning District, was first established as part of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) when it was adopted on November 20, 2001. The MHC-O only included unincorporated properties along Maybank Highway located on Johns Island. In 2006, the MHC-O district was amended to implement the recommendations of the 2003 Charleston County Comprehensive Plan Five-Year Review, but still only included unincorporated properties along Maybank Highway on Johns Island. In 2018, the 10-Year Comprehensive Plan Update was adopted, and includes the priority recommendation to coordinate with the City of Charleston to review the MHC-O District and extend the overlay boundary onto James Island. The JO-MHC-O, Johns Island Maybank Highway Corridor Overlay Zoning District, implements that recommendation.

This Article replaces the original MHC-O District, and is renamed as JO-MHC-O, Johns Island Maybank Highway Corridor Overlay Zoning District. The corridor is a primary gateway to Johns Island and acts as one of the main thoroughfares for destinations such as Kiawah Island, Seabrook Island, and Wadmalaw Island. Maybank Highway on Johns Island carries a high volume of vehicular traffic each day. Moreover, some of the properties within this corridor are located within the jurisdictional limits of the City of Charleston, while some are located within unincorporated Charleston County. The revised JO-MHC-O District was adopted to implement traffic safety measures, address Infrastructure deficiencies, improve the visual character of the corridor, and create consistency between the County of Charleston and the City of Charleston concerning Land Development regulations.

### **Sec. 5.3.2 Purpose and Intent**

---

The purpose of the JO-MHC-O District is to create a corridor that is well-planned, attractive, and preserves and improves existing development patterns where appropriate through the implementation of traffic safety measures and land use and design standards. It is also intended to be consistent with similar regulations adopted by the City of Charleston, ensure safe and efficient vehicle, pedestrian, and bicycle movement through traffic safety measures and access management standards, and to address stormwater runoff, drainage, and flooding issues along the corridor.

A separate regional planning effort involving numerous public and private stakeholders was conducted concurrent with the preparation of the JO-MHC-O District. This planning effort, named Dutch Dialogues Charleston, culminated in a final report released in September 2019. The report addresses “long-term planning to manage the risks and the opportunities provided by the Lowcountry’s dynamic Water systems.” It should be noted that implementation of recommendations included in the Dutch Dialogues Charleston Final Report may result in future amendments to the JO-MHC-O District.

### **Sec. 5.3.3 Applicability and Effect of the Overlay Zoning District**

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- A. **Applicability.** The standards of this Article shall apply to all development of unincorporated properties within the JO-MHC-O District, as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District,” except Single-Family Detached Dwelling Units.
- B. **Effect of Overlay Zoning District.** In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control.
- C. **Variations.** The following requirements are ineligible for Zoning Variations in addition to those listed in Sec. 3.10.1, *Applicability; Limitations*, of this Ordinance:
  - 1. Sec. 5.3.7.B, *Vehicle Access*;
  - 2. Sec. 5.3.7.D, *Pedestrian Access and Sidewalks/Multi-Use Path*;
  - 3. Sec. 5.3.8.A.2, *MU District Right-of-Way Buffers*; and
  - 4. Sec. 5.3.9.A.2, *LC District Right-of-Way Buffers*.

### **Sec. 5.3.4 Coordination with Adjacent Jurisdictions**

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A letter of coordination from the City of Charleston shall be required as part of all land development applications in the JO-MHC-O District with the exception of applications for Single-Family Detached Dwelling Units. The purpose of this coordination is to ensure that development is consistent with similar requirements adopted for the JO-MHC-O District by the City of Charleston.

### Sec. 5.3.5 Use Regulations

- A. **Table 5.3-1, Johns Island Maybank Highway Overlay Zoning District Use Table.** Table 5.3-1 lists the Principal Uses permitted in the districts as identified and described in this Overlay Zoning District and as shown on the map entitled “Johns Island Maybank Highway Corridor Overlay Zoning District.” The following is a description of the codes used in the table:
1. *Uses Allowed by Right.* “A” indicates uses allowed by right.
  2. *Uses Subject to Conditions.* “C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
  3. *Uses Subject to Special Exception.* “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
  4. *Prohibited Uses.* Blank cells indicate uses that are not permitted.
- B. **New or Unlisted Uses and Interpretation.** The Zoning and 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, *Definitions*, of this Ordinance.
- C. **Nonconforming Uses.** The requirements of Article 10.2, *Nonconforming Uses*, of this Ordinance apply to all development subject to the JO-MHC-O District, provided, however, that the following requirement shall apply in place of those contained in Sec. 10.2.4, *Loss of Legal Nonconformity Status*, sub-section A:
1. *Abandonment.* If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 36 consecutive months, the use shall be considered abandoned. Once abandoned, the legal nonconforming status of the use shall be lost and re-establishment of a Nonconforming Use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the JO-MHC-O District.
- D. **Accessory Uses.** Accessory Uses shall be allowed pursuant to Article. 6.5, *Accessory Uses*, of this Ordinance.

Table 5.3-1, Johns Island Maybank Highway Overlay Zoning District Use Table			
Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
<b>AGRICULTURAL</b>			
<b>AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING, AND SUPPORT</b>			
Aquaculture			
Mariculture			
Apiculture (Bee Keeping)			
Animal and Insect Production			
Concentrated Animal Feeding Operation			
Horticultural Production	A	A	
Hemp Crop Production and/or Processing	C	C	Sec. 5.3.6.A
Winery			
Agricultural Processing	A	A	



Agricultural Sale or Service	C	C	Sec. 5.3.6.B
Roadside Stand; Sweetgrass Basket Stand	A	A	
Farmers Market	A	A	
Community Garden	A	A	
<b>FORESTRY AND LOGGING</b>			
Bona Fide Forestry Operation			
Lumber Mill, Planing, or Saw Mill			
<b>RESIDENTIAL</b>			
<b>ASSISTED LIVING</b>			
Assisted Living	A	A	
<b>MANUFACTURED HOUSING</b>			
Manufactured Housing Unit	C	C	Sec. 5.3.6.S
Manufactured Housing Park			
<b>MULTI-FAMILY DWELLING</b>			
Dwelling, Multi-Family	A		
Triplex and Fourplex	A	A	
Duplex	A	A	
Dwelling Group			
Dwelling Unit, Single-Family, Attached	C	C	Sec. 5.3.6.C
<b>SHORT-TERM RENTAL</b>			
Short-Term Rental Property: Limited Home Rental (LHR)			
Short-Term Rental Property: Extended Home Rental (EHR)			
<b>SINGLE-FAMILY DWELLING</b>			
Dwelling, Single-Family Detached	A	A	
<b>OTHER RESIDENTIAL USES</b>			
Transitional Housing	A	S	
Child Caring Institution			
Emergency Shelter	A	A	
Affordable and Workforce Dwelling Unit	C	C	Sec. 5.3.6.E
Group Residential	A	A	
Farm Labor Housing			
<b>CIVIC/INSTITUTIONAL</b>			
<b>COURTS AND PUBLIC SAFETY</b>			
Court of Law	A	A	
Correctional Institution			
Parole Office or Probation Office			
Safety Services	A	A	
<b>DAY CARE SERVICES</b>			
Adult Day Care Service	A	A	
Family Home	C	C	Sec. 5.3.6.F
Group Home	A	A	
Child Care Center	A	A	



Day Camp	A	A	
<b>DEATH CARE SERVICES</b>			
Cemetery	A	A	
Funeral Service	A	A	
<b>EDUCATIONAL SERVICES</b>			
Pre-School or Educational Nursery	A	A	
School, Primary	A	A	
School, Secondary	A	A	
Higher Education Facility	A	A	
Personal Improvement Education	A	A	
<b>HEALTH CARE SERVICES</b>			
Medical Office	A	A	
Community Residential Care Facility	C	C	Sec. 5.3.6.G
Counseling Service	A	A	
Intermediate Care Facility for Individuals with Intellectual Disabilities	A	A	
Health Care Laboratory	A	A	
Home Health Agency	A	A	
Hospital; Hospice Facility	A	A	
Outpatient Facility for Chemically Dependent or Addicted Persons	A	A	
Rehabilitation Facility	A	A	
Residential Treatment Facility for Children or Adolescents (mental health treatment)	A	A	
<b>MUSEUM, HISTORIC SITE, AND SIMILAR INSTITUTIONS</b>			
Historic Site	A	A	
Library or Archives	A	A	
Museum	A	A	
Nature Exhibition	A		
Botanical Garden	A		
Zoo	S		
<b>POSTAL SERVICE</b>			
Postal Service, United States	A	A	
<b>RECREATION AND ENTERTAINMENT</b>			
Community Recreation	A	A	
Fishing, Hunting, or Recreational Guide Service	A	A	
Golf Course or Country Club			
Parks and Recreation	A	A	
Recreation and Entertainment, Indoor	A	A	
Recreation and Entertainment, Outdoor	C	C	Sec. 5.3.6.H
Drive-In Theater			
Golf Driving Range			
Outdoor Shooting Range			
Special Events	C	C	Sec. 5.3.6.I
<b>RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS</b>			
Business, Professional, Labor, Political Organization; Social or Civic Organization; Social Club or Lodge	A	A	



Religious Assembly	A	A	
<b>UTILITIES AND WASTE-RELATED USES</b>			
Utility Service, Major	C	C	Sec. 5.3.6.J
Utility Service, Minor	A	A	
Septic Tank Installation, Cleaning, or Related Services	A	A	
Solid Waste Disposal Facility (Public or Private)			
<b>COMMERCIAL</b>			
<b>ACCOMMODATIONS</b>			
Short-Term Rental Property: Commercial Guest House (CGH)	C	C	Sec. 5.3.6.D
Hotel or Motel	A		
RV (Recreational Vehicle) Park			
Campground			
<b>ANIMAL SERVICES</b>			
Stable, Commercial			
Stable, Private			
Kennel	A	A	
Pet Store or Grooming Salon	A	A	
Small Animal Boarding	A	A	
Veterinary Service	A	A	
<b>FINANCIAL SERVICES</b>			
Banks or Financial Services	A	A	
Short-Term Lender			
<b>FOOD SERVICES AND DRINKING PLACES</b>			
Bar or Lounge	S	S	
Catering Service	A	A	
Restaurant, Fast Food	C	C	Sec. 5.3.6.K
Restaurant, General	C	C	Sec. 5.3.6.K
Sexually Oriented Business			
<b>INFORMATION INDUSTRIES</b>			
Communication Service; Data Processing Service; and Publishing Industry	A	A	
Communications Tower	C	C	Sec. 6.4.5
<b>OFFICES</b>			
Administrative or Business Office; Government Office; Professional Office	A	A	
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>			
Convention Center or Visitors Bureau	A	A	
Heavy Construction Service or General Contractor	C	C	Sec. 5.3.6.L
Billboard			
Special Trade Contractor (Office/Storage)	C	C	Sec. 5.3.6.L
<b>PARKING, COMMERCIAL</b>			
Parking Lot	A	A	
Parking Garage	A		
<b>RENTAL AND LEASING SERVICES</b>			
Charter Boat or other Recreational Watercraft Rental Service			
Commercial or Industrial Machinery or Equipment, Construction Tools or Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing	C	C	Sec. 5.3.6.M
Consumer Goods Rental Center	A	A	



Self-Service Storage Facility	C	C	Sec. 5.3.6.N
Vehicle Rental or Leasing	C	C	Sec. 5.3.6.M
<b>REPAIR AND MAINTENANCE SERVICES</b>			
Boat Yard	A	A	
Repair Service, Consumer	C	C	Sec. 5.3.6.L
Repair Service, Commercial	C	C	Sec. 5.3.6.L
Vehicle and Boat Repair or Service	A	C	Sec. 5.3.6.L
<b>RETAIL SERVICES</b>			
Non-store Retailer	A	A	
Fuel Dealer; Heating Oil Dealer; Liquefied Petroleum Gas (Bottled Gas) Dealer	C	C	Sec. 5.3.6.O
Home Improvement Center	A		
Food Sales	A	A	
Food Truck	A	A	
Liquor, Beer, or Wine Sales	S	S	
Retail Sales or Services, General; Building Materials or Garden Equipment and Supplies Retailer	A	A	
Convenience Store	A		
Duplicating or Quick Printing Service; Private Postal or Mailing Service	A	A	
Pawn Shop			
Service Station, Gasoline	C		Sec. 5.3.6.R
Truck Stop			
Vehicle Sales	C	C	Sec. 5.3.6.M
Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer	C	C	Sec. 5.3.6.M
Vehicle Parts, Accessories, or Tire Store	A	A	
<b>RETAIL OR PERSONAL SERVICES</b>			
Consumer Convenience Service	A	A	
Hair, Nail, or Skin Care Service	A	A	
Job Training or Placement Service	A	A	
Personal Improvement Service	A	A	
Physical Fitness or Health Club	A	A	
Tattoo Facility			
Services to Buildings or Dwellings	A	A	
Landscaping and Horticultural Service	A	A	
<b>VEHICLE AND WATERCRAFT STORAGE</b>			
Vehicle Storage	C	C	Sec. 5.3.6.P
Impound Yard			
Towing Facility			
Boat Ramp			
Community Dock			
Commercial Dock			
Marina			
<b>WHOLESALE SALES</b>			



Wholesale Sales	A		
Clay or Related Products and Construction Material Wholesaler	A		
Flower, Nursery Stock, or Florists' Supplies Wholesaler	A		
Petroleum Wholesaler			
<b>INDUSTRIAL</b>			
<b>INDUSTRIAL SERVICES</b>			
Laundry, Dry Cleaning, or Carpet Cleaning Plant			
Photo Finishing Laboratory			
Research and Development Laboratory	A	A	
Scrap and Salvage Service			
<b>MANUFACTURING AND PRODUCTION, GENERAL</b>			
Artisan and Craftsman	A	A	
Manufacturing and Production	C		Sec. 6.4.57
Microbrewery and Distillery	C	C	Sec. 5.3.6.Q
Pulp Mill or Paper Mill, Rendering Plant			
Slaughter House and Meat Packing			
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>			
Warehouse and Distribution Facility			
Container Storage Facility			
Freight Forwarding Facility			
Fuel Storage Facility			
Grain Terminal and Elevator			
Stockpiling of Sand, Gravel, or other Aggregate Materials			
Storage or Manufacturing of Weapons or Ammunition			
<b>OTHER USES</b>			
<b>RECYCLING SERVICES</b>			
Recycling Center			
Recycling Collection Facility	A	A	
<b>RESOURCE EXTRACTION/MINING</b>			
Resource Extraction/Mining			
<b>TRANSPORTATION</b>			
Aviation			
Private Air Strip			
Railroad Facility			
Sightseeing Transportation, Land or Water	A		
Taxi or Limousine Service	A		
Urban Transit System	A	A	
Water Transportation			

### Sec. 5.3.6 Use Conditions

#### A. Hemp Production and Processing.

1. *Industrial Hemp License.* Evidence of the appropriate South Carolina Department of Agriculture Industrial Hemp License (Grower or Processor) shall be submitted with all Site Plan Review applications.



2. *Approval from South Carolina Department of Agriculture.* Evidence of the appropriate South Carolina Department of Agriculture Hemp Grower or Processor application approval shall be submitted with any Site Plan Review Application.
- B. **Agricultural Sales or Service, Retail Sales or Service, General, and Building Materials or Garden Equipment and Supplies Retailer.** Tractor-trailer containers are prohibited in outside storage areas.
- C. **Single-Family Attached Dwelling Units.** Single-Family Attached Dwelling Units shall be subject to the following standards:
1. *Number of Attached Units in a Single Structure.* No single structure may contain more than eight Single-Family Attached Dwelling Units.
  2. *Density/Intensity and Dimensional Standards.* Single-Family Attached Dwellings shall comply with the applicable Density/Intensity and Dimensional Standards of this Article.
  3. *Accessory Structures.* All Accessory Structures shall be located on the same Lot as the associated principal Single-Family Attached Dwelling Unit and shall be 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 when the Accessory Structure is the same height and materially a part of a fence or wall.
  4. *Design Standards.*
    - a. **Front Façade.** The front façade of a Single-Family Attached Dwelling may not include more than 40 percent garage wall area.
    - b. **Roof.** The roof of each Single-Family Attached Dwelling must be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
    - c. **Windows.** At least 10 percent of the area of each façade that faces a Street must be comprised of windows.
- D. **Short-Term Rentals, Commercial Guest House (CGH).** Short-Term Rentals, Commercial Guest House (CGH) use shall comply with the requirements of ARTICLE 6.8, *Short-Term Rentals*, of this Ordinance as regulated for the Community Commercial (CC) Zoning District.
- E. **Affordable Dwelling Units.**
1. Affordable Dwelling Units in the Mixed-Use (MU) District shall comply with the requirements of Article 6.4.19, *Affordable and Workforce Dwelling Units*, of this Ordinance as regulated for the Community Commercial (CC) Zoning District.
  2. Affordable Dwelling Units in the Limited Commercial (LC) District shall comply with the requirements of Article 6.4.19, *Affordable and Workforce Dwelling Units*, of this Ordinance as regulated for the Neighborhood Commercial (NC) Zoning District.
- F. **Family Home.** A Family Home, as defined in this Ordinance, does not require compliance with the Site Plan Review procedures contained within this Ordinance.
- G. **Community Residential Care Facility.** A Community Residential Care Facility that provides care for nine or less persons shall be considered a Family, and is an allowed use in all Zoning Districts pursuant to the Fair Housing Act, Section 800 [42 U.S.C. 3601].
- H. **Outdoor Recreation and Entertainment.** Any Structure or activity use area established in connection with Outdoor Recreation and Entertainment uses shall have a vegetated land use buffer of not less than 50 feet from any property that contains a residential use or is located 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 Zoning District shall apply.
- I. **Special Events.** Special Events established as a principle use in the MU and LC Districts shall comply with the requirements of ARTICLE 6.7 of this Ordinance as regulated for the Community Commercial (CC) Zoning District.





**J. Utility Service, Major.**

1. *Sewage Disposal Facility, Water and Sewage Treatment Facility, Water Storage Tank, and Electric or Gas Power Generation Facility.* Vegetated Buffers. Any Structure established in connection with a Water Storage Tank, Water and Sewage Treatment Facility, Sewage Disposal Facility, or Electric or Gas Power Generation Facility shall have a vegetated buffer of not less than 50 feet from any property line, in compliance with the CHAPTER 9, *Development Standards*, buffer standards of this Ordinance.
2. *Utility Substation, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Line, Utility Pumping Station, and Water Main.*
  - a. Above ground Structures that have a cumulative area of 120 square feet or less, associated with underground Utilities such as meters, which are necessary for maintenance and monitoring, shall have a vegetated buffer of 10 feet from all property boundaries, in compliance with CHAPTER 9, *Development Standards*, buffer standards of this Ordinance;
  - b. Above ground Structures that have a cumulative area of greater than 120 square feet established in connection with a Utility Substation, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Line, or Utility Pumping Station shall have a vegetated buffer of 25 feet from all property boundaries, or the minimum Setback of the overlay district, whichever is greater; and
  - c. The accessory storage of vehicles and equipment on the premises shall be prohibited in the LC District.

**K. Restaurants.** All proposed 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.

**L. Heavy Construction Service or General Contractor, Special Trade Contractor, Consumer and Commercial Repair Service, and Vehicle and Boat Repair or Service.** All materials and equipment associated with this use shall be entirely screened from view of adjacent properties, and public or private Right-of-Ways, by the use of solid fencing or appropriate landscaping.

**M. Commercial or Industrial Machinery or Equipment, Construction Tools or Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing, Vehicle Rental or Leasing, and Vehicle Sales and Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer.**

1. Vehicles must be located behind a commercial or Office Building as viewed from the facing Street Frontage.
2. In the LC District, Vehicle Sales, Dealers, Rental, and Leasing uses, including all associated Vehicle Storage areas, must not exceed one acre in size; otherwise, these uses are prohibited.

**N. Self-Service Storage Facility.**

1. *Performance Standards.*
  - a. Street Frontages and Mixed-Use Development.
    - i. In the MU District, a Self-Service Storage Facility shall be part of a mixed-use Development where the ground floor use facing Street Frontages (entire Street Frontage) are commercial or office space independent of the Self-Service Storage Facility business.
    - ii. In the LC District, a Self-Service Storage Facility shall be either:
      1. Part of a mixed-use Development where the ground floor use facing Street Frontages (entire Street Frontage) are commercial or Office space independent of the Self-Service Storage Facility business, or



2. Part of a mixed-use Development where the Self-Service Storage Facility business is contained within a separate Building or Buildings located behind a commercial or Office space business as viewed from the facing Street Frontage.
  - b. All Structures, including the accessory manager's office/residence must be set back a minimum of 25 feet from the Right-of-Way or the district minimum Setback, whichever is greater.
  - c. Side and Rear Buffers/Screening.
    - i. Where projects abut Lots zoned Office, commercial, or industrial, no Side and Rear Setbacks are required.
    - ii. Where sites abut residentially zoned properties, Buildings adjacent to the perimeter must face inward with their doors away from such areas.
  - d. 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.
  - e. One management Office and/or Accessory Dwelling Unit residence shall be permitted.
  - f. Parking and Circulation.
    - i. Project entrances shall be 30 feet in width.
    - ii. 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.
    - iii. 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.
  - g. Signs shall comply with the requirements contained in this Article and CHAPTER 9, *Development Standards*, of this Ordinance.
2. *Operating Conditions.*
- a. The manufacture or sale of any commercial commodity or the provision of any service from the premises is prohibited
  - b. Commercial repairs of vehicles autos, boats, motors, furniture, or other items on the premises are prohibited.
  - c. Storage of flammable chemical substances within the complex is prohibited.
  - d. Open Storage of automobiles vehicles and boats is permitted only where such areas are screened to comply with Landscaping, Screening, and Buffer requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance.
- O. **Liquefied Petroleum Gas Dealers.** The amount of Storage for Liquid Petroleum Gas Dealers shall be limited to 40,000 gallons per site.
- P. **Vehicle Storage.** Open Storage of vehicles and boats shall be entirely screened from view of adjacent properties, and public or private Rights-of-Way, by the use of solid fencing or appropriate landscaping.
- Q. **Microbrewery and Distillery.**
1. *Barrel Capacity.* A Microbrewery shall have a maximum capacity of 5,000 barrels per year; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
  2. *On-Site Consumption.* A Microbrewery and Distillery shall require review and approval in accordance with the Special Exception procedures of this Ordinance if they allow on-site consumption of beer or alcoholic beverages in conjunction with the Microbrewery and Distillery use or an Accessory Use.



3. *Proximity to Residential District or Use.* A Microbrewery and Distillery shall require review and approval in accordance with the Special Exception procedures of this Ordinance if they are located within 500 feet of the property line of a lot in a residential Zoning District or a Lot containing a residential use. 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.
  4. *Accessory Uses and Structures.* All Accessory Uses and Structures shall comply with the requirements of Article 6.5, *Accessory Uses and Structures*, of this Ordinance.
  5. *Special Events.* All Special Events uses shall comply with the requirements of Article 6.7, *Special Events Use*, of this Ordinance.
  6. *Third Party Vendors.* The Site Plan shall demonstrate that all Required Parking is maintained and remains unencumbered when third party vendors or Structures are onsite.
- R. **Gasoline Service Stations.** Gasoline Service Stations shall have a maximum of four fuel dispensing stations and a maximum of eight vehicle fueling positions (VFP). VFP's are the number of vehicles that can be fueled simultaneously at a gasoline service station.
- S. **Manufactured Housing Units.**
1. Manufactured Housing Units in the LC District must comply with the requirements of Sec. 6.4.24, *Manufactured Housing Units*, of this Ordinance as they apply to the R-4 Zoning District.
  2. Manufactured Housing units in the MU District must comply with the requirements of Sec. 6.4.24, *Manufactured Housing Units*, of this Ordinance as they apply to the UR Zoning District.

### **Sec. 5.3.7 General Development Standards and Requirements (All Districts)**

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- A. **Residential Density.**
1. *Maximum Residential Density.* The Density/Intensity and Dimensional Standards listed in Table 5.3-3 of this Article shall apply to all properties in the MU District, and the Density/Intensity and Dimensional Standards listed in Table 5.4-5 of this Article shall apply to all properties in the LC District.
  2. *Calculation of Residential Density.* Residential density shall be calculated by dividing the number of Lots/Dwelling Units on a site by the net area (in acres) of Highland of the site on which the Lots/Dwelling Units are located. Net Highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as Freshwater Wetlands. Site Plan Review and Subdivision applications shall include all Freshwater Wetland metes and bounds, and total Freshwater Wetland acreage based on a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.
- B. **Vehicle Access.** Site Plan Review and Subdivision Plat applications shall include suitable access management plans demonstrating compliance with the requirements below:
1. *Driveway Separation.* For driveways directly accessing Maybank Highway, driveway separation shall be a minimum distance of 150 feet from the intersection of the Right-of-Way lines to the closest edge of driveways. Where the driveway separation is less than 150 feet the proposed driveway shall be designed as a right-in, right-out (RIRO) driveway and conform to the SCDOT standards for a Typical Right-in, Right-out Driveway Design.



2. *Driveway Width.* Vehicular access from Maybank Highway and side (secondary) streets to properties shall be confined to access drives not exceeding 30 feet in width at the street line. Driveways which include a median strip to separate traffic flow in opposite directions shall not exceed 60 feet in width at the street line.
3. *Distance between Driveways.* The distance between the proposed driveway and an existing adjacent driveway shall be the greatest distance feasible.
4. *Limitation to Number of Driveways.* For Parcels with a Right-of-Way Frontage equal to or less than 150 feet in length, the development is limited to one driveway, unless single lane driveways are provided in accordance with Sec. 5.3.7.B.5.; for Parcels with a Frontage greater than 150 feet and less than 300 feet in length, the Development is limited to two driveways; for Parcels with a Frontage equal to or greater than 300 feet the Development may have up to three driveways.
5. *Single Lane Driveways.* For Parcels with a Right-of-Way Frontage equal to or less than 150 feet in length, two single lane driveways may be allowed. Each single lane drive shall not exceed 15 feet in width at the Street Line, and the single lane driveway separation shall be a minimum distance of 100 feet from the intersection of the Right-of-Way lines to the closest edge of driveways.
6. *Corner Lots.* Notwithstanding the above stated requirements, access drives on Corner Lots shall be located only on the side (secondary) Street and such driveways shall be a minimum distance of 50 feet from the Street intersection as measured from the edge of the intersecting Roadway to the beginning of the driveway radius. However, the Zoning and Planning Director may require the access to be located on the primary Street to avoid undue interference with, or hazard to, traffic on the Roadways.
7. *Shared Access Requirements.* Shared access is encouraged between adjoining Parcels. Driveways for all uses except Single-Family Detached Dwellings should be located in a manner where they can be shared between adjacent Parcels as described below:
  - a. The applicant must request a shared access with the adjacent property if the adjacent property does not contain a Single-Family Detached Dwelling Unit.
  - b. Shared access should be located along a common property boundary, if feasible.
  - c. If the owner of the adjacent Parcel does not agree to share access, the applicant shall provide one of the following to the Zoning and Planning Department:
    - i. A letter from the adjacent Property Owner denying access; or
    - ii. If the adjacent Property Owner refuses to provide a letter, an affidavit that documents attempts that the applicant made to request shared access and that the neighboring Property Owner refused to provide a letter. If this subsection applies, a new or relocated Curb Cut is permitted on the subject Parcel only with a recorded agreement that the Property Owner will allow adjacent properties to share access when developed and/or redeveloped, provided that Parcels with 250 feet or more of Frontage along the road on which the access is proposed or located are exempt from having to record such Easement.
  - d. Shared access agreements shall be recorded with the Register of Deeds (ROD) Office.
  - e. When Right-of-Way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director and the Parcel is involved in a shared access agreement, the maximum Building Coverage shall be 60 percent. When Right-of-Way is not dedicated, but the Parcel is involved in a shared access agreement, the maximum Building Coverage shall be 40 percent.



8. *Transportation Coordination.* Prior to the issuance of a Building Permit, the applicant must show conformance with all requirements included in Letters of Coordination from the South Carolina Department of Transportation (SCDOT), Charleston County Public Works Department, and the Charleston Area Regional Transportation Authority (CARTA).
  9. *Infrastructure Connectivity Dedication Incentives.* The map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" identifies the approximate location of a future connector road and drainage system intended to support improved vehicular circulation and stormwater drainage within the JO-MHC-O District. Property Owners may be eligible for certain incentives (as listed in Tables 5.4-3 and 5.4-5 below) in exchange for dedicating 50-foot Rights-of-Way for one or more segments of the planned connector road and drainage system as shown on the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" to the City of Charleston. These incentives shall only apply upon submittal of documentation that such rights-of-way have been dedicated to and accepted by the City of Charleston. If the 50-foot Right-of-Way is dedicated and accepted, it does not have to be constructed by the Property Owner unless it is used as access to the Development.
- C. **Traffic Impact Studies.** All Site Plan Review applications for properties within the JO-MHC-O District shall comply with the requirements of Article 9.6, *Traffic Impact Studies*. Compliance with Article. 9.6, *Traffic Impact Studies*, is also required for Subdivision Plat applications that meet the thresholds contained in Article. 9.6, *Traffic Impact Studies*.
- D. **Pedestrian Access and Sidewalks/Multi-Use Paths.**
1. *On-Site Pedestrian Access.* On-site pedestrian access shall comply with the requirements of this Ordinance and shall be included in site design illustrating access linkage to existing sidewalks, adjacent Parcels, and within the Development area. At-grade and grade-separated pedestrian walkways shall provide direct connections from the Street to the main entrance and to abutting properties. Pedestrian walkways shall be designed and located in a manner that does not require pedestrians to walk through Parking Lots or within driveways and shall be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area.
  2. *Maybank Highway Sidewalk and Multi-use Path Requirements.* A minimum 10-foot wide concrete sidewalk shall be required for properties in the Mixed Use (MU) District and a minimum 10-foot concrete multi-use path shall be required for properties in the Limited Commercial (LC) District. Sidewalks and multi-use paths must comply with the requirements listed below and the Right-of-Way buffer requirements contained in this Article. This Section applies when properties are developed or redeveloped in accordance with Sec. 3.7.1, *Applicability*, of this Ordinance.
    - a. The minimum 10-foot wide concrete sidewalk or multi-use path, located as shown in Figures 1 and 2, as applicable, shall extend the length of the entire property Frontage and shall be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area;
    - b. Where applicable as determined by the Zoning and Planning Director, asphalt surface material may be used in place of concrete to mitigate damage to existing trees that are to remain;
    - c. The Property Owner shall obtain and submit all required encroachment permits as part of the Site Plan Review application;
    - d. The Property Owner shall provide written documentation from the City of Charleston that the City will maintain the sidewalk or multi-use path upon approval of Certificates of Occupancy. This requirement is applicable regardless of whether the sidewalk or multi-use path is located in a Right-of-Way or within an Easement. Such documentation shall be submitted as part of the Site Plan Review application;



- e. If the sidewalk or multi-use path is located on private property, the Property Owner shall record an Easement for the safe movement of pedestrians and the maintenance of the sidewalk; and
  - f. Sidewalks/multi-use path shall be installed and inspected prior to issuance of Certificate(s) of Occupancy.
3. *All Other Roads Sidewalk Requirements.* Sidewalk requirements for all roads other than Maybank Highway in the Overlay Zoning District shall comply with the sidewalk requirements of CHAPTER 9, *Development Standards*, of this Ordinance.
- E. **Signs.** All signage must comply with the requirements of this Section in addition to the applicable requirements of Article 9.8, *Signs*, of this Ordinance.
1. *Free-Standing Signs.*
    - a. All new Free-Standing Signs are to be designed as Monument Signs.
      - i. Signs shall have a maximum height of 10 feet and a maximum size of 40 square feet.
      - ii. Shared Free-Standing Signs shall be allowed with a maximum height of 12 feet and a maximum size of 60 square feet.
    - b. All Sign illumination:
      - i. Illuminated Signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas.
      - ii. Electronic Copy Readerboard Signs and Billboards are prohibited.
      - iii. No illumination that simulates traffic control devices or emergency vehicles shall be used.
      - iv. All illumination must be from a steady, stationary light source.
      - v. Internal Illumination:
        1. Internally Illuminated Signs must be constructed of routed aluminum or similar opaque material so that only letters, numbers, and/or logos are illuminated.
        2. Signs shall not have light reflecting backgrounds or letters.
        3. All finishes shall be a matte finish.
      - vi. External Illumination:
        1. Illumination shall be from a steady stationary light source, shielded and directed solely at the Sign.
        2. Light sources to illuminate signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
        3. The intensity of light shall not exceed twenty footcandles at any point on the Sign face.
        4. The color of light sources to illuminate signs shall be white.
        5. Signs shall not have light-reflecting backgrounds or letters.
    - c. Nonconforming Signs.



- i. Any Nonconforming Sign located on property within this Overlay Zoning District that was legally permitted on or before March 9, 2021, that does not comply with the standards set forth in this Article must come into compliance with the requirements of this Article prior to the issuance of a Zoning Permit for: (1) a new business on the property; and/or (2) all changes other than re-facing and the required addition of Pole Covers as described in subsection ii below.
  - ii. A Nonconforming Sign may be re-faced without complying with the requirements of this Article provided a Pole Cover is added to the existing poles pursuant to the following requirements:
    1. The Pole Cover shall be at least one-third the width of the Sign cabinet; and
    2. The Pole Cover shall be at least one-third the overall height of the Pole Sign, however the Pole Cover shall not exceed eight feet in height.
2. *Wall Signs.*
- a. The maximum size of a Wall Sign shall be in accordance with Table 9.7.4, *Wall/Façade Signs*, of this Ordinance;
  - b. In new multi-tenant Developments, such as shopping centers and Office parks, all tenant Signs are to be similar in type, color, font size, font style, and method of illumination; and
  - c. New tenant Signs in existing multi-tenant developments shall be consistent with the type and method of illumination of existing tenant Signs.
- F. **Special Stormwater Requirements.** All construction activities occurring on properties within the JO-MHC-O District may be subject to Special Protection Area stormwater design criteria as described in the most recent edition of the Charleston County Stormwater Program Permitting Standards and Procedures Manual.

### **Sec. 5.3.8 Mixed-Use (MU) District**

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The MU District includes JO-MHC-O Overlay Zoning District properties grouped in three noncontiguous mixed-use nodes, as shown on the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District." These mixed-use nodes currently consist of high and medium intensity commercial and residential uses such as shopping centers, restaurants, pharmacies, Multi-Family Dwellings, and various small retail and Professional Offices, along with a mix of vacant and undeveloped parcels. Two of the three mixed-use nodes are located at major crossroads that currently serve as established and recognized Johns Island commercial centers.

The MU District is intended for higher intensity commercial development and higher Density residential uses than those allowed in the LC District of this JO-MHC-O District. Future development in this district should offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and Services to the surrounding neighborhoods. The MU District accommodates different types of compatible land uses close together in appropriate locations to shorten trips and facilitate alternative modes of transportation such as walking, biking, and public transportation. Mixed-use Buildings with retail, Service, and other uses on the ground floor and residential units above the nonresidential space should be encouraged. The following regulations apply in addition to the requirements of Sec. 5.3.7, *General Development Standards and Requirements (All Districts)*, of this Article to unincorporated Parcels within the MU District as indicated on the map titled "Johns Island Maybank Highway Overlay Zoning District":

A. **Buffers.**

1. *Land Use Buffer.* The land use buffer and landscape requirements of CHAPTER 9, *Development Standards*, shall apply.
2. *MU District Right-of-Way Buffers.*



- a. For properties with Frontage on Maybank Highway, the Right-of-Way buffer shown in Figure 1 shall be required when such properties are developed or redeveloped in accordance with Sec. 3.7.1, *Applicability*, of this Ordinance.
- b. The Maybank Highway Right-of-Way buffer shall be a minimum of 15 feet in depth, and include the following:
  - i. A five-foot planting strip including:
    - a. Street trees and additional required plantings meeting the requirements of Table 5.4-2. All Required Trees and plantings shall be planted prior to the issuance of Certificate(s) of Occupancy; and
    - b. Street lights subject to the following street light requirements:
      - 1. Street lights shall be provided as shown in Figure 1 and shall be spaced approximately 150 feet apart or as determined appropriate by the Zoning and Planning Director, provided that Property Owners shall only be responsible for the Street lights located in front of their properties;
      - 2. All required Encroachment permits from the SC Department of Transportation shall be included as part of the Site Plan Review application;
      - 3. Property Owners/Applicants shall provide documentation stating that they shall be responsible for bearing the costs of the conduit(s) for the required street light(s) and coordinating with the applicable electricity provider to erect the lights prior to the issuance of Certificate(s) of Occupancy;
      - 4. Street lights shall be acorn-style and shall be placed on 12-foot tall, fully fluted poles. Should these designs/light types no longer be in existence at the time of Land Development application, the Zoning and Planning Director shall determine the appropriate pedestrian scale fixture to be used;
      - 5. Street lights shall be installed prior to issuance of Certificate(s) of Occupancy; and
      - 6. The Property Owner shall provide written documentation that the Development/redevelopment will comply with the above stated requirements. Such documentation shall be submitted as part of the Site Plan Review application.
  - ii. A 10-foot sidewalk shall be installed subject to the requirements of Sec. 5.3.7.D.2, *Sidewalks/Multi-use Paths*.

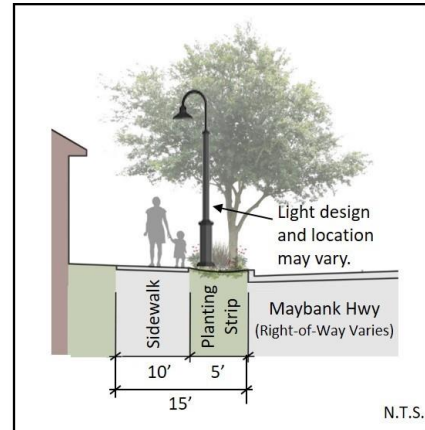


FIGURE 1  
RIGHT-OF-WAY BUFFER, MAYBANK HIGHWAY

Table 5.3-2, Mixed-Use (MU) District Buffer Depth and Planting Schedule [1]	
STANDARD	MAYBANK HIGHWAY (JOHNS ISLAND)
MIN. BUFFER DEPTH [2] [3]	15 feet [4]
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet) [5]	
Canopy Trees [6] [7]	3
Understory Trees (at least 50 percent evergreen)	3
Shrubs	25





Street Trees (may be counted toward Canopy Tree req.) [8]	2
<p>All trees with a diameter breast height (DBH) of six inches or greater within buffers shall be preserved.</p> <p>[1] All landscape and plant material shall comply with the minimum standards of Section 9.5.6 of this Ordinance.</p> <p>[2] Buffers may be traversed by permitted driveways and pedestrian ways.</p> <p>[3] As measured from existing back of curb, where applicable.</p> <p>[4] Consisting of a five foot planting strip and ten foot sidewalk as illustrated in Figure 1.</p> <p>[5] The Planning Director may waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.</p> <p>[6] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Zoning and Planning Director.</p> <p>[7] Only Live Oak trees can be used to fulfill Canopy Tree requirements.</p> <p>[8] Street trees are trees planted in Rights-of-Way for the purpose of fulfilling these requirements. Any planting in Rights-of-Way must be approved by party(ies) authorized to grant encroachment.</p>	

3. If property is dedicated pursuant to Sec. 5.3.7.B.9, the connector road Right-of-Way buffer shall be eight feet.
4. Right-of-Way buffer and sidewalk requirements for all other roads in the MU District shall comply CHAPTER 9, *Development Standards*, of this Ordinance.

**Density, Intensity, Dimensional, and Design Standards.** The Density/Intensity and Dimensional Standards contained in Table 5.3-3 shall apply to properties in the MU District:

Table 5.3-3, Mixed-Use (MU District)		
Density/Intensity and Dimensional Standards		
STANDARD	WITHOUT 50' RIGHT-OF-WAY DEDICATION [6]	WITH 50' RIGHT-OF-WAY DEDICATION
MAXIMUM RESIDENTIAL DENSITY [1]	8 Dwelling Units per acre	19 Dwelling Units per acre
MINIMUM LOT WIDTH	12 feet	
MINIMUM SETBACKS [2] [8]	Equivalent to required buffers	
MAYBANK HIGHWAY RIGHT-OF-WAY BUFFER	15 feet	
OCRM CRITICAL LINE BUFFER	50 feet	
MAXIMUM BUILDING COVERAGE [3]	30%	50%
MAXIMUM INDIVIDUAL BUILDING FOOTPRINT	15,000 square feet	20,000 square feet [4]
MAXIMUM BUILDING HEIGHT	35 feet/ 2.5 stories	55 feet/ 5 stories [5]



- [1] To promote ownership or occupancy of affordable, quality housing, increased Densities may be allowed pursuant to Sec. 5.3.6.E.
- [2] No Building Setback shall be less than eight feet except as provided for in footnote 8.
- [3] When Right-of-Way is dedicated pursuant to the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director and the Parcel is involved in a shared access agreement pursuant to Sec. 5.3.7.B.7, the maximum Building Coverage shall be 60 percent. When Right-of-Way is not dedicated, but the Parcel is involved in a shared access agreement, the maximum Building Coverage shall be 40 percent.
- [4] When Right-of-Way is dedicated pursuant to the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director, Building footprints of up to 50,000 square feet may be allowed if approved pursuant to the Special Exception procedures of this Ordinance.
- [5] When Right-of-Way is dedicated pursuant to the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director, Building Heights of up to 55 feet and five Stories may be approved by the Zoning and Planning Director when the Building meets all applicable setback and buffer requirements and the following conditions:
- The portion of the Building exceeding 35 feet in height is stepped back at least 30 feet from the portion(s) of the Building that meets the 35 foot height requirement; and
- The stepped portion is measured from the outside edge of the Building that is parallel to Maybank Highway and, if applicable, from the outside edge of the Building that is parallel to an adjacent parcel which contains or is zoned for Single-Family Detached Dwelling Units.
- [6] Vertical improvements shall not occur in the area identified for infrastructure connectivity as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director.
- [7] These incentives shall only apply upon submittal of documentation that the 50-foot Right-of-Way has been dedicated to and accepted by the City of Charleston.
- [8] The Setback requirements of the UR Zoning District shall apply to Single-Family Detached Dwelling Units and Manufactured Housing Units.

### **Sec. 5.3.9 Limited Commercial (LC) District**

The LC District includes JO-MHC-O Overlay Zoning District properties outside of the mixed-use nodes as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District.” Existing uses in this district are primarily a mixture of light commercial, and vacant and undeveloped properties surrounded by established residential Development.

The LC District is intended for lower intensity commercial development and lower Density residential uses than those allowed in the MU District. This district should serve as a transition from the more intense mixed-use node and provide convenience goods and Services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and Services offered should be varied and include specialty retail stores, restaurants, and neighborhood-serving offices. Residential Development most appropriate for this district includes small Lot Single-Family Dwellings and Single-Family Attached Dwellings, such as Duplexes and Townhouses, and Triplexes and fourplexes/quadplexes. The following regulations apply in addition to the requirements of Sec. 5.3.7, *General Development Standards and Requirements (All Areas)*, of this Article to unincorporated parcels within the LC District as indicated on the map titled “Johns Island Maybank Highway Overlay Zoning District”:

#### **A. Buffers.**

1. *Land Use Buffer.* The land use buffer and landscape material requirements of CHAPTER 9, *Development Standards*, of this Ordinance shall apply.
2. *LC District Right-of-Way Buffers.*
  - a. Maybank Highway LC District Right-of-Way Buffer.



- i. *Buffer Requirement.* For properties with frontage on Maybank Highway, the Right-of-Way buffer shown in Figure 2 shall be required when such properties are developed or redeveloped in accordance with Sec. 3.7.1, *Applicability*, of this Ordinance.
- ii. *Buffer Description.* The Maybank Highway Right-of-Way buffer shall be 75 feet in depth and include the following:
  - 1. 0 – 25 feet from the property line at the Right-of-Way: a minimum 10-foot concrete multi-use path meeting the requirements of Sec. 5.3.7.D.2 and Street lighting meeting the requirements of Sec. 5.3.9.A.3. This area is also reserved for future road widening.
  - 2. 25 – 50 feet from the property line at the Right-of-Way: Street trees and additional required plantings meeting the requirements of Table 5.3-4. All Required Trees and plantings shall be planted prior to the issuance of Certificate(s) of Occupancy.
  - 3. 50 - 75 feet from the property line at the Right-of-Way: This area is reserved for stormwater infrastructure; however, other temporary activities may occur in this area as approved by the Zoning and Planning Director. When stormwater Detention ponds are located within the Right-of-Way buffer, they are only allowed in this portion of the buffer and they shall not occupy more than 25% of the entire Right-of-Way buffer area.

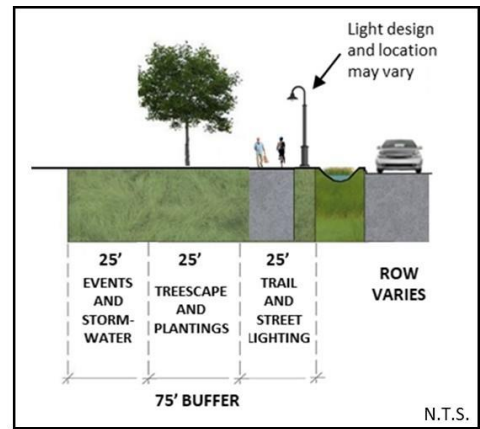


FIGURE 2  
RIGHT-OF-WAY BUFFER, MAYBANK HIGHWAY

Table 5.3-4, Limited Commercial (LC) District	
ROW Buffer Depth and Planting Schedule [1]	
STANDARD	MAYBANK HIGHWAY (JOHNS ISLAND)
<b>MIN. BUFFER DEPTH</b> [2] [3]	75 feet [4]
<b>MINIMUM BUFFER LANDSCAPING</b> (Plants per 100 linear feet) [5]	
Canopy Trees [6] [7]	3
Understory Trees	4
Shrubs	30
Street Trees (may be counted toward Canopy Tree req.) [8]	2



All trees with a Diameter Breast Height (DBH) of 6 inches or greater within buffers shall be preserved.

[1] All landscape and plant material shall comply with the minimum standards of Sec. 9.4.6, *Landscape Material Standards*, of this Ordinance.

[2] Buffers may be traversed by permitted driveways and pedestrian ways.

[3] As measured from existing back of Curb, where applicable.

[4] Consisting of a minimum 10-foot multi-use path as illustrated in Figure 2.

[5] The Zoning and Planning Director may waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.

[6] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Zoning and Planning Director.

[7] Only Live Oak Trees can be used to fulfill the Canopy Tree requirements.

[8] Street Trees are trees planted in Rights-of-Way for the purpose of fulfilling these requirements. Any planting in Rights-of-Way must be approved by party(ies) authorized to grant Encroachment.

- b. If property is dedicated pursuant to Sec. 5.3.7.B.9, the connector road Right-of-Way buffer shall be eight feet.
- c. Right-of-Way buffer and sidewalk requirements for all other roads in the LC District shall comply with CHAPTER 9, *Development Standards*, of this Ordinance.

2. *Street Lights*. Property owners shall install street lights, as shown in Figure 2, in accordance with the following standards:

- a. Street lights shall be placed in the first 25 feet of the Right-of-Way buffer spaced approximately 150 feet apart or as determined by the Zoning and Planning Director, provided that Property Owners shall only be responsible for the Street lights located in front of their properties;
- b. All required Encroachment permits from the SC Department of Transportation shall be included as part of the Site Plan Review application;
- c. Property Owners/Applicants shall provide documentation stating that they shall be responsible for bearing the costs of the conduit(s) for the required Street light(s) and coordinating with the applicable electricity provider to erect the lights prior to the issuance of Certificate(s) of Occupancy;
- d. Street lights shall be acorn-style and shall be placed on 12-foot tall, fully fluted poles. Should these designs/light types no longer be in existence at the time of Land Development application, the Zoning and Planning Director shall determine the appropriate pedestrian scale fixture to be used;
- e. Street lights shall be installed prior to issuance of Certificate(s) of Occupancy; and
- f. The Property Owner shall provide written documentation that the Development/redevelopment will comply with the above stated requirements. Such documentation shall be submitted as part of the Site Plan Review application.

B. **Density, Intensity, Dimensional, and Design Standards.** The Density/Intensity and Dimensional Standards contained in Table 5.3-5 shall apply to properties in the LC District:



**Table 5.3-5, Limited Commercial (LC) District  
Density/Intensity and Dimensional Standards**

STANDARD	WITHOUT 50' RIGHT-OF-WAY DEDICATION [5]	WITH 50' RIGHT-OF-WAY DEDICATION [6]
<b>MAXIMUM RESIDENTIAL DENSITY [1]</b>	6 Dwelling Units per acre	12 Dwelling Units per acre
<b>MINIMUM LOT WIDTH</b>	12 feet	
<b>MINIMUM SETBACKS [2] [7]</b>	Equivalent to required buffers	
<b>MAYBANK HIGHWAY RIGHT-OF-WAY BUFFER</b>	75 feet	
<b>OCRM CRITICAL LINE BUFFER</b>	50 feet	
<b>MAXIMUM BUILDING COVERAGE [3]</b>	30%	50%
<b>MAXIMUM INDIVIDUAL BUILDING FOOTPRINT</b>	5,000 square feet	10,000 square feet [4]
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet/ 2.5 stories	45 feet/ 3.5 stories

[1] To promote ownership or occupancy of affordable, quality housing, increased densities may be allowed pursuant to Sec. 5.3.6.E.

[2] No Building Setback shall be less than eight feet, except as provided for in footnote 7.

[3] When Right-of-Way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director and the Parcel is involved in a shared access agreement, the maximum Building Coverage shall be 60 percent. When Right-of-Way is not dedicated, but the Parcel is involved in a shared access agreement pursuant to Sec. 5.3.7.B.7, the maximum Building Coverage shall be 40 percent.

[4] When Right-of-Way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director, Building footprints of up to 20,000 square feet may be allowed if approved pursuant to the Special Exception procedures of this Ordinance.

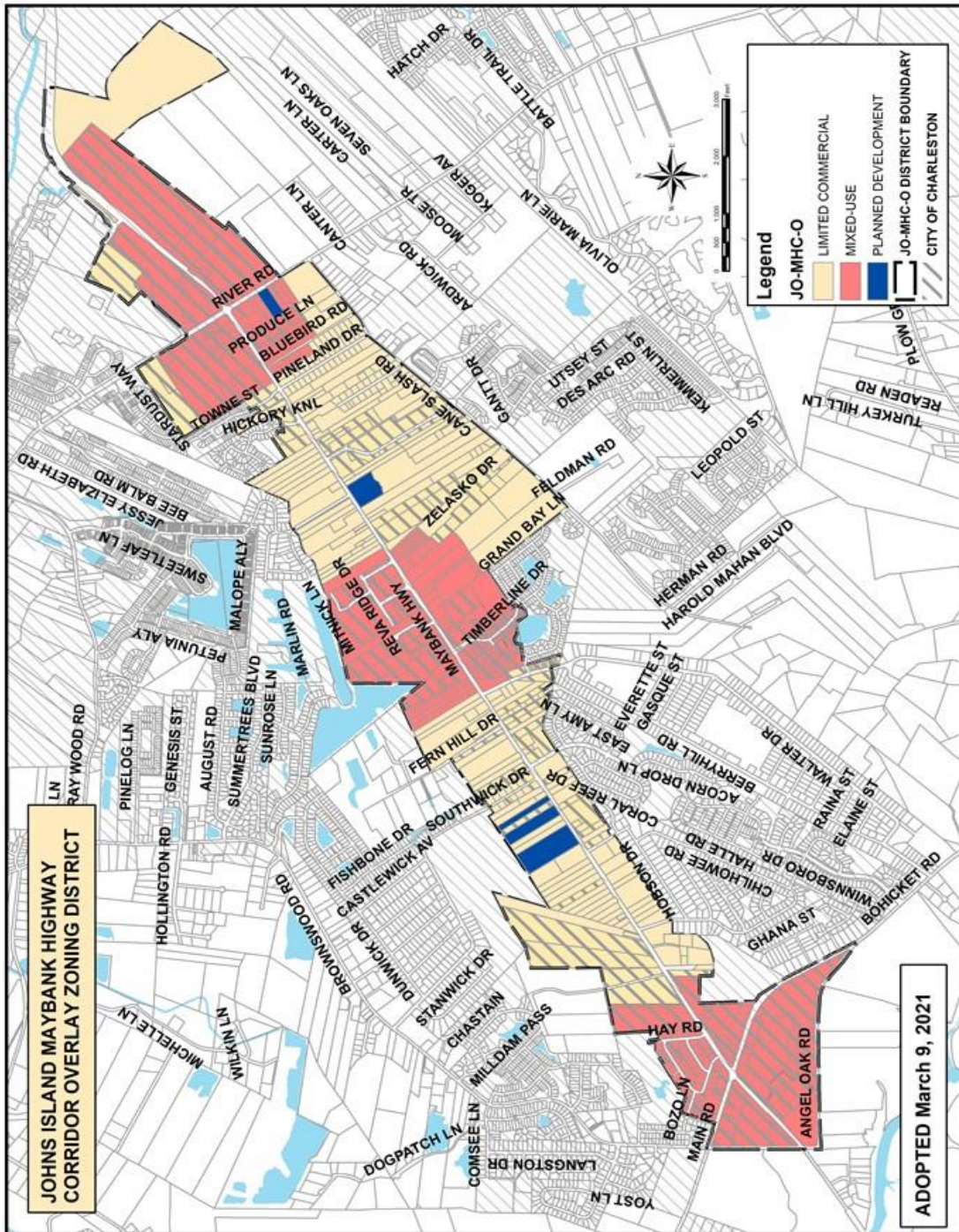
[5] Vertical improvements shall not occur in the area identified for Infrastructure connectivity as shown on the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director.

[6] These incentives shall only apply upon submittal of documentation that the 50-foot Right-of-Way has been dedicated to and accepted by the City of Charleston.

[7] The Setback requirements of the R-4 Zoning District shall apply to Single-Family Detached Dwelling Units and Manufactured Housing Units when Right-of-Way is not dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director. When Right-of-way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director, the Setback requirements of the UR Zoning District shall apply to Single-Family Detached Dwelling Units and Manufactured Housing Units.

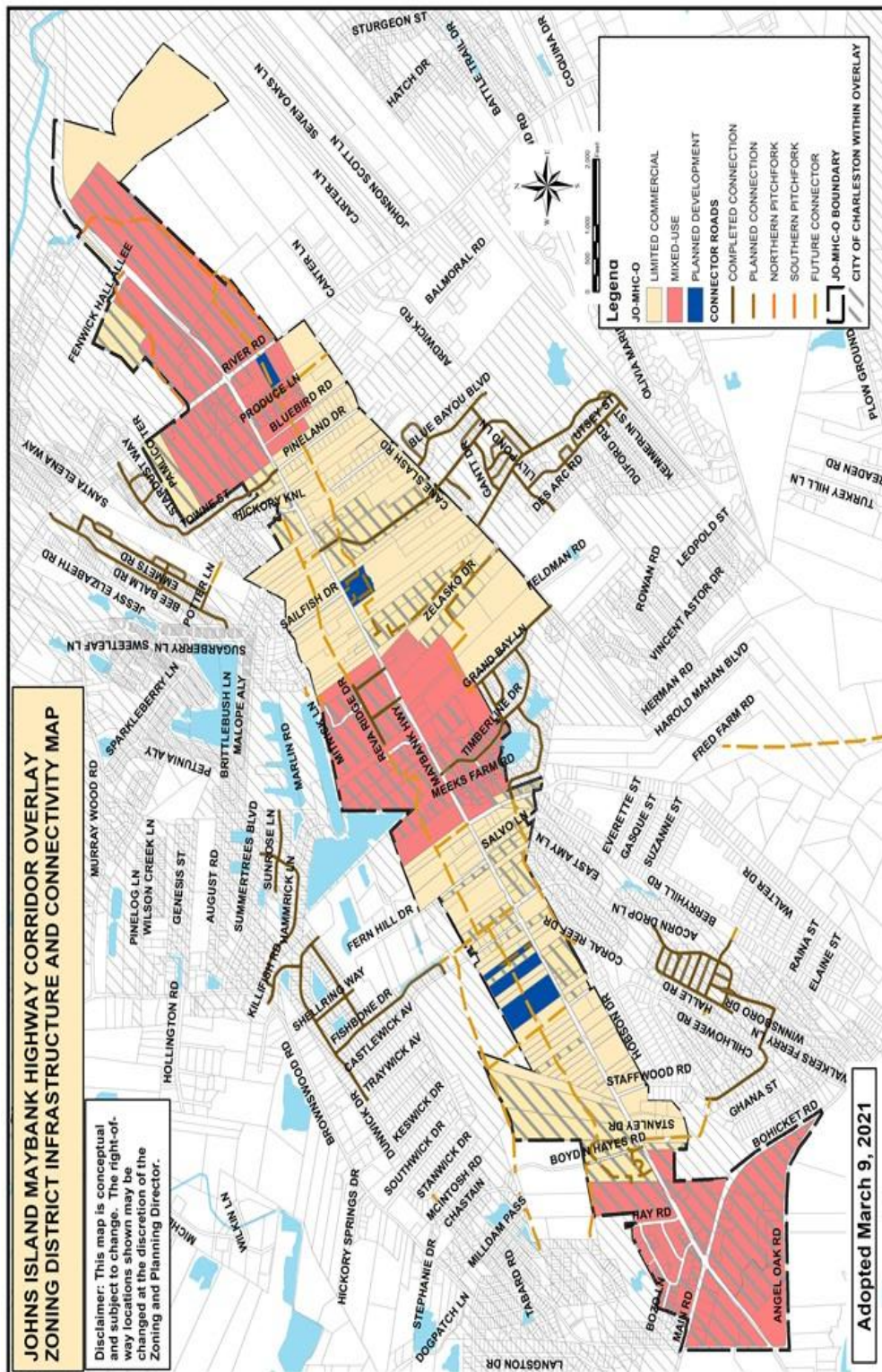


Map 5.3





Map 5.3.A





## **ARTICLE 5.4 MP-O, MOUNT PLEASANT OVERLAY ZONING DISTRICT**

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### **Sec. 5.4.1 Statement of Findings**

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The MP-O, Mount Pleasant Overlay Zoning District, is comprised of the unincorporated areas along Long Point Road, Coleman Boulevard, Chuck Dawley Boulevard, Highway 17 North, and other areas as shown on the map entitled "Mount Pleasant Overlay Zoning District." Highway 17 North is a major Thoroughfare for travel in the Mount Pleasant/East Cooper Area. Both commercial and residential land uses exist along this corridor. This Overlay District has been created in cooperation with the Town of Mount Pleasant in recognition that there are properties located within the Town which are adjacent to similarly situated properties located within unincorporated Charleston County.

The Sweetgrass Basket Stand Special Consideration Area is located within the Mount Pleasant Overlay Zoning District, as depicted on the map entitled "Sweetgrass Basket Stand Special Consideration Area." The purpose of this special consideration area is to protect the tradition of selling Sweetgrass Baskets, to preserve the rural Residential Character of the community, to create a rural village appearance along Highway 17 North allowing only low intensity Office and commercial uses, and to encourage Affordable and Workforce Dwelling Units that are consistent with the single owner-occupied housing that currently exists. The land use recommendations and design requirements contained within this Article are the result of a community-wide effort. There is a desire of the residents to pursue a Historic District designation for the area fronting on Highway 17 North from Venning Road to White Hall Terrace. Any zoning-related recommendations that come from a Historic District designation will be considered for incorporation into the Mount Pleasant Overlay Zoning District.

### **Sec. 5.4.2 Intent**

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The regulations of this Article are intended to promote traffic safety, improved visual appearance and quality Development. The intent of the MP-O Overlay Zoning District is to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the County of Charleston and the Town of Mount Pleasant concerning Land Development regulations.

### **Sec. 5.4.3 Effect of Overlay Zoning District**

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special MP-O Overlay Zoning District regulation is stated in this Article, the applicable regulations of this Ordinance shall apply.

### **Sec. 5.4.4 Applicability**

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The standards of this Article shall apply to all development within the MP-O district except Single-Family Residential Dwelling Units and Manufactured Housing Units that are not part of a Manufactured Housing Park. Exceptions to this include the regulations of Sec. 5.4.15, *Sweetgrass Basket Special Consideration Area*. The MP-O boundaries are depicted on the maps titled "Mount Pleasant Overlay Zoning District," "Sweetgrass Basket Stand Special Consideration Area," and Hungryneck Boulevard – Venning Road Overlay Area."

### **Sec. 5.4.5 Buffers**

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Buffers are required in accordance with the requirements of the Landscape Buffers Section contained in CHAPTER 9, *Development Standards*, of this Ordinance or as otherwise stated in Sec. 5.4.15, *Sweetgrass Basket Stand Special Consideration Area*, and Sec. 5.4.16, *Hungryneck Boulevard-Venning Road Area*.

- A. Right-of-Way buffers are required in accordance with the requirements of the Landscape Buffers Section contained in CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 5.4.6 Curb Cuts**

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- A. All Parcels in this Overlay are allowed one Curb Cut per 250 feet of road Frontage, with the exception of residentially zoned Parcels, Parcels containing Single-Family Detached Dwelling Units or Manufactured Housing Units that are not part of a Manufactured Housing Park, Parcels in the Old Georgetown Loop Office Area and Parcels in the Hungryneck Boulevard Area. Parcels in the Hungryneck Boulevard Area shall comply with the access requirements contained in Sec. 5.4.16(C), *Hungryneck Boulevard Area*, and Parcels in the Old Georgetown Loop Office Area shall comply with the access requirements contained in Sec. 5.4.15(G)(2), *Access*.
- B. The minimum distance from a Street intersection for new residential or commercial use access is 75 feet measured from the edge of the intersecting Roadway to the beginning of the driveway radius. These minimum spacing requirements will be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of 50 feet.
- C. As a condition of non-residential use zoning/rezoning, a suitable access management plan must be submitted demonstrating that the 250 foot driveway separation requirement can be met. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the Developer of the property.
  - 1. Aggregation of Parcels;
  - 2. Parallel Frontage or “backage” roads;
  - 3. Shared Curb cuts between adjoining properties; and/or
  - 4. Shared access Easements between Parcels.
- D. Corner Lot Parcels shall provide access from the side Street and not US Highway 17 North.

#### **Sec. 5.4.7 Signs**

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- A. **Free-Standing Signs.**
  - 1. A maximum of one Free-Standing Sign shall be permitted. If the Parcel abuts more than one road, only one Sign shall be allowed.
  - 2. Free-Standing Signs shall not exceed 50 square feet per Sign face. A maximum of two Sign faces shall be allowed per Sign.
  - 3. The maximum total height of a Sign and Sign structure shall not exceed 10 feet.
  - 4. All Free-Standing Signs shall be "Monument" or "Pedestal" type.
  - 5. Internal illumination shall be permitted in required 15-foot buffer areas. Internal illumination shall not be allowed in 50-foot buffer areas.
  - 6. Flashing or moving Signs shall be prohibited.
- B. **Shopping Center Free-Standing Signs**
  - 1. A maximum of one Monument or Pedestal-type Free-Standing Sign shall be permitted, provided that the center has vehicular access to that Street Frontage.
  - 2. Shopping center Free-Standing Signs shall not exceed one square foot of Sign face area per each linear foot of Street Frontage, up to a maximum of 150 square feet of Sign face. A maximum of two Sign faces shall be allowed per Sign.
- C. **Wall Signs.** One square foot of Wall signage shall be permitted per each linear foot of Building Frontage, up to a maximum of 100 square feet of Wall signage.
- D. **Shopping Center Wall Signs.** Each individual store unit is allowed one square foot of Wall signage per each linear foot of shop frontage, up to a maximum of 100 square feet.
- E. **Off-Premises Signs.** Off Premises Signs are prohibited within the MP-O Overlay Zoning District.
- F. **Master Signage Plan.**
  - 1. The Applicant must provide a Master Signage Plan.



2. The Master Signage Plan must establish uniform specifications for each Wall Sign that includes:
  - a. Sign facing and cabinet materials, illumination, and painting;
  - b. Style and color palette for all Signs (e.g., letter colors, background colors, and text font);
  - c. Borders and similar embellishments;
  - d. Appearance/location of logos or icons; and
  - e. The location, shape and proportion of the Sign.
3. The Master Signage Plan shall include proposed Sign locations and computations of the maximum total Sign area permitted for the site.
4. The Master Signage Plan must be approved as part of the underlying permit application. A Master Signage Plan shall not be approved unless the Zoning and Planning Director finds that:
  - a. The plan provides the specifications required by subsections 1 and 2, above; and
  - b. The plan provides for Signs that meet the size limitations, location requirements, and other applicable requirements of this Chapter.
5. The Master Signage Plan may be amended by following the procedures for amending the underlying permit application.
6. After approval of a Master Signage Plan, no permanent Sign shall be erected, placed, painted, or maintained, except in accordance with the plan. The Master Signage Plan may be enforced in the same way as any provision of this Ordinance.

**G. Illumination.**

1. Illuminated Signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas. Footcandles shall be reduced by one-half the allowable footcandle after hours of operation.
2. No illumination that simulates traffic control devices or emergency vehicles shall be used.
3. All illumination must be from a steady, stationary light source.
  - a. Internal Illumination.
    - i. Internally Illuminated Signs must be constructed of routed aluminum or similar opaque material so that only letters, numbers, and/or logos are illuminated.
    - ii. Signs shall not have light reflecting backgrounds nor letters.
    - iii. All finishes shall be a matte finish.
  - b. External Illumination.
    - i. Illumination shall be from a steady stationary light source, shielded and directed solely at the Sign.
    - ii. Light sources to illuminate signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
    - iii. The intensity of light shall not exceed 20 footcandles at any point on the Sign face.
    - iv. The color of light sources to illuminate Signs shall be white.
    - v. Signs shall not have light-reflecting backgrounds nor letters.

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**Sec. 5.4.8 Architectural and Building Design Standards**

In addition to the Architectural and Landscape Design Guidelines contained in CHAPTER 9, *Development Standards*, of this Ordinance, no Building elevation shall be constructed of unadorned concrete masonry units or corrugated and/or sheet metal, except as permitted for Parcels in the Sweetgrass Basket Stand Special Consideration Area, which shall comply with the requirements of Sec. 5.4.15, *Sweetgrass Basket Stand Special Consideration Area*. Additionally, the architectural standards of Sec. 5.4.15(E), *Architectural Standards*, shall apply to all nonresidential properties in the Sweetgrass Basket Stand Special Consideration Area.



### **Sec. 5.4.9 Dimensional and Development Standards**

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The dimensional and Development standards of this Section shall apply to all Parcels in the MP-O Overlay Zoning District, with the exception of Parcels in the Sweetgrass Basket Stand Special Consideration Area and parcels in the Hungryneck Boulevard Area. Parcels in the Sweetgrass Basket Stand Special Consideration Area shall comply with the regulations of Sec. 5.4.15, *Sweetgrass Basket Stand Special Consideration Area*, and Parcels in the Hungryneck Boulevard Area shall comply with the regulations of Sec. 5.4.16(C), *Hungryneck Boulevard Area*.

- A. Maximum Building Cover shall not exceed 30 percent of the Lot, with the exception of Parcels involved in shared access agreements which are allowed a maximum building cover of 40 percent of the Lot, per Sec. 5.4.6, *Curb Cuts*.
- B. Flag Lots are prohibited.
- C. Building Heights are limited to 45 feet in the UR, CC, and IN Zoning Districts. All other Zoning Districts shall be limited to a maximum Building Height of 35 feet. All Building Heights are measured from the base flood elevation to the highest point of the roof.
- D. All other Development standards of CHAPTER 9, *Development Standards*, of this Ordinance shall apply.

### **Sec. 5.4.10 Loading Areas**

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Structures shall be oriented so that loading areas are not visible from Residential Zoning Districts, from existing public Rights-of-Way or from planned future public Rights-of-Way.

Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial Development if they are entirely screened from view by the use of solid fencing or landscaping that conforms to Sec. 9.4.3, *Parking, Loading, and Vehicular Use Area Landscaping*, of this Ordinance.

### **Sec. 5.4.11 Utility Lines**

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All Utility lines such as electric, telephone, CATV, or other similar lines serving individual sites as well as all Utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All Utility pad fixtures and meters shall be shown on the site plan.

### **Sec. 5.4.12 Lighting**

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Site lighting shall be from a concealed light source fixture and will not spill over into adjoining properties, Roadways, or in any way interfere with the vision of oncoming motorists. Lighting fixtures shall be limited in height to 18 feet. Lighting will be of a directional type, capable of shielding the light source from direct view from any adjoining residential or agricultural Parcel and public Right-of-Way. Security lighting shall be provided, particularly at pedestrian walkways. All site lighting shall meet the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 5.4.13 Pedestrian Access**

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- A. Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties.
- B. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through Parking Lots or cross driveways.
- C. All pedestrian access and pedestrian walkways shall meet the standards of CHAPTER 9, *Development Standards*, of this Ordinance.



### **Sec. 5.4.14 Uses**

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- A. The following uses shall be prohibited on parcels included in the Mount Pleasant Overlay Zoning District:
  - 1. Vehicle Sales (new or used);
  - 2. Vehicle Storage excluding Boat/RV Storage;
  - 3. Sexually Oriented Businesses; and
  - 4. Billboard.
- B. The following uses are subject to the Special Exception procedures of this Ordinance:
  - 1. Bar or Lounge;
  - 2. Liquor, Beer, or Wine Sales;
  - 3. Firearm Sales;
  - 4. Indoor/Outdoor Shooting Ranges; and
  - 5. Boat/RV Storage.
- C. The following uses are allowed on any Industrial (IN) zoned parcel located west of (inside) Interstate 526 if a Special Exception is granted by the Board of Zoning Appeals. Otherwise, these uses shall be prohibited.
  - 1. Warehouse and Distribution Facility;
  - 2. Freight Forwarding Facility;
  - 3. Container Storage Facility;
  - 4. Fuel Storage Facility; and
  - 5. Stockpiling of Sand, Gravel or other Aggregate Materials.

### **Sec. 5.4.15 Sweetgrass Basket Stand Special Consideration Area**

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The Sweetgrass Basket Stand Special Consideration Area encompasses the area bounded by Highway 17 North, Porchers Bluff Road, Rifle Range Road, and the Isle of Palms Connector as shown on the maps entitled "Mount Pleasant Overlay Zoning District" and "Sweetgrass Basket Stand Special Consideration Area." These maps also indicate the zoning for each property within the MP-O.

- A. **Sweetgrass Basket Stands within the Special Consideration Area.** Charleston County and the Town of Mount Pleasant recognize the importance of Sweetgrass Basket Stands. It is the intent of this Special Consideration Area to preserve and enhance their existence. All Development shall encourage this use along Highway 17 North. The following standards shall apply to Sweetgrass Basket Stands within the special consideration area:
  - 1. Sweetgrass Basket Stands shall be allowed within all buffers and Rights-of-Way (to the extent the entity having jurisdiction over Encroachments to the Right-of-Way extends permission);
  - 2. All Sweetgrass Basket Stands shall utilize safe ingress/egress; and
  - 3. Parking for Sweetgrass Basket Stands shall be located beyond the side of the stand that is furthest from the Roadway.
- B. **Stormwater Drainage.** A Stormwater Management Plan shall be required. The Stormwater Management Plan shall address the following stormwater drainage issues, including, but not limited to:
  - 1. A shared system;
  - 2. The recommendations from the Isaac German Watershed study;
  - 3. Piped systems; and
  - 4. Incorporation of access along stormwater drainage areas for maintenance and pedestrian access.



- C. All requirements of Article 4.24, *Waterfront Development Standards*, of this Ordinance shall apply.
- D. **Residential Area.** The Residential Area, as shown on the map entitled “Sweetgrass Basket Stand Special Consideration Area,” is intended to promote development consistent with the rural residential character of the Special Consideration Area. All properties within the Residential Area shall comply with the following standards:
  1. Permitted uses shall include those allowed in the Special Management (S-3) Zoning District, as described in Table 6.1.1, *Use Table*.
  2. The Density/Intensity and Dimensional Standards in the following table shall apply to all properties in the Residential Area.

<b>RESIDENTIAL AREA</b>	
<b>Density/Intensity and DIMENSIONAL STANDARDS [1]</b>	
<b>MAXIMUM DENSITY</b>	3 Principal Dwelling Units per acre
<b>MINIMUM LOT AREA</b>	12,500 square feet
<b>MINIMUM LOT WIDTH</b>	70 feet [2]
<b>MINIMUM SETBACKS</b>	
Front/Street Side [3]	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM CRITICAL LINE</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of Lot
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet as measured from base flood elevation to the peak of the roof
<p>[1] The Waterfront Development Standards of Article 4.24, of this Ordinance, as they apply to the S-3 Zoning District, shall be met.</p> <p>[2] 80 feet without public Water and/or public Sewer.</p> <p>[3] Front/Street Side Setback reductions of up to 15 feet may be approved by the Zoning and Planning Director when deemed compatible with existing Development patterns or setbacks shown on approved Plats.</p>	

3. **Accessory Dwelling Units.**
  - a. Lots of 12,500 square feet or greater shall be permitted a maximum of one Accessory Dwelling Unit;
  - b. Accessory Dwelling Units shall have a maximum of 1,200 square feet of heated gross Floor Area; and
  - c. All other applicable requirements of Sec. 6.5.9, *Accessory Dwelling Units*, shall apply.
4. **Dwelling Groups.** Where two or more principal Single-Family Dwelling Units are located on the same Zoning Lot, the following criteria shall apply:
  - a. Density/Intensity and Dimensional Standards of Sec. 5.4.15.D(2), *Density, Intensity, and Dimensional Standards*, 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 minimum 1,600 square-foot Building envelop with a minimum width of 20 feet shall be shown for each Dwelling Unit to indicate the area where each Dwelling is to be constructed.
  - b. Each Dwelling Unit shall face (front) either a Street, Courtyard, or living space.
  - c. Each Dwelling Group shall provide an access consistent with the Road Construction Standards in APPENDIX A, *Road and Drainage Construction Standards*, of this Ordinance.
  - d. Unless specifically modified by this Section, Dwelling Groups shall comply with all other requirements of this Ordinance for the district in which located.
5. All Major Subdivisions, as defined in CHAPTER 8, *Subdivision Regulations*, of this Ordinance shall:



- a. Incorporate linkages within the proposed Development and to adjacent Developments through the provision of sidewalks and/or pedestrian/bike pathways; and
  - b. Provide street lighting along all roads. Lighting shall have a maximum average of five footcandles.
6. The purpose of this Section is to promote ownership or occupancy of affordable, quality housing by low-moderate income households. Property within the Sweetgrass Basket Stand Special Consideration Area may be approved for subdivision and development in accordance with the requirements of this Section and those of Sec. 6.4.19, *Affordable and Workforce Dwelling Units*, when at least 50 percent of the Dwelling Units proposed are Affordable and/or Workforce Dwelling Units as defined in this Ordinance. Only Single-Family Detached Dwelling Units shall be allowed. In case of conflict between these regulations and those of Sec. 6.4.19, *Affordable and Workforce Dwelling Units*, the regulations of this Section shall control.
- b. The Density/Intensity and Dimensional Standards listed in the following table shall apply :

<b>RESIDENTIAL AREA – Single-Family Detached Affordable Dwelling Units: Density/Intensity and DIMENSIONAL STANDARDS [1]</b>	
<b>MAXIMUM DENSITY</b>	5 Principal Dwelling Units per acre
<b>MINIMUM LOT AREA</b>	8,000 square feet
<b>MINIMUM LOT WIDTH</b>	60 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side [2]	25 feet
Interior Side	5 feet
Rear	15 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVERAGE</b>	30% of Lot
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet as measured from base flood elevation to the peak of the roof
<p>[1] The Waterfront Development Standards of Article 4.24, <i>Waterfront Development Standards</i>, of this Ordinance as they apply to the R-4 Zoning District, shall be met.</p> <p>[2] Front/Street Side Setback reductions of up to 15 feet may be approved by the Zoning and Planning Director when deemed compatible with existing Development patterns or Setbacks shown on approved Plats.</p>	

7. **Planned Development - Conservation Design (PD-CD).** The following requirements are in addition to the requirements of Article 4.25, *Planned Developments*, of this Ordinance. The Planned Development-Conservation Design District is intended to perpetuate low-Density rural character, preserve and protect natural resources and sensitive areas, promote agricultural pursuits, and balance the urban environment. In order to qualify as a PD-CD District, a project shall meet each of the following requirements:
- a. The maximum Density shall not exceed three Principal Dwelling Units per acre. No wetlands over one acre in size shall be used in calculating Density on the site.
  - b. The property shall be located within the Sweetgrass Basket Stand Special Consideration Area.
  - c. Development Standards for a proposed PD-CD District shall:
    - i. Incorporate cluster development patterns.
      - 1. This is a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
      - 2. There is no minimum Lot Area requirement.
    - ii. Provide contiguous open space and dimensional standards for that space.



- iii. Install a pedestrian circulation system.
- iv. Provide public access to open space.
- v. Provide for design that preserves the character of historic, archeological, and/or cultural sites.
  - 1. These areas are not to be included in Lots.
  - 2. Design should include provisions for buffering or passive park design.
- vi. Protect in perpetuity at least 40 percent of the entire site area.
- vii. Protect all trees with eight-inch DBH or greater that are not located in the footprint of a house.
- viii. Leave scenic views unblocked, as seen from public thoroughfares.
- ix. Incorporate Roadway design and stormwater standards that adhere to environmentally and aesthetically sensitive best management practices and development standards.
- x. Provide buffers as follows:
  - 1. Buffers around wetlands and wildlife areas shall remain in an undisturbed natural state.
  - 2. Buffers shall in every case conform to these guidelines:
    - A. Select clearing shall be allowed in these buffers of trees measuring less than three inches DBH. Select clearing shall not include trimming limbs more than eight feet above ground level. All trees three inches DBH or greater shall be indicated on a tree survey.
    - B. Any plantings allowed or required within this buffer shall be native species;
    - C. No cross penetrations of utilities within the buffer will be allowed;
    - D. The boundaries of the natural roadside buffer shall be clearly delineated and identified on all development plans and plats submitted for approval;
    - E. Protected buffer areas shall be staked out in the field prior to construction activities;
    - F. Buffers along waterfront, marsh, minor arterials or collector streets will be 50 feet in depth, and all Waterfront Development requirements of this Ordinance shall apply; and
    - G. Buffers along major arterials shall be 100 feet in depth.

E. **Architectural Standards.** The intent of the design requirements for this area is to reflect a more rural visual context rather than a suburban or urban character. The following regulations apply to all development other than Single-Family Detached Dwelling Units and Manufactured Housing Units not part of a Manufactured Housing Park:

- 1. All Principal and Accessory Structures shall use a uniform rural village architectural theme applied through appropriate use of scale, proportion, detail, materials, color, and landscape treatment.
- 2. Pitch roofs are preferred over flat roofs; and the use of porches are encouraged. Corrugated metal and unadorned masonry may be acceptable as siding material in the proper context.
- 3. Unfinished metal facades shall be prohibited on all sides of the structure.
- 4. Glass facades shall not exceed 30 percent of the building face/elevation.
- 5. A minimum of one-third of the front street-side façade shall either be a covered porch, overhang, or other similar architectural feature.
- 6. Buildings shall have wooden, brick, or shell stone exterior appearance.
- 7. Buildings shall have an earth tone color scheme.



8. Building designs shall not utilize long monotonous facades, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line. All sides of any building shall have the same attention to detail and appearance.
9. All proposed development shall be sited and configured in a manner that preserves existing natural features. New construction shall be clustered to preserve Grand Trees, groups of trees and other significant landscape features.
10. Bike and pedestrian ways shall be included in site design and shall link access to adjacent parcels, as well within the development area.
11. Loose aggregate in the form of shell, small rock, and crushed stone are encouraged. When loose aggregates are used, they shall be placed over a compacted base material with containment for the aggregate on the edges. The edging may be of a variety of rigid products including metal edging brick, concrete curb, landscape timbers and similar sturdy products.
12. All signage shall comply with Sec. 5.4.7, *Signs*.

**F. Roads**

1. All nonresidential Development shall incorporate linkages within the proposed Development and to adjacent Developments through the provision of sidewalks and/or pedestrian/bike pathways.
2. Internal access roads, whether public or private, and all Right-of-Way Frontages shall require street lighting, as required in CHAPTER 8, *Subdivision Regulations*, of this Ordinance. Lighting shall have a maximum average of five footcandles.

**G. Old Georgetown Loop Office Area.** Properties within the Old Georgetown Loop Office Area have frontage on both Highway 17 North and Old Georgetown Road, as illustrated on the map entitled "Sweetgrass Basket Stand Special Consideration Area." This area is intended solely for office/professional uses that will be designed to have as little impact on adjacent residential uses as practicable. Retail Sales and Service uses and Industrial uses that do not already exist in this area are not permitted. All development applications shall, at the time application is made, demonstrate how the following requirements will be met:

1. Permitted uses shall include those allowed in the Residential Office (RO) and General Office (GO) Zoning Districts, as described in Table 6.1.1, Use Table, with the exception of Retail Sales and Service uses and Industrial uses. Refer to Sec. 5.4.14, *Uses*, for the list of prohibited or restricted uses.
2. *Access.*
  - a. The property or properties shall have a minimum combined frontage of 200 feet along Highway 17 North;
  - b. The property or properties shall have a single shared access from Highway 17 North or, if appropriate, shared access shall be provided from Old Georgetown Road; and
  - c. Shared access locations shall be separated by a minimum of 200 feet.
3. The following Density/Intensity and Dimensional Standards shall apply to properties in the Old Georgetown Loop Office Area

<b>OLD GEORGETOWN LOOP OFFICE AREA</b> <b>Density/Intensity and Dimensional Standards</b>	
<b>MINIMUM LOT AREA</b>	None
<b>MINIMUM SETBACKS</b>	Equivalent to required buffers
<b>MAXIMUM BUILDING COVERAGE</b>	30% of the buildable area
<b>MAXIMUM BUILDING SIZE</b>	No single Building shall exceed 3,000 gross square feet of Floor Area
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet as measured from base flood elevation to the peak of the roof, with a maximum of one Story





4. Development shall comply with all other applicable regulations of this Ordinance, including the Development Standards of CHAPTER 9, *Development Standards*.
5. Hours of operation shall be limited to 7 AM to 7 PM.
6. *Buffers*.
  - a. A minimum 15-foot vegetated Right-of-Way buffer shall be required along Highway 17 North;
  - b. A minimum 20-foot vegetated buffer shall be required at the rear or adjacent to residential uses; and
  - c. Where appropriate, fencing may be required to screen adjacent or surrounding residential uses.
7. Residential Development shall meet the requirements of Sec. 5.4.15(D), *Residential Area*.

H. **Village Commercial Area from Isle of Palms Connector to Hamlin Road.** The Village Commercial Area, as illustrated on the map entitled “Sweetgrass Basket Stand Special Consideration Area,” is intended for low-intensity commercial uses. The low-intensity commercial zoning of this district applies to 500 feet in depth from the edge of the Right-of-Way for properties fronting on Highway 17 North, as shown on the map entitled “Sweetgrass Basket Stand Special Consideration Area.” All Development applications shall, at the time application is made, provide proof that the following requirements will be met:

1. Permitted uses shall include those allowed in the Neighborhood Commercial (NC) Zoning District, as described in Table 6.1.1, *Use Table*. Refer to Sec. 5.4.14, *Uses*, for the list of prohibited or restricted uses.
2. The following Density/Intensity and Dimensional Standards shall apply to properties in the Village Commercial Area:

<b>VILLAGE COMMERCIAL AREA</b> Density/Intensity and Dimensional Standards	
<b>MINIMUM LOT AREA</b>	None
<b>MINIMUM LOT WIDTH</b>	75 feet
<b>MINIMUM SETBACKS</b>	Equivalent to required buffers
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVERAGE</b>	30% of the buildable area
<b>MAXIMUM BUILDING SIZE</b>	No single Building shall exceed 10,000 square feet of gross Floor Area
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet as measured from base flood elevation to the peak of the roof, with a maximum of one Story

3. Development shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, *Development Standards*.
4. *Buffers*.
  - a. A minimum 50-foot vegetated Right-of-Way buffer shall be required along Highway 17 North;
  - b. A minimum 25-foot vegetated buffer shall be required at the rear or adjacent to residential uses; and
  - c. Where appropriate, fencing may be required to screen adjacent or surrounding residential uses.
5. Residential development shall meet the requirements of Sec. 5.4.15(D), *Residential Area*.

I. **Village Commercial Area from Hamlin Road to Porcher’s Bluff Road.** The Village Commercial Area, as illustrated on the map entitled “Sweetgrass Basket Stand Special Consideration Area,” is intended for higher intensity commercial uses than the Village Commercial area located between the Isle of Palms Connector and Hamlin Road. This part of the Overlay Zoning District is intended to ensure safe,



convenient, and efficient traffic movement by implementing an appropriate access management plan, thereby reducing the need for vehicle trips onto Highway 17. The commercial zoning of this district applies to 500 feet in depth from the edge of the Right-of-Way for properties fronting on Highway 17 North, as shown on the map entitled "Sweetgrass Basket Stand Special Consideration Area."

1. A Letter of Coordination from the Town of Mount Pleasant shall be required as part of all Land Development applications with the exception of applications for Single-Family Detached Dwelling Units and Manufactured Housing Units not part of a Manufactured Housing Park. The purpose of the Letter of Coordination is to ensure that the proposed Development is consistent with the land uses, Density/Intensity and Dimensional Standards, and design and Development standards adopted by the Town of Mount Pleasant. Coordination with applicable Town Council, Planning Commission, Staff, Design Review Board, or other review, recommendation, or Decision-Making Bodies may be required.
2. The minimum site area for a Planned Development shall be five acres.
3. All Development applications shall, at the time application is made, demonstrate how the following requirements will be met:
  - a. Permitted uses shall include the following:
    - i. Uses allowed by right include:



<p><b>ACCOMMODATIONS</b>          Hotel/Motel          Short-Term Rentals: Commercial Guest House (CGH), pursuant to the requirements and conditions of Art. 6.8, <i>Short-Term Rentals</i></p> <p><b>COURTS AND PUBLIC SAFETY</b>          Court of Law          Safety Services</p> <p><b>DAY CARE SERVICES</b></p> <p><b>DEATH CARE SERVICES</b>          Funeral Services</p> <p><b>EDUCATIONAL SERVICES</b></p> <p><b>FINANCIAL SERVICES</b></p> <p><b>FOOD SERVICES AND DRINKING PLACES</b>          Restaurant, General</p> <p><b>HEALTH CARE SERVICES</b>          Counseling Services          Health Care Laboratory          Home Health Agency          Hospital          Medical Office          Outpatient Facility for Chemically Dependent or Addicted Persons          Rehabilitation Facility          Residential Treatment Facility for Children or Adolescents (mental health treatment)</p> <p><b>INFORMATION INDUSTRIES</b>          Communication Services</p> <p><b>MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS</b>          Botanical Garden          Historic Site          Libraries or Archive          Museums          Nature Exhibition</p> <p><b>OFFICES</b></p>	<p><b>OTHER NONRESIDENTIAL DEVELOPMENT</b>          Convention Center or Visitors Bureau          Special Trade Contractor</p> <p><b>POSTAL SERVICE</b></p> <p><b>RECREATION AND ENTERTAINMENT</b>          Community Recreation          Parks and Recreation</p> <p><b>RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS</b>          Religious Assembly          Business, Professional, Labor, Political Organizations;          Social/Civic Organization          Social Club or Lodge</p> <p><b>RENTAL AND LEASING SERVICES</b>          Consumer Goods Rental Center</p> <p><b>REPAIR AND MAINTENANCE SERVICES</b>          Consumer Repair Service</p> <p><b>RESIDENTIAL</b>          Multi-Family Dwelling          Short-Term Rental: Limited Home Rental (LHR) pursuant to the requirements and conditions of Article 6.8, <i>Short-Term Rentals</i></p> <p><b>RETAIL OR PERSONAL SERVICES</b>          Consumer Convenience Service          Hair, Nail, or Skin Care Services          Landscaping and Horticultural Services          Personal Improvement Service          Services to Buildings or Dwellings</p> <p><b>RETAIL SALES</b>          Retail Sales and Service, General          Convenience Store          Duplicating or Quick Printing Services, Private Postal or Mailing Service          Food Sales          Home Improvement Center          Warehouse Club or Superstore</p> <p><b>WHOLESALE SALES</b>          Flower, Nursery Stock, or Florists' Supplies Wholesaler</p>
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- ii. Uses subject to conditions include:
  1. Communications Towers (Sec. 6.4.5)
  2. Pet Stores, Grooming Salons, and Veterinary Services (Sec. 6.4.32)
  3. Self-Service Storage Facility (Sec. 6.4.16)
  4. Utility, Major (Sec. 6.4.17)

The following uses are subject to the Special Exception procedures of this Ordinance:

- i. Bar or Lounge
- ii. Vehicle and Boat Repair or Service (Note: Outdoor Storage of vehicles is prohibited)



- iii. Restaurant, Fast Food
- iv. Service Station, Gasoline
- v. Recreation and Entertainment, Indoor
- vi. Vehicle Rental or Leasing
- vii. Short-Term Rental: Extended Home Rental (EHR) pursuant to the requirements and conditions of Art. 6.8, *Short-Term Rentals*, of this Ordinance

Refer to Sec. 5.4.14, *Uses*, for the list of prohibited or restricted uses.

- 4. The following Density/Intensity and Dimensional Standards shall apply to properties in the Village Commercial Area:

<b>Village Commercial Area Density/Intensity and DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	None
<b>MINIMUM LOT WIDTH</b>	75 feet
<b>MINIMUM SETBACKS</b>	Equivalent to required buffers
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVERAGE</b>	30% of the buildable area
<b>MAXIMUM BUILDING SIZE</b>	No single Building shall exceed 15,000 square feet of gross Floor Area
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet as measured from base flood elevation to the peak of the roof, with a maximum of two Stories

- 5. Development shall comply with all other applicable regulations of this Ordinance, including the Waterfront Development Standards of the applicable Zoning District and the requirements of CHAPTER 9, *Development Standards*.
- 6. Buffers.
  - a. A minimum of a 35-foot vegetated Right-of-Way buffer shall be required along Highway 17 North. This buffer will generally correspond with the Utility Easement and an additional five feet of width. For each 100 linear feet of Frontage, six Canopy Trees, 10 Understory Trees, and 40 Shrubs are required. Also required, where allowed by the SC DOT, are two Street Trees with a minimum Caliper of six inches, to be planted within the adjoining road Right-of-Way. A minimum vegetated buffer of 10 feet will be required along secondary roads (for commercial uses).
  - b. A minimum of a 25-foot vegetated buffer shall be required at the rear or adjacent to residential uses. Where appropriate, fencing may be required to screen adjacent or surrounding residential uses. A reduction of the buffer to 10 feet may be allowed with the addition of a 6-foot privacy fence.
  - c. If the area of all required buffers exceeds 30 percent of the area of the site, then buffers may be reduced by a maximum of one-third of the required width.
  - d. Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public or private Right-of-Ways, or from planned future public Right-of-Ways. Loading areas may be oriented toward adjoining developed properties, which are commercially zoned, or toward adjoining properties eligible for future commercial Development if and only if they are entirely screened from view by the use of solid fencing or appropriate landscaping.
  - e. Structures located on a Corner Lot may be set back from Highway 17 North and designed to establish the side Street as the primary Street, provided that continuous, interconnecting access is provided through the adjoining Parcels of the block between side Streets. Additionally, permanent open-air roofed Structures must be sited on the Parcel at the corner of Hwy 17 for the exclusive use of local residents to sell crafts and produce, including Sweetgrass Basket Stands. In such cases, the size and number of Structures will be



commensurate with the size and intensity of the proposed commercial use as determined by the Zoning and Planning Director and documentation that addresses the Structure(s), use(s), and parking to be located on the Subject Property shall be provided.

- 7. Residential Development shall meet the requirements of Sec. 5.4.15(D), *Residential Area*.

**Sec. 5.4.16 Hungryneck Boulevard-Venning Road Area**

The Hungryneck Boulevard - Venning Road Area is comprised of the unincorporated areas along Hungryneck Boulevard and Venning Road as depicted on the map entitled, "Hungryneck Boulevard-Venning Road Area." Hungryneck Boulevard is a developing light commercial corridor. The Hungryneck Boulevard - Venning Road Area applies to: Parcels with frontage on Hungryneck Boulevard beginning on the southern end of Hungryneck Boulevard at a point of 550 feet from its intersection with Highway 17 North and extending the northern length of Hungryneck Boulevard to the lots immediately across from Hazan Court; also, extending the southern length of Hungryneck Boulevard and ending at Venning Road; Parcels with Frontage on Venning Road between Highway 17 North and Volunteer Lane. This area has been created in cooperation with the Town of Mount Pleasant in recognition that there are properties located within the Town which are adjacent to similarly situated properties located within unincorporated Charleston County. All Development applications shall, at the time application is made, demonstrate how the following requirements of this Section will be met.

**A. Venning Road Area (Parcels with frontage on Venning Road from Highway 17 North to Volunteer Lane).**

- 1. Permitted uses shall include those allowed in the Residential Office (RO) and General Office (GO) Zoning Districts, as described in Table 6.1.1, Use Table. Refer to Sec. 5.4.14, *Uses*, for the list of prohibited or restricted uses.
- 2. Architectural character shall be in compliance with Sec. 4.15.5 *Supplemental District Standards*, and Sec. 5.4.8, *Architectural and Building Design Standards*, of the ZLDR.
- 3. All Mt. Pleasant Overlay Zoning District standards except the Sweetgrass Basket Stand Special Consideration Area standards shall apply to properties in the Venning Road Area, including but not limited to requirements for buffers, access, signage, architecture, and dimensional and Development standards.

**B. Hungryneck Boulevard Area (Parcels with frontage on Hungryneck Boulevard from Country Lane Road to Hazan Court).**

- 1. Permitted uses shall include those allowed in the Neighborhood Commercial (NC) Zoning District, as described in Table 6.1.1, *Use Table*. Refer to Sec. 5.4.14, *Uses*, for the list of prohibited or restricted uses.
- 2. The access management recommendations herein serve to maintain the functional integrity of Hungryneck Boulevard as a throughstreet, while allowing limited and controlled access for commercial development. Access management will be achieved by promoting inter-parcel access to channel full access to signalized intersections and limiting new access points on Hungryneck Boulevard to right-turn-only movements. Furthermore, ingress/egress within a Development must be consistent with the Town of Mt. Pleasant Access Management Plan.
- 3. The architectural standards of Sec. 5.4.15(E), *Architectural Standards*, shall apply to all commercial Development.
- 4. The Density/Intensity and Dimensional Standards in the table below shall apply to properties in the Hungryneck Boulevard Area. The Waterfront Development Standards of the applicable Zoning District shall apply.

HUNGRYNECK BOULEVARD Area Density/Intensity and DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	4,000 square feet
MINIMUM LOT WIDTH	15 feet

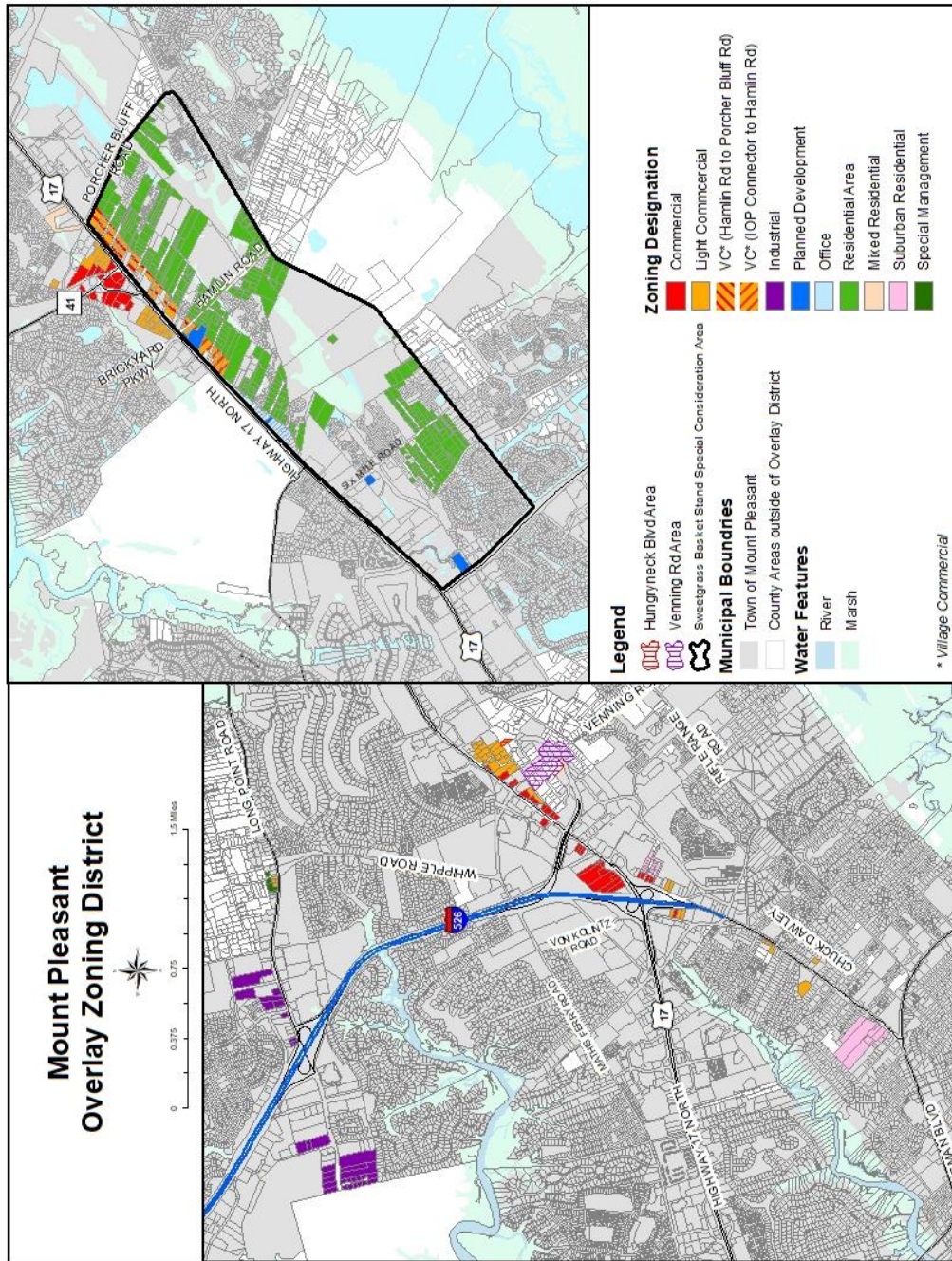


<b>HUNGRYNECK BOULEVARD Area Density/Intensity and DIMENSIONAL STANDARDS</b>	
<b>MINIMUM SETBACKS</b>	Equivalent to required buffers
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVERAGE</b>	35% of the buildable area
<b>MAXIMUM BUILDING SIZE</b>	5,000 gross square feet (footprint)
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet as measured from base flood elevation to the peak of the roof, with a maximum of two Stories

5. All Structures, including Accessory Structures shall be limited to a maximum of 5,000 square feet gross Floor Area, provided that Structures between 5,000 and 15,000 square feet, gross floor area, may be approved in accordance with the Special Exception procedures of Article 3.6, *Special Exceptions*, of this Ordinance.
6. Buffers.
  - a. Buffers along Hungryneck Boulevard shall comply with the Type C Land Use Buffer standards found in CHAPTER 9, *Development Standards*, of this Ordinance.
  - b. All other buffers shall comply with the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.

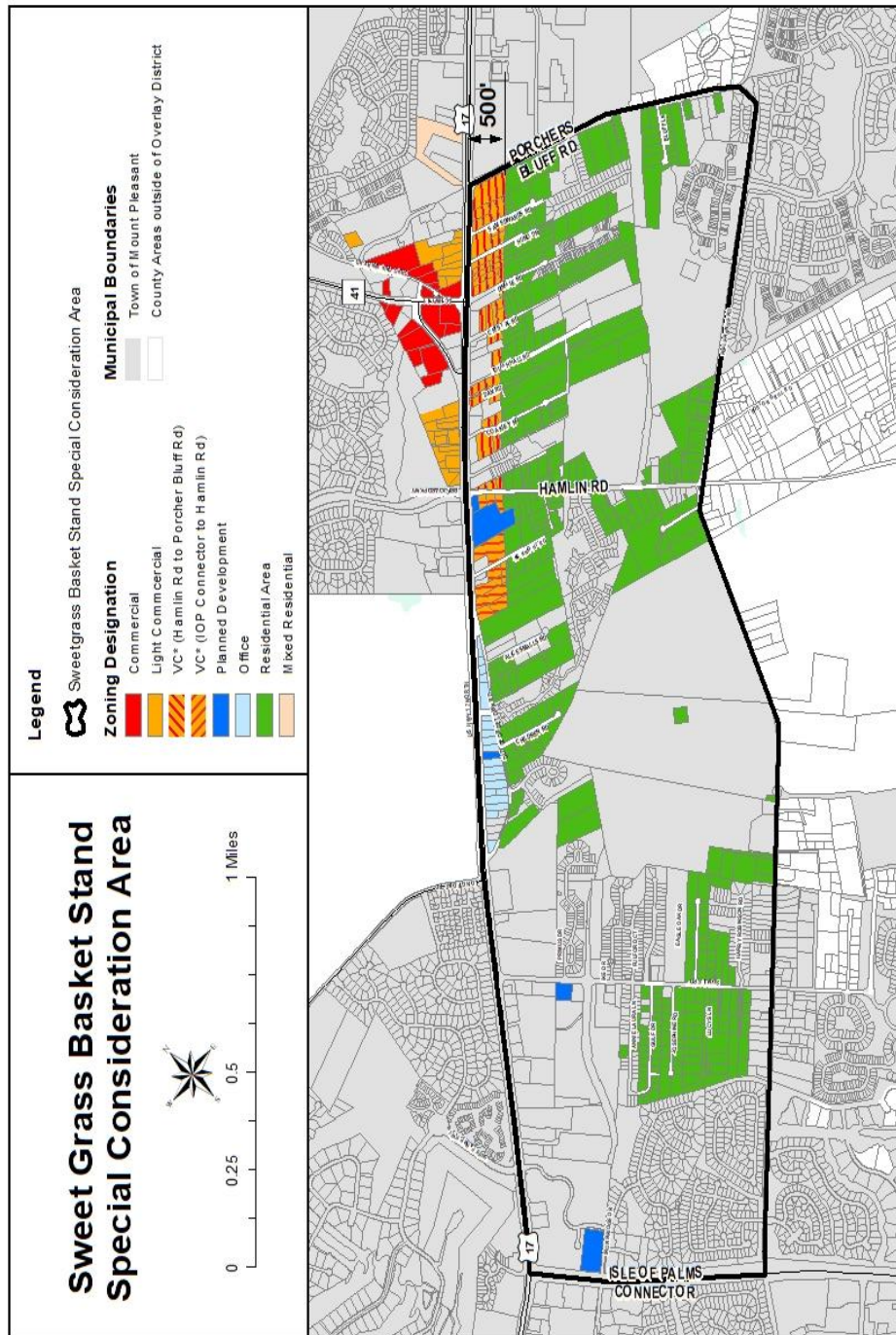


Map 5.4





Map 5.4.A







Map 5.4.B





## **ARTICLE 5.5 FRC-O, FOLLY ROAD CORRIDOR OVERLAY ZONING DISTRICT**

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### **Sec. 5.5.1 Statement of Findings**

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The Folly Road Corridor Overlay Zoning District (FRC-O) fronts on the east and west sides of Folly Road from its intersection with Tatum Road south to Folly River, as shown on the map titled “Folly Road Corridor Overlay Zoning District.” Folly Road is the main Thoroughfare on James Island and the only route leading to Folly Beach. As such, it carries a large number of vehicles each day. Moreover, some of the properties along Folly Road are located within the jurisdictional limits of the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County. The FRC-O Overlay Zoning District was adopted to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards.

### **Sec. 5.5.2 Purpose and Intent**

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The purpose of the FRC-O, Folly Road Corridor Overlay Zoning District, is to create a corridor that is well-planned and attractive through the implementation of consistent land use and design standards with adjacent jurisdictions and the utilization of traffic safety measures and access management for vehicles and pedestrians to ensure safe and efficient traffic movement.

### **Sec. 5.5.3 Effect of Overlay Zoning District**

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Legally established existing Development that does not meet the requirements as described in this Article shall be considered legal nonconforming and shall be subject to the legal nonconforming requirements of this Ordinance.

### **Sec. 5.5.4 Applicability**

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The standards of this Article shall apply to all Development within the FRC-O Overlay Zoning District, as shown on the maps titled “Folly Road Corridor Overlay Zoning District,” “North Village Area,” “Commercial Core Area,” “South Village Area,” “Neighborhood Preservation Area,” and “Conservation Area,” except Single-Family Dwelling Units and Manufactured Housing Units that are not part of a Manufactured Housing Park.

### **Sec. 5.5.5 Coordination with Adjacent Jurisdictions**

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A letter of notification to the Town of James Island, City of Charleston, and/or City of Folly Beach shall be required as part of all land Development applications, dependent upon Overlay Zoning District area. The purpose of the notification is to ensure that each jurisdiction is aware of proposed Development.

### **Sec. 5.5.6 Development Standards and Requirements (All Areas)**

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The following development standards and requirements apply to all Parcels within the Folly Road Corridor Overlay Zoning District in addition to the requirements described below for each of the five areas. All applications shall, at the time application is made, provide proof that the following requirements will be met prior to the issuance of any approvals or Zoning Permits:

#### **A. Vehicle Access.**

1. All parcels in this Overlay Zoning District with a Zoning designation of RO are allowed one curb cut per 150 feet of road frontage; all other commercial uses are allowed one curb cut every 250 feet.
2. Proposed new access drives shall be a minimum distance of 75 feet from a street intersection measured from the edge of the intersecting Roadway to the beginning of the driveway radius.



These minimum spacing requirements shall be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of 50 feet.

3. A suitable access management plan demonstrating that the driveway separation requirements can be met shall be submitted. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the Developer of the property:
  - a. Aggregation of Parcel;
  - b. Parallel frontage or “backage” roads;
  - c. Shared Curb Cuts between adjoining properties; and
  - d. Shared access Easements between Parcels.

B. **Traffic Study.** A Traffic Impact Study shall be required in accordance with Sec. 9.6, *Traffic Impact Studies*. and shall be provided to the County for review simultaneous with submission of the preliminary site plan for consideration.

C. **Pedestrian Access and Multi-Use Path.** Bike and pedestrian ways shall be included in site design and shall provide a continual link access to adjacent parcels, as well as within the Development area. Grade-separated pedestrian walkways must provide a direct connection from the Street to the main entrance, and to abutting properties. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through Parking Lots or cross driveways and sidewalks may be allowed in Right-of-Way-buffers.

When properties are developed or redeveloped in accordance with Sec. 3.7.1 of this Ordinance, a minimum 12-foot wide multi-use path separated by a landscaped/sodded area from the Folly Road Frontage of each parcel shall be included in the site design. The multi-use path shall also be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area. The multi-use path shall extend the entire length of the property Frontage and may be located fully in the Right-of-Way or on private property with a recorded Easement for the safe movement of pedestrians and maintenance. If the Zoning and Planning Director establishes that the required minimum width of the multi-use path is not feasible based on site conditions, the Zoning and Planning Director may: (1) allow a reduction in the required Right-of-Way buffer to accommodate the minimum required width of the multi-use path; and/or (2) allow a reduction in the required width of the multi-use path. The multi-use path shall have a concrete or asphalt surface as determined by the Zoning and Planning Director. As part of the Site Plan Review application, the Property Owner shall submit all required Encroachment permits and provide written documentation from the City of Charleston that the City will maintain the multi-use path upon approval of Certificates of Occupancy regardless of whether the path is located in a Right-of-Way or Easement. The multi-use path shall be installed and inspected prior to issuance of Certificates of Occupancy.

D. **Bicycle Parking.**

1. One bicycle parking space shall be required per every 10 off-street Required Parking spaces, rounding bicycle parking spaces up when the number is not a of multiple of 10. (six automobile parking spots required = one bicycle parking space; 12 automobile parking spots required = two bicycle parking spaces).
2. Required bicycle parking must meet the following standards:
  - a. Bicycle parking must be:
    - i. Outside a Building and within 50 feet of the main entrance to the Building as measured along the most direct pedestrian access route, or no further from the Building’s main entrance than the closest automobile parking space, whichever is closer;
    - ii. At the same Grade as the sidewalk or at a location that can be reached by an accessible route; and
    - iii. If required bicycle parking is not visible from the street or main Building entrance, a sign must be posted at the main Building entrance or in a highly visible and used location indicating the location of the parking.



- b. Bicycle parking must meet the following standards:
  - i. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
  - ii. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:
    - a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
    - b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components;
    - c. The rack must be securely anchored and coated in a material that will not damage the bicycle;
    - d. Each required bicycle parking space must be accessible without moving another bicycle; and
    - e. There must be an aisle at least five feet wide in front and behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the Right-of-Way.
  - iii. Covered bicycle parking, as required by this Section, can be provided inside Buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other Structures. Where required covered bicycle parking is not within a Building or locker, the cover must be:
    - a. Permanent;
    - b. Designed to protect the bicycle from rainfall; and
    - c. At least seven feet above the floor or ground.
  - iv. Lighting shall be provided for bicycle parking facilities so that the bicycle parking area is thoroughly visible and illuminated.
- E. **Building Height.** Building Height is limited to a maximum of 35 feet as defined in this Ordinance, excluding previously approved Planned Development Zoning Districts.
- F. **Signs.** In addition to the requirements in Article 9.8, *Signs*, of this Ordinance all Free-Standing Signs shall meet the following requirements:
  - 1. All Signs shall be Monument style.
  - 2. Signs in the North Village, South Village, Neighborhood Preservation, and Conservation Areas shall not exceed six feet in height and 40 square feet in size.
  - 3. Signs in the Commercial Core Area shall not exceed eight feet in height and 50 square feet in size.
  - 4. Shared shopping center signs shall be allowed with a maximum height of 10 feet and a maximum size of 100 square feet.
  - 5. Internal illumination shall be allowed for Signs in all areas except the Neighborhood Preservation and Conservation Area, where Signs may only be externally illuminated.
  - 6. Electronic Readerboard Signs shall be prohibited.
- G. **Uses.** Permitted uses, Prohibited uses, and uses requiring Special Exception are described in each of the five areas below. Firearm Sales shall be permitted only on Parcels in this Overlay Zoning District with a zoning designation of Community Commercial (CC).



- H. **Noise.** All Activity must comply with the Charleston County Livability Ordinance. There shall be no pick-up or delivery of trash or merchandise scheduled for businesses in these areas between the hours of 11:00 pm and 7:00 am. Any proposed outdoor use that provides live or amplified music shall comply with the Special Exception provisions contained in this Ordinance.

### **Sec. 5.5.7 North Village Area (City of Charleston and Charleston County)**

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The North Village Area extends from Crosscreek/Tatum Street to Oakpoint Road (Ellis Creek area) as illustrated on the FRC-O map entitled "North Village Area." Parcels in this area are within the jurisdiction of the City of Charleston and unincorporated Charleston County. This area currently consists of mixed medium and low intensity commercial uses such as shopping centers, Professional Offices, and vehicle services. Higher intensity residential uses, such as apartment complexes, also exist in this area. This area is intended to have commercial uses that are less intense than those found in the Commercial Core Area, particularly along the north side of Central Park Road and west side of Folly Road. This area is not intended for large scale commercial development such as big box stores or mega-shopping centers. Future development in this area is to be a mix of medium to lower intensity commercial, Office, and residential uses with increased buffers along Folly Road for more intensive commercial uses. The following regulations apply in addition to the requirements of Sec. 5.5.6, *Development Standards and Requirements (All Areas)*, of this Article to unincorporated Parcels along Folly Road as indicated on the map titled "North Village Area":

- A. **Permitted Uses.** Permitted uses shall include those uses allowed in the Zoning District that corresponds with the "RO," "GO," "NC," and "CC" Zoning and Future Land Use designation as shown on the Overlay Zoning District Map and as described in Table 6.1-1, *Use Table*.
- B. **Prohibited Uses.** Vehicle Sales (new or used); Billboards; Indoor/Outdoor Shooting Ranges; Liquor, Beer or Wine Sales; Hotel or Motel (greater than 10 rooms); and Tattoo Facility uses shall be prohibited in this area.
- C. **Uses Requiring Special Exception.** Vehicle Storage; Bar or Lounge; Vehicle and Boat Repair or Service; Restaurant, Fast Food; Service Stations, Gasoline (with or without Convenience Stores); Recreation and Entertainment, Indoor; uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.
- D. **Buffers.**
1. A minimum 25-foot vegetated Right-of-Way buffer shall be required for parcels along Folly Road with a Zoning of CC, NC and GO;
  2. A minimum 15-foot vegetated right of way buffer shall be required for parcels along Folly Road with a Zoning of RO;
  3. Properties with a Zoning of CC, NC and GO shall be required to have a minimum 20-foot rear vegetated buffer adjacent to residential uses;
  4. Properties with a Zoning of RO shall be required to have a minimum 15-foot vegetated rear buffer adjacent to residential uses; and
  5. Where appropriate, fencing may be required to screen adjacent or surrounding residential uses. When a minimum six-foot high opaque fence or wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

### **Sec. 5.5.8 Commercial Core Area (Town of James Island and City of Charleston)**

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This Area is the gateway and commercial center to the Town of James Island and extends from Oak Point Road (Ellis Creek Area) to Prescott Street as shown on the FRC-O map entitled “Commercial Core Area.” Parcels in this area are primarily within the Town of James Island with a few parcels within the City of Charleston. This area consists of higher intensity commercial uses such as chain-type restaurants, vehicle service and repair, drug stores, and shopping centers with minimal buffering along Folly Road. Future Development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor. Future Development in this area should place high priority on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and Building architecture. The following regulations apply in addition to the requirements of Sec. 5.5.6, *Development Standards and Requirements (All Areas)*, of this Article to unincorporated Parcels along Folly Road as indicated on the map titled “Commercial Core Area”:

- A. **Permitted Uses.** Permitted uses shall include those uses allowed in the Zoning District that corresponds with the “CC” Future Land Use designation as shown on the Overlay Zoning District map and as described in Table 6.1.1, *Use Table*.
- B. **Prohibited Uses.** Vehicle Sales; Vehicle Storage; Billboards; Indoor/Outdoor Shooting Ranges; Hotel or Motel; and Tattoo Facility uses shall be prohibited in this area.
- C. **Uses Requiring Special Exception.** Liquor, Beer, or Wine Sales; Bar or Lounge; Vehicle and Boat Repair or Service; Restaurant, Fast Food; Service Stations, Gasoline; and Recreation and Entertainment, Indoor uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.
- D. **Buffers.**
  - 1. A minimum of a 15-foot vegetated Right-of-Way buffer shall be required along Folly Road.
  - 2. A minimum of a 25-foot rear vegetated buffer shall be required adjacent to residential uses; and
  - 3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum six-foot high opaque fence or wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

### **Sec. 5.5.9 South Village Area (City of Charleston, Town of James Island, and Charleston County)**

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The South Village area extends from Prescott Street to South Grimball Rd / Grimball Rd. Ext. as illustrated on the FRC-O map entitled “South Village Area.” Parcels in this area are within the jurisdiction of the Town of James Island, the City of Charleston, and unincorporated Charleston County. This area currently consists of mixed medium to high intensity commercial Development, such as shopping centers, big box stores, and consumer services along the west side of Folly Road and primarily small scale Office and residential uses along the east side of Folly Road. This area is intended for Development similar to the North Village Area, with less intense commercial Development than the Commercial Core Area, a mix of medium to high intensity uses along the west side of Folly Road, and lower intensity Development on the east side of Folly Road. Future development in this area is to be a mix of commercial and residential uses, with increased Right-of-Way buffers along the west side of Folly Road and increased land use buffers on both sides of Folly Road, when commercial Development occurs adjacent to Single- Family Detached Dwelling Units. The following regulations apply in addition to the requirements of Sec. 5.5.6 , *Development Standards and Requirements (All Areas)*, of this Article to unincorporated parcels along Folly Road as indicated on the map titled “South Village Area”:

- A. **Permitted Uses.** Permitted uses shall include those uses allowed in the Zoning District(s) that corresponds with the “R-4-”, “RO”, “NC,” and “CC” Zoning and Future Land Use designation as shown on the Overlay Zoning District map and as described in Table 6.1-1, *Use Table*. Civic/Institutional uses as described in Table 6.1-1, *Use Table*, shall be permitted for properties shown in the Civic/Institutional Zoning/Future Land Use designation.
- B. **Prohibited Uses.** Vehicle Sales; Billboards; Indoor/Outdoor Shooting Range; Liquor, Beer or Wine Sales; Hotel or Motel (greater than ten rooms), and Tattoo Facility uses shall be prohibited in this Area.



- C. **Uses Requiring Special Exception.** Vehicle Storage; Bar or Lounge; Vehicle and Boat Repair or Service; Restaurant, Fast Food; Service Stations, Gasoline; and Recreation and Entertainment, Indoor uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.
- D. **Buffers.**
  - 1. A minimum 15-foot vegetated Right-of-Way buffer shall be required along the east side of Folly Road and a minimum 35-foot vegetated Right-of-Way buffer shall be required along the west side of Folly Road;
  - 2. A minimum 20-foot vegetated rear buffer shall be required adjacent to residential uses; and
  - 3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum six-foot high opaque fence or wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

### **Sec. 5.5.10 Neighborhood Preservation Area (Charleston County and City of Charleston)**

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The Neighborhood Preservation Area extends from Rafael Lane to Battery Island Drive as illustrated on the FRC-O map entitled "Neighborhood Preservation Area." This area consists primarily of low-intensity residential uses with some commercial development primarily along the northwest area of Folly Road. This portion of the Overlay Zoning District is intended to provide an appropriate transition from the more intense commercial development in the North Village, Commercial Core, and South Village Areas before entering the Conservation Area and the City of Folly Beach. The following regulations apply in addition to the requirements of Sec. 5.5.6, *Development Standards and Requirements (All Areas)*, of this Article to unincorporated parcels along Folly Road as indicated on the map titled "Neighborhood Preservation Area":

- A. **Permitted Uses.** Permitted uses shall include those uses allowed in the Zoning District that corresponds with the "NC" and "CC" Future Land Use designation as shown on the Overlay Zoning District map and as described in Table 6.1-1, *Use Table*, provided, however that Hotel and Motel uses shall be allowed with a maximum of 10 guest rooms.
- B. **Prohibited Uses.** Vehicle Sales; Vehicle Storage; Billboard; Indoor/Outdoor Shooting Range; Restaurant, Fast Food; Service Station, Gasoline; Recreation and Entertainment, Indoor; Vehicle and Boat Repair or Service; and Tattoo Facility uses shall be prohibited in this area.
- C. **Uses Requiring Special Exception in the Commercial Area.** Liquor, Beer, or Wine Sales and Bar or Lounge uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.
- D. **Building Size.** No single Building Structure shall exceed 5,000 square feet gross Floor Area.
- E. **Buffers.**
  - 1. A minimum of a 25-foot vegetated Right-of-Way buffer shall be required along Folly Road in the commercial area. This buffer may be reduced to 15 feet when there is no parking or vehicular use area between Buildings and Right-of-Way.
  - 2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residential uses.
  - 3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum six foot high opaque fence or wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

### **Sec. 5.5.11 Conservation Area (Charleston County and City of Folly Beach)**

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The Conservation Area extends from Battery Island Drive to the Folly River as illustrated on the FRC-0 map entitled "Conservation Area." This Area is intended to be the least intensely developed area of the Overlay Zoning District and is to provide a natural scenic open space before entering the City of Folly Beach, by preserving the marsh views and vistas of this area. This portion of the Overlay Zoning District is intended to provide an appropriate transition from the more intense commercial Development in the North Village, Commercial Core, and South Village Areas, before entering the Conservation Area and the City of Folly Beach, by preserving the existing low Density Residential Character. The following regulations apply in addition to the requirements of Sec. 5.5.6, *Development Standards and Requirements (All Areas)*, of this Article to unincorporated Parcels along Folly Road as indicated on the map titled "Conservation Area":

**A. Permitted Uses.**

1. **Residential, Neighborhood Commercial, and Conservation Zoning Designation.** Permitted uses include those uses allowed in the Zoning District that corresponds with the "R-4" and "NC" Zoning and Future Land Use designation as shown on the Overlay Zoning District Map and as described in Table 6.1-1, *Use Table*.
2. **Water Dependent Commercial Zoning Designation.** Permitted uses include: Seafood-Related Retail Sales; Restaurant, General; Special Event ; Fishing, Hunting, or Recreational Guide Service ; Boat Ramp; Commercial Dock; and other Accessory Uses, such as accessory Roadside Stands and Sweetgrass Basket Stand uses, as determined appropriate by the Zoning and Planning Director. All uses shall comply with the requirements of this Ordinance including but not limited to the Site Plan Review requirements contained in CHAPTER 3, *Development Review Procedures*.

**B. Prohibited Uses.** Vehicle Sales; Vehicle Storage; Billboard; Indoor/Outdoor Shooting Range; Hotel or Motel; and Tattoo Facility uses shall be prohibited in this Area.

**C. Uses Requiring Special Exception in the Commercial Area.** Liquor, Beer, or Wine Sales; Bar or Lounge; Vehicle and Boat Repair or Service; Restaurant, Fast Food; Service Station, Gasoline; and Recreation and Entertainment, Indoor uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.

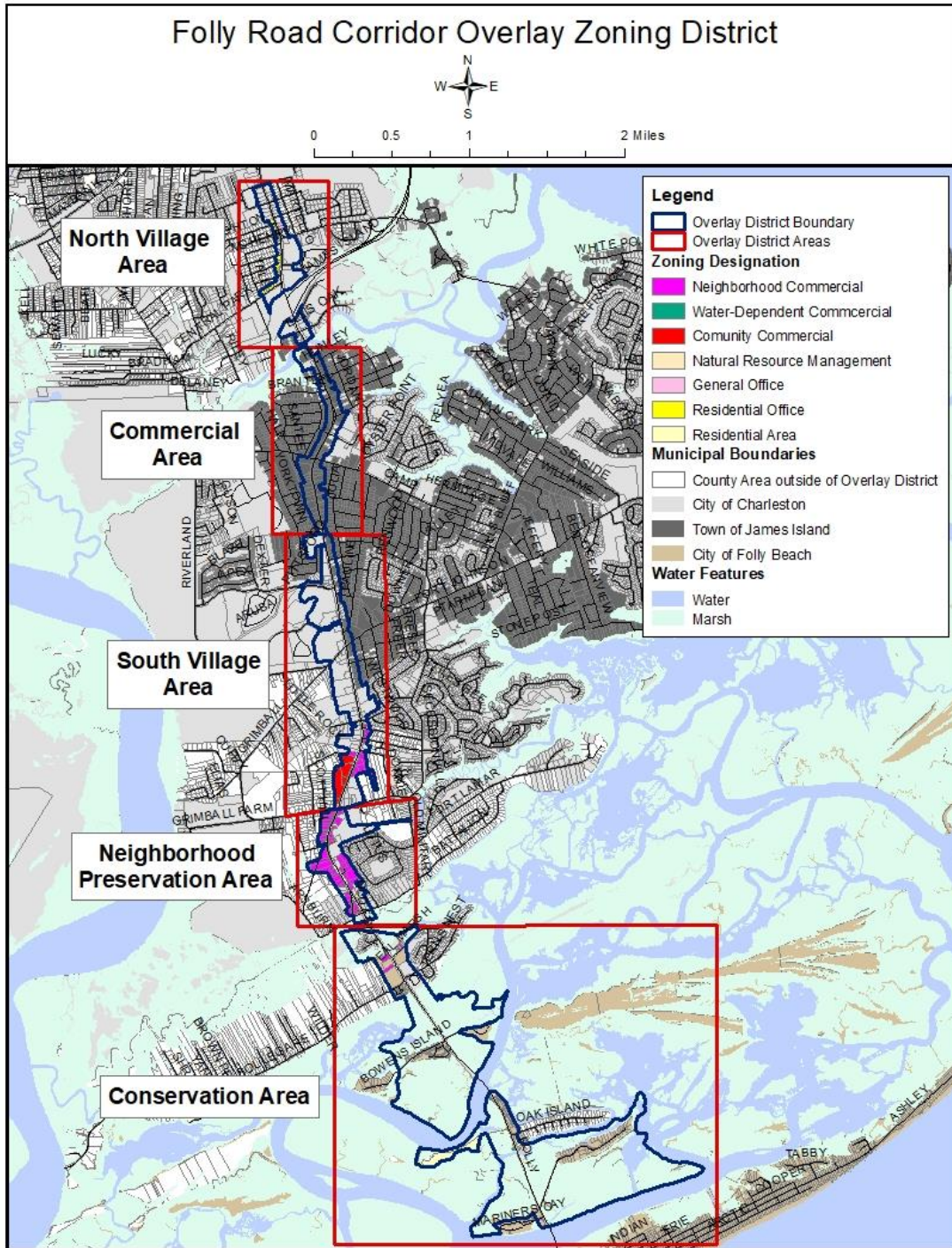
**D. Buffers.**

1. A minimum of a 25-foot vegetated Right-of-Way buffer shall be required along Folly Road in the commercial area which may be reduced to 15 feet when there is no parking or vehicular use area between Buildings and Right-of-Way;
2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residential uses; and
3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum six foot high opaque fence or wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth, when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.



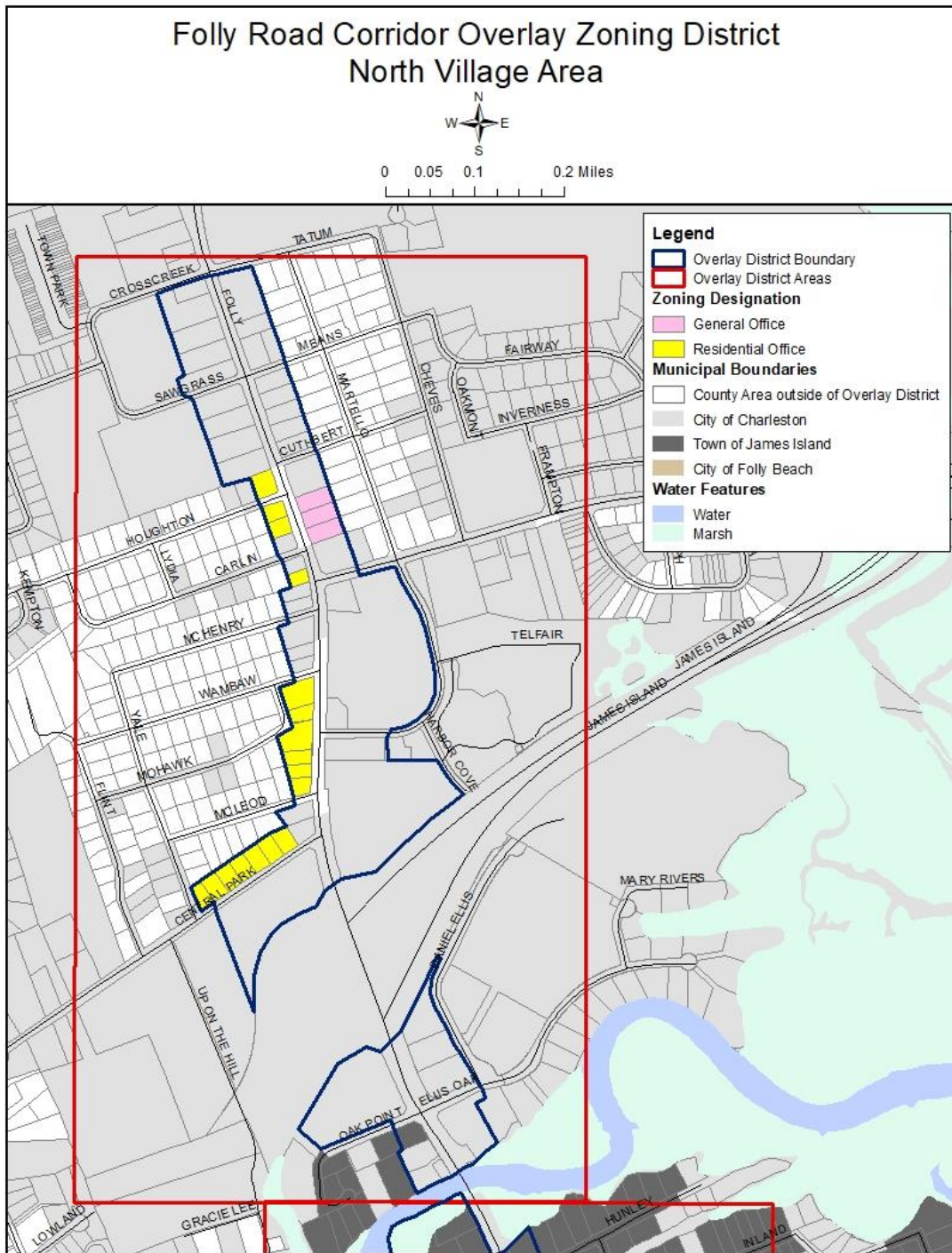


Map 5.5



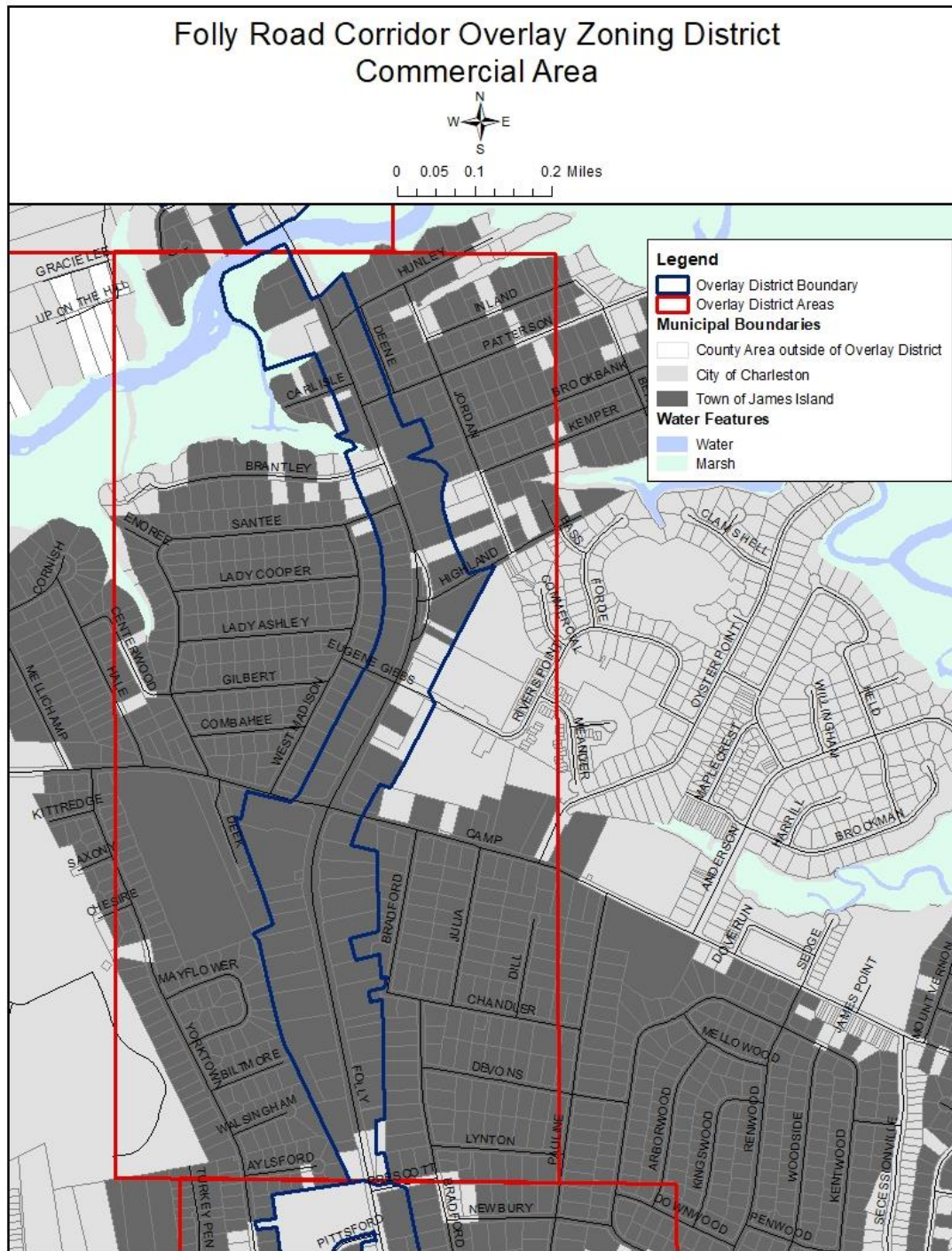


Map 5.5.A



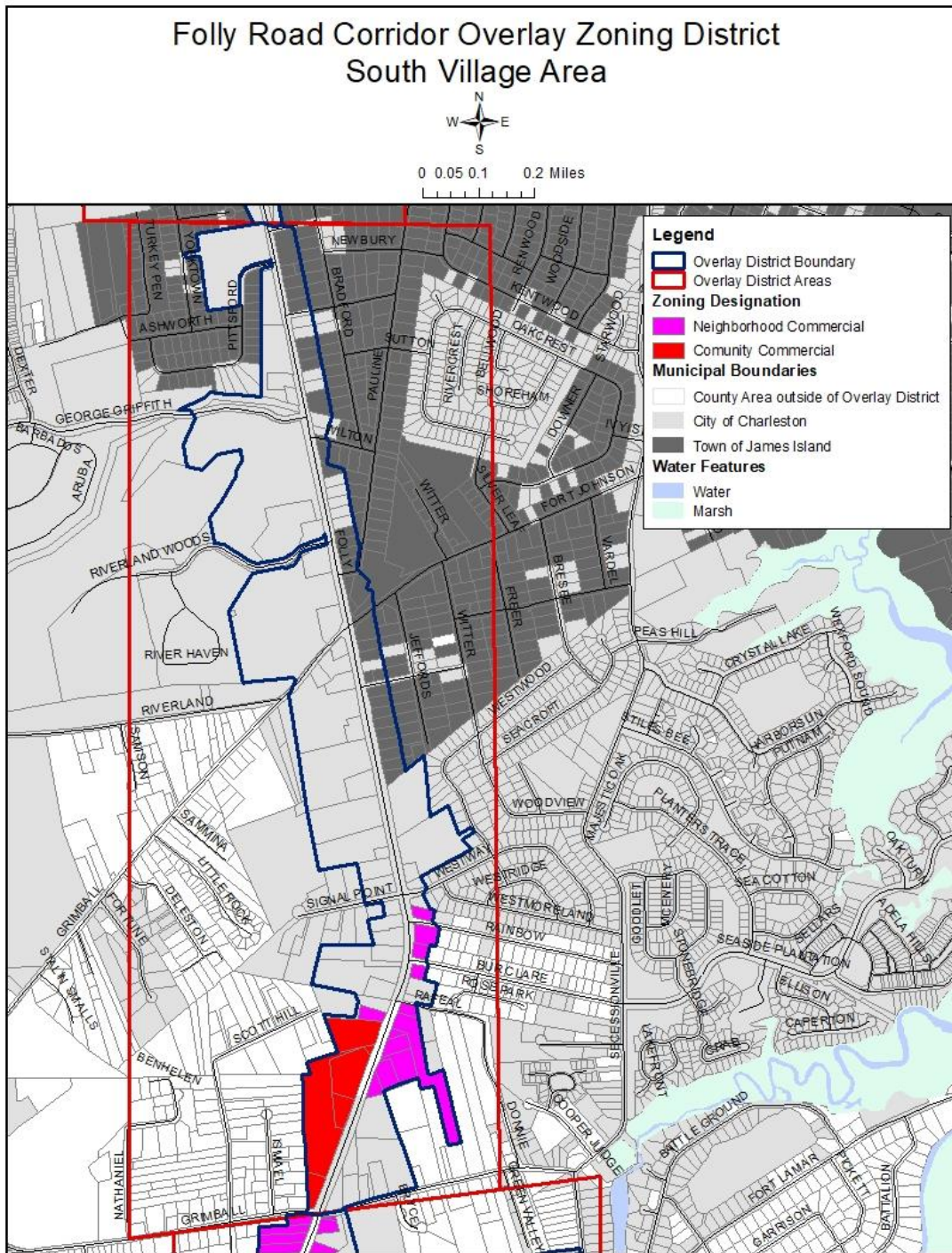


Map 5.5.B



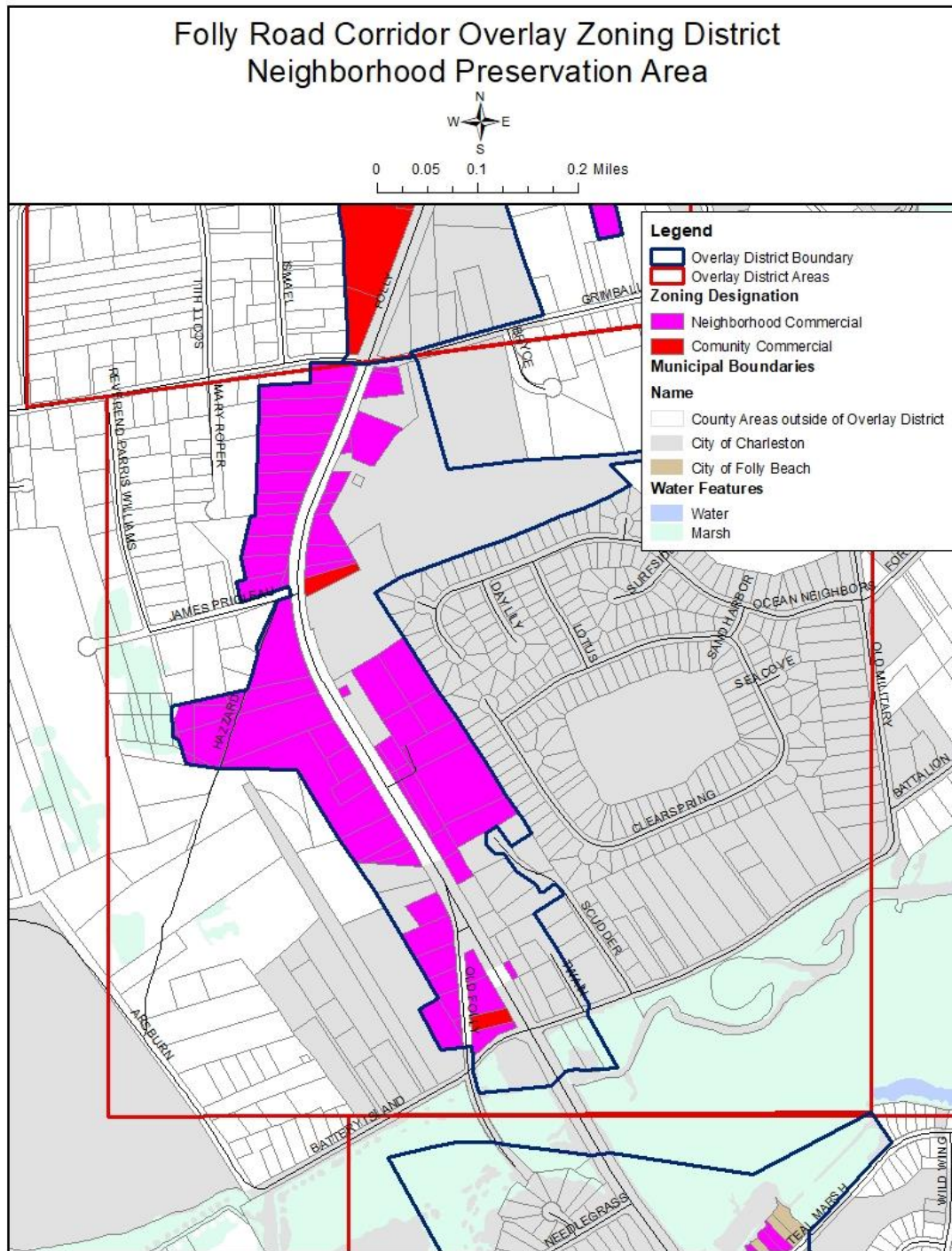


Map 5.5.C



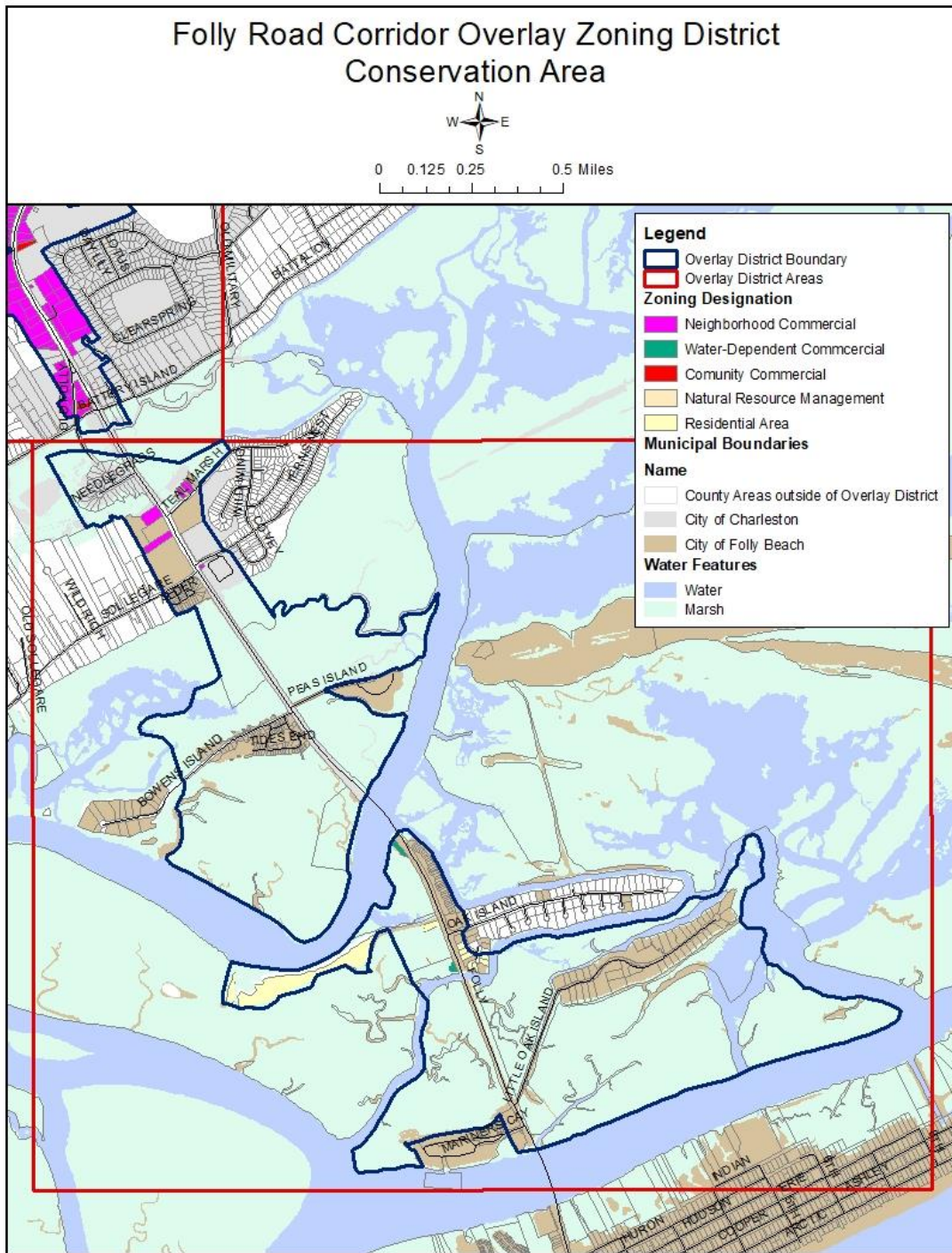


Map 5.5.D





Map 5.5.E





## ARTICLE 5.6 DRC-O, DORCHESTER ROAD CORRIDOR AND ASHLEY SCENIC RIVER CORRIDOR OVERLAY ZONING DISTRICTS

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### Sec. 5.6.1 Statement of Findings

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The DRC-O, Dorchester Road Corridor Overlay Zoning District, straddles Dorchester Road, one of the major thoroughfares in the North Area. This road carries a large number of vehicles each day. Much of the property within the DRC-O Overlay Zoning District is located within the jurisdictional limits of the City of North Charleston, while some property remains within unincorporated Charleston County. The DRC-O Overlay Zoning District was adopted to improve the visual character of the corridor and to create consistency between the County of Charleston and the City of North Charleston concerning land Development regulations.

### Sec. 5.6.2 Purpose

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The purpose of the DRC-O, Dorchester Road Corridor Overlay Zoning District, is to create a commercial corridor that is well-planned and attractive, through the implementation of consistent design standards.

### Sec. 5.6.3 Effect of Overlay Zoning District

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Dorchester Road Corridor Overlay Zoning District regulation is stated in this Article, the applicable regulations of this Ordinance shall apply.

### Sec. 5.6.4 Applicability

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The DRC-O Overlay Zoning District shall include all parcels of land, any part of which is located within 1,000 feet of Dorchester Road between the Mark Clark Expressway and the north side of North Constellation Drive, as illustrated on the Map titled "Dorchester Road Corridor and Ashley River Corridor Overlay Zoning District."

### Sec. 5.6.5 Buffers and Screening

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- A. **Commercial Front Buffers.** The front buffer for commercial and office establishments shall be 15 feet along corridor Rights-of-Way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per 100 linear feet of Frontage:
  - 1. Three Canopy Trees and two and one-half inches caliper minimum;
  - 2. Three Understory Trees six to eight feet height minimum; and
  - 3. 25 Shrubs, three gallon minimum.
- B. **Commercial Side and Rear Buffers.** Side and rear buffers shall be provided per the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.
- C. **All Buffer Areas.**
  - 1. All buffer areas must accommodate required plant material within the buffer.
  - 2. Drainage swales and stormwater detention ponds may be placed in the buffer only when trees are not endangered and only when they meander through the buffer in an unobtrusive manner.
  - 3. Stormwater detention ponds may not occupy more than 25 percent of the buffer area.
  - 4. Driveways may pass through a buffer to gain access to parking.
  - 5. Structures other than permitted Free-Standing Signs may not be placed within the buffer.
- D. **Required Screening. The following shall be required:**



1. **Loading Zones.** Structures shall be oriented so that loading areas are in no manner visible from Residential Zoning Districts, from existing public or private Rights-of-Way, or from planned future public Rights-of-Way. Loading areas may be oriented toward adjoining developed properties, which are commercially zoned, or toward adjoining properties eligible for future commercial Development if they are entirely screened from view by the use of solid fencing or appropriate landscaping.
2. **Dumpster Screens.** Garbage dumpsters shall be screened and buffered with an eight foot high opaque fence or walls on four sides.

### **Sec. 5.6.6 Trees**

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Article 9.2, *Tree Protection and Preservation*, of this Ordinance shall apply to properties within the DRC-O Overlay Zoning District.

### **Sec. 5.6.7 Signs**

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- A. **Free-Standing Signs.** Must be Monument, Pedestal, or gateway style entrance Sign pair, not to exceed 50 square feet per Sign face and 10 feet in height of the Sign Structure. One sign or gateway style entrance Sign pair shall be permitted per Major Road Frontage.
  1. A shopping center may erect one Monument or Pedestal Free-Standing Sign per Street Frontage, up to a maximum of two Signs per center. One square foot of free-standing signage will be permitted per linear foot of shopping center Building Frontage, up to a maximum of 150 square feet per Sign.
  2. Internal illumination shall be permitted in areas of 15-foot buffers. No internal illumination shall be permitted for residential Subdivision entrance Signs. In all areas, no flashing or moving Signs shall be permitted.
- B. **Wall Signs (Commercial).** One square foot of Wall Signage shall be permitted per each linear foot of Building Frontage, up to and not exceeding 15 percent of the area of the wall on which the Sign is to be displayed.
- C. **Material.** Signs shall be fabricated of solid materials such as brick, wood or concrete.
- D. **Prohibited Signs.** Off-Premise Signs, Portable Signs, and Temporary Signs shall be prohibited within the DRC-O Overlay Zoning District.

### **Sec. 5.6.8 Building Materials**

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No Building elevation constructed of unadorned concrete masonry units or corrugated and/or sheet metal shall front upon any existing public or private Rights-of-Way. Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.

### **Sec. 5.6.9 Utilities**

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All Utility lines such as electric, telephone, CATV, or other similar lines serving individual sites as well as all Utility lines necessary within the property shall be placed underground at the time when other requirements of this Ordinance would initiate site plan review. All junction and access boxes shall be screened with appropriate landscaping. All Utility pad fixtures and meters shall be shown on the site plan.

### **Sec. 5.6.10 Lighting**

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- A. Site lighting shall be from a concealed light source fixture and with effective provisions made to avoid spill-over into adjoining properties, Roadways, or in any way interfere with the vision of oncoming motorists.





- B. Lighting fixtures shall be limited in height to 18 feet.
- C. Lighting shall be of a directional type, capable of shielding the light source from direct view from any adjoining residential or agricultural parcel and public Right-of-Way.
- D. Security lighting shall be provided, particularly at pedestrian walkways.
- E. A lighting plan shall be submitted as part of the Site Plan Review Process.
- F. All site lighting shall meet the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 5.6.11 Traffic Study**

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A Traffic Impact Study shall be required in all instances in which the proposed developmental area exceeds five acres. Such Traffic Impact Studies shall be prepared by an independent planning or engineering firm and shall be provided to the County's Zoning and Planning Department for review simultaneous with submission of the preliminary site plan for consideration.

### **Sec. 5.6.12 Pedestrian Access**

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- A. Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties.
- B. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through Parking Lots or cross driveways.
- C. All pedestrian access and pedestrian walkways shall meet the standards of CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 5.6.13 ARSC-O, Ashley River Scenic Corridor Overlay District Statement of Findings**

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The ARSC-O, Ashley River Scenic Corridor Overlay District includes all unincorporated Charleston County Parcels that border the Ashley River in the North Area of Charleston County. The remaining properties within the ARSC-O Overlay Zoning District are located within the jurisdictional limits of the City of North Charleston. The ARSC-O Overlay Zoning District was adopted to safeguard the historic heritage and scenic beauty of the Ashley River corridor.

- A. **Purpose.** The purpose of the ARSC-O, Ashley River Scenic Corridor Overlay Zoning District is to preserve the scenic Ashley River and to create consistency between the County of Charleston and the City of North Charleston concerning land Development regulations by:
  - 1. Safeguarding the historic heritage and scenic beauty of the unincorporated Charleston County Parcels surrounded by the City of North Charleston, by preserving the view shed of National Historic Landmarks & Properties on the National Register of Historic Places, which have been confirmed by the South Carolina Department of Archives and History;
  - 2. Promoting conservation and providing protection by promoting stabilization of the banks of the Ashley River, which are tidally influenced and subject to periodic flooding;
  - 3. Preserving Water quality by protecting the natural environmental qualities of the land and Water;
  - 4. Stabilizing and improving property values in the Ashley River Scenic Corridor Overlay District;
  - 5. Fostering civic beauty;
  - 6. Preserving scenic areas; and
  - 7. Promoting the use and preservation of the Ashley River Scenic Corridor for the education, welfare and pleasure of existing and future residents of Charleston County and the City of North Charleston, along with the general public.
- B. **Effect of Overlay Zoning District.** In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Ashley River

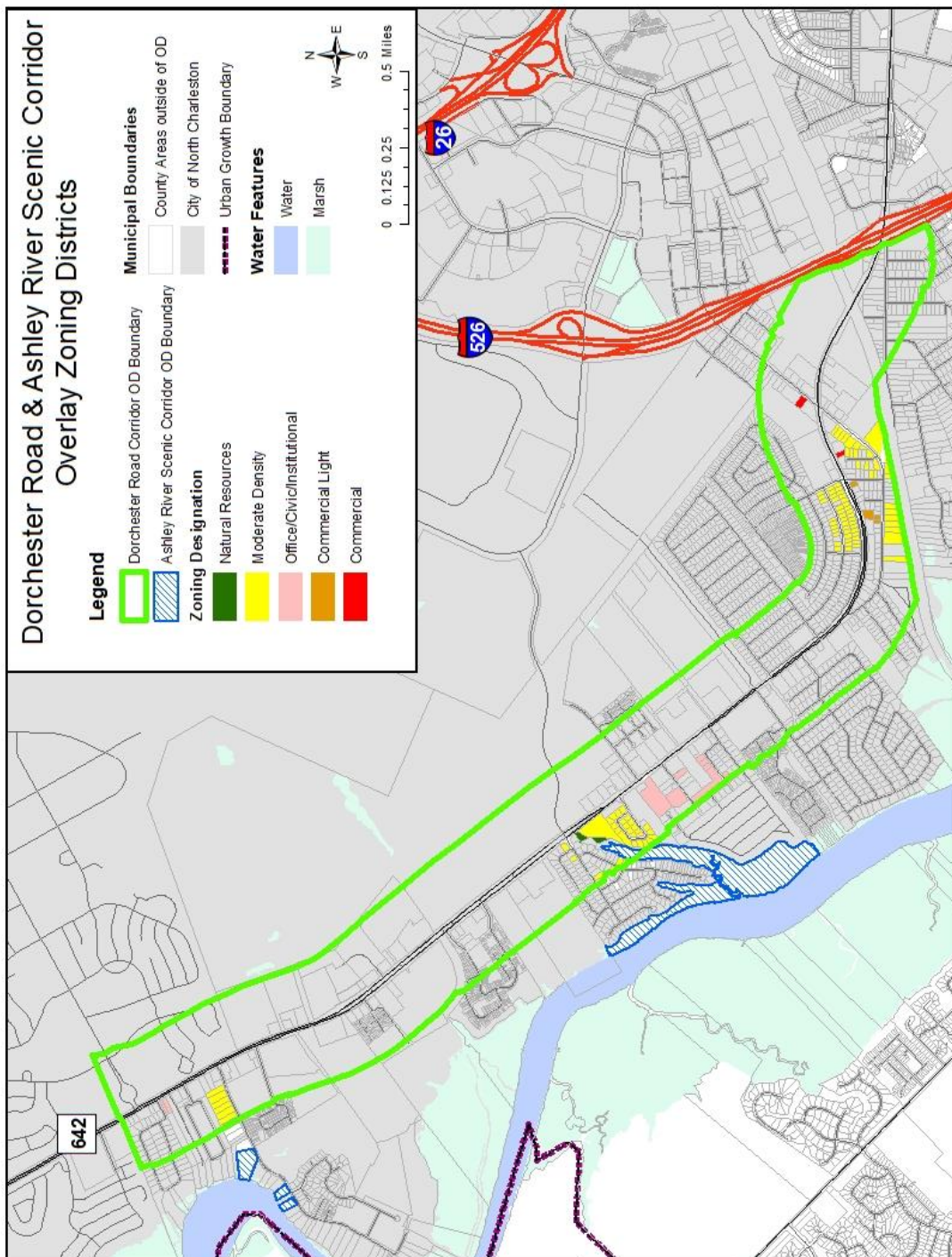


Scenic Corridor Overlay Zoning District regulation is stated in this Article, the applicable regulations of this Ordinance shall apply.

- C. **Applicability.** The ARSC-O Overlay Zoning District shall include all unincorporated Charleston County Parcels that border the Ashley River. This district is illustrated on the attached map. The standards of this Article shall apply to all Development within the ARSC-O District including Single-Family Dwelling Units; any proposed use or alteration of an existing use; and land or vegetation disturbance.
- D. **Permitted Uses.** Permitted uses are determined by the corresponding Zoning Districts, as shown on the map titled "Dorchester Road Corridor and Ashley River Scenic Corridor Overlay Zoning Districts."
- E. **Setbacks and Buffers.**
  - 1. 50 feet from the OCRM Critical Line of the Ashley River or adjacent lowlands, which lowlands are hereby defined as areas below mean high Water;
  - 2. 50 feet from an established tree line paralleling the Ashley River; or
  - 3. 50 feet from a bluff or cliff overlooking and visible from the Ashley River, whichever is greater.
- F. **Tree Protection.** No trees six DBH inches or greater shall be cut or removed from within 50 feet of the edge of the Ashley River or adjacent lowlands as defined in Sec. 5.6.13(E), *Setbacks and Buffers*. Article 9.2, *Tree Protection and Preservation*, of this Ordinance shall apply to properties within the ARSC-O Overlay Zoning District.
- G. **Buildings or Structures.**
  - 1. No proposed buildings or structures may be erected within 50 feet of the Ashley River and adjacent lowlands as defined in Sec. 5.6.13(E), *Setbacks and Buffers*.
  - 2. No Building or Structure shall extend more than 35 feet above the ground or base flood elevation, whichever is higher.
  - 3. Docks shall be permitted on Lots of record in developed residential areas in accordance with the Ashley River Special Area Management Plan (SAMP), February 1992, or as updated. Docks shall not have roofs or second-story decks. Docks shall be construed of wood and may not be painted. Individual Docks shall be limited in size (pierhead no larger than 100 square feet; a single floating Dock no larger than 128 square feet). No new Marina development or fueling facilities shall be allowed within the ARSC-O Overlay Zoning District.
- H. **Other Alterations.**
  - 1. No grading, filing, excavation, or other land-altering activity may be conducted within 50 feet of the ARSC-O Overlay Zoning District and adjacent lowlands, except in accordance with Sec. 5.6.13(H)(3), *Roads and Access*.
  - 2. No impervious surfaces shall be constructed within 50 feet of the ARSC-O District and adjacent lowlands, except in accordance with Sec. 5.6.13(H)(3), *Roads and Access*, herein below.
  - 3. The provisions of the ARSC-O Overlay Zoning District shall not apply to necessary alterations for required roads or for access to the ARSC-O Overlay Zoning District for ingress/egress from any particular tract, provided that no reasonable alternative is available on the tract of land in question and that shoreline alterations are minimized to the greatest extent practicable. The burden of proving that no reasonable alternative is available and that the proposal minimizes shoreline alterations to the greatest extent practicable shall be on the party seeking to make alterations. The party shall submit information to the Zoning and Planning Director for determination of the applicability of this subsection to any particular case.



Map 5.6





## ARTICLE 5.7 UB-O, UNIVERSITY BOULEVARD OVERLAY ZONING DISTRICT

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### Sec. 5.7.1 Statement of Findings

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The UB-O, University Boulevard Overlay Zoning District, shall include all parcels of land south of Goose Creek, east of I-26, west of Rivers Avenue/US 52 and generally north of I-26, US 52 and US 78 Connector. Much of the property within the UB-O Overlay Zoning District is located within the jurisdictional limits of the City of North Charleston, while some property remains within unincorporated Charleston County. The UB-O Overlay Zoning District was adopted to improve the visual character of the corridor and to create consistency between the County of Charleston and the City of North Charleston concerning land Development regulations.

### Sec. 5.7.2 Purpose

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The purpose of the UB-O, University Boulevard Overlay Zoning District, is to create a commercial corridor that is well-planned and attractive through the implementation of consistent design standards.

### Sec. 5.7.3 Effect of Overlay Zoning District

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special University Boulevard Corridor Overlay Zoning District regulation is stated in this Article, the applicable regulations of this Ordinance shall apply.

### Sec. 5.7.4 Applicability

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The UB-O Overlay Zoning District shall include all parcels of land south of Goose Creek, east of I-26, west of Rivers Avenue/US 52 and generally north of I-26, US 52, and US 78 Connector. This District is illustrated on the attached map. The standards of this Article shall apply to all Development within the UB-O Overlay Zoning District.

### Sec. 5.7.5 Dimensional Standards, Buffers, and Screening

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- A. **Commercial Front Buffers.** The front buffer for commercial and office establishments shall be 15 feet along corridor Rights-of-Way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per 100 linear feet of frontage:
  - 1. Three Canopy Trees and two and one-half inches caliper minimum.
  - 2. Three Understory Trees six to eight feet height minimum.
  - 3. 25 Shrubs, three gallon minimum.
- B. **Commercial Side and Rear Buffers.** Side and rear buffers shall be provided per the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.
- C. **All Buffer Areas.**
  - 1. All buffer areas must accommodate required plant material within the buffer.
  - 2. Drainage swales and stormwater detention ponds may be placed in the buffer only when Trees are not endangered and only when they meander through the buffer in an unobtrusive manner.
  - 3. Stormwater detention ponds may not occupy more than 25 percent of the buffer area.
  - 4. Driveways may pass through a buffer to gain access to parking.
  - 5. Structures other than permitted Free-Standing Signs may not be placed within the buffer.
- D. **Required Screening.**



1. **Loading Zones.** Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public or private Rights-of-Way, or from planned future public Rights-of-Way. Loading areas may be oriented toward adjoining developed properties, which are commercially zoned, or toward adjoining properties eligible for future commercial Development if they are entirely screened from view by the use of solid fencing or appropriate landscaping.
2. **Dumpster Screens.** Dumpsters shall be screened and buffered with an eight foot high opaque fence or walls on four sides.

### **Sec. 5.7.6 Trees**

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Article 9.2, *Tree Protection and Preservation*, of this Ordinance shall apply to properties within the UB-O Overlay Zoning District.

### **Sec. 5.7.7 Signs**

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- A. **Free-Standing Signs.** Must be Monument, Pedestal, or gateway style entrance Sign pair, not to exceed 50 square feet per Sign face and 10 feet in height of the Sign Structure. One Sign or gateway style entrance Sign pair shall be permitted per Major Road Frontage.
  1. **Shopping Center Freestanding Signs.** A shopping center may erect one Monument or Pedestal Free-Standing Sign per Street Frontage, up to a maximum of two Signs per center. One square foot of Free-Standing Signage will be permitted per linear foot of shopping center Building Frontage, up to a maximum of 150 square feet per Sign.
  2. **Illumination of Freestanding Signs.** Internal illumination shall be permitted in areas of 15 foot buffers. No internal illumination shall be permitted for residential Subdivision entrance signs. In all areas, no Flashing or Moving Signs shall be permitted.
- B. **Wall Signs (Commercial).** One square foot of wall signage shall be permitted per each linear foot of Building Frontage, up to and not exceeding 15 percent of the area of the wall on which the Sign is to be displayed.
- C. **Signage Material.** All Signs shall be fabricated of solid materials such as brick, wood, or concrete.
- D. **Prohibited Signs.** Off-Premise Signs, Portable Signs, and Temporary Signs shall be prohibited within the UB-O Overlay Zoning District. Nothing in this section shall be construed to prevent the on-premises display of a single Monument Style for-sale Sign not to exceed 10 square feet in residential areas and 35 square feet in commercial areas.

### **Sec. 5.7.8 Building Materials**

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No Building elevation constructed of unadorned concrete masonry units or corrugated and/or sheet metal shall front upon any existing public or private Rights-of-Way. Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.

### **Sec. 5.7.9 Utilities**

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All Utility lines such as Electric, telephone, CATV, or other similar lines serving individual sites as well as all Utility lines necessary within the property shall be placed underground at the time when other requirements of this Ordinance would initiate site plan review. All junction and access boxes shall be screened with appropriate landscaping. All Utility pad fixtures and meters shall be shown on the site plan.

### **Sec. 5.7.10 Lighting**

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- A. Site lighting shall be from a concealed light source fixture and with effective provisions made to avoid spill-over into adjoining properties, Roadways, or in any way interfere with the vision of oncoming motorists.



- B. Lighting fixtures shall be limited in height to 18 feet.
- C. Lighting shall be of a directional type, capable of shielding the light source from direct view from any adjoining residential or agricultural use or zoned Lot and public Right-of-Way.
- D. Security lighting will be provided, particularly at pedestrian walkways.
- E. A lighting plan shall be submitted as part of the Site Plan Review Process.
- F. All site lighting shall meet the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 5.7.11 Traffic Study**

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A Traffic Impact Study shall be required in all instances in which the proposed developmental area exceeds five acres. Such Traffic Impact Studies shall be prepared by an independent planning or engineering firm and shall be provided to the County's Zoning and Planning Department for review simultaneous with submission of the preliminary site plan for consideration.

### **Sec. 5.7.12 Pedestrian Access**

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- A. Grade-separated pedestrian walkways must provide a direct connection from the Street to the main entrance and to abutting properties.
- B. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through Parking Lots or cross driveways.
- C. All pedestrian access and pedestrian walkways shall meet the standards of CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 5.7.13 Noise**

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Businesses utilizing outdoor speaker systems must ensure that noise produced by these systems is not audible beyond the boundaries of the property on which they are located.

### **Sec. 5.7.14 Residential Uses**

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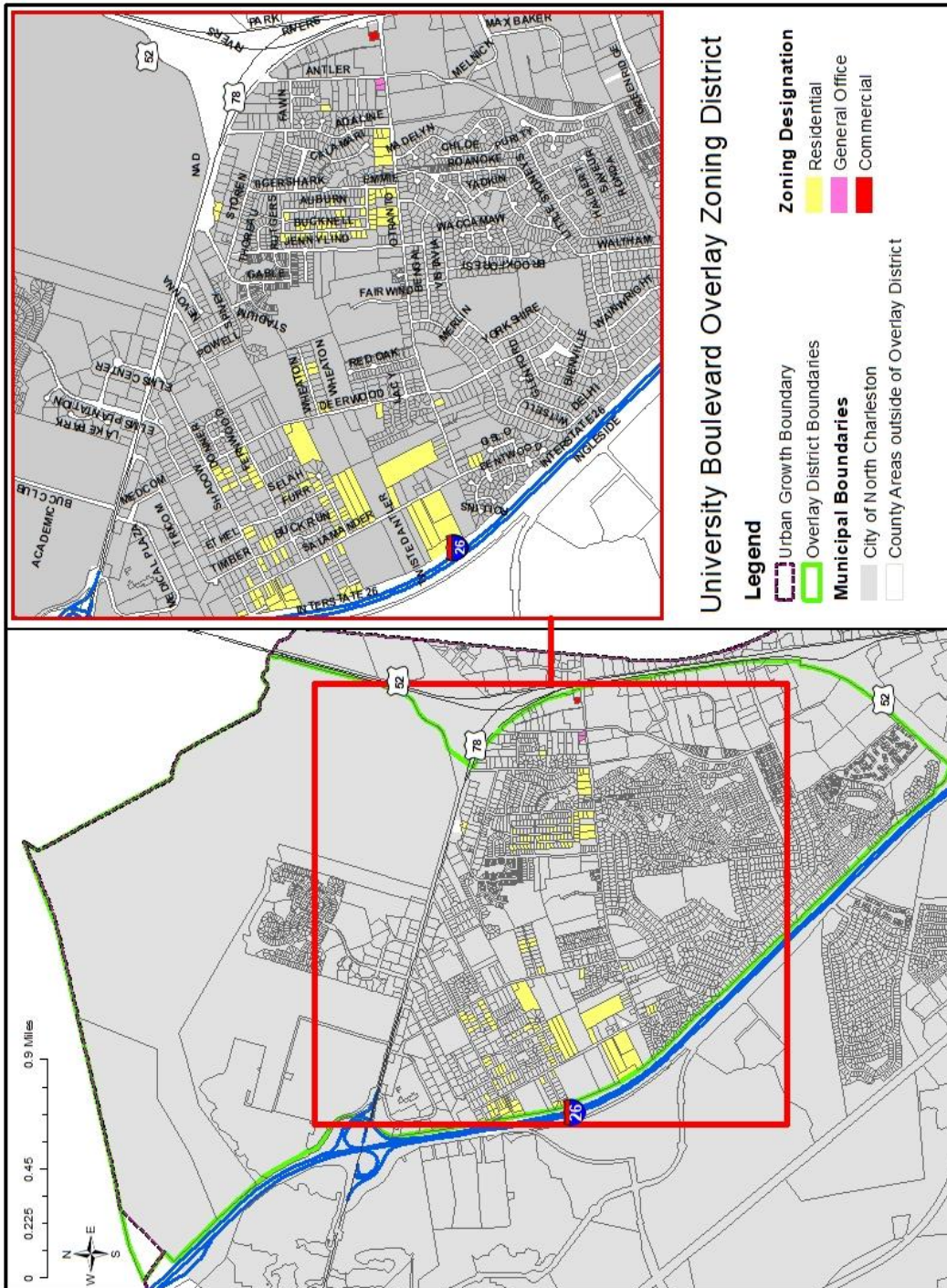
- A. **Permitted Uses.** The following list of permitted uses are the only uses that shall be permitted in the R-4 Zoning District:
  - 1. Single-Family Dwellings, excluding Manufactured Housing Units.
  - 2. Short-Term Rentals, Limited Home Rental (LHR) subject to the conditions contained in Article 6.8, *Short-Term Rentals*.
  - 3. Short-Term Rentals, Extended Home Rental (EHR) subject to the conditions and Special Exception approval pursuant to Article 6.8, *Short-Term Rentals*.
  - 4. All Development in the R-4 Zoning District shall meet the Density/Intensity and Dimensional Standards of Article 4.12, *R-4, Low Density Residential District*, of this Ordinance.
- B. **Uses Subject to Conditions.** The following uses shall be permitted in the R-4 Zoning District subject to the stated conditions:
  - 1. Home Occupations that comply with Sec. 6.5.11, *Home Occupations*, shall be permitted.
  - 2. Religious Assemblies and Primary, Secondary, or Pre-Schools, provided the buildings are placed not less than 25 feet from the side and rear property line and that planted buffer strips are created along side and rear property lines.
  - 3. Cemeteries, provided that such use consists of a site of at least one-half acre; such use has a front yard Setback of at least 15 feet; that such use includes no crematorium; and that planted buffer strips are created alongside and rear property lines.



4. Golf Courses or Country Clubs and related facilities, provided that the land area containing the golf course and related facilities is not less than 25 acres. Golf Course or Country Club related facilities include, but are not limited to, clubhouses, Community Recreation facilities, Golf Driving Ranges, Lounges, pro shops, and restaurants.
  5. Model homes or real estate community sales centers provided that:
    - a. Such uses are constructed as a traditional Single-Family Dwelling or Manufactured Housing Units, however Manufactured Housing Units cannot be used as Single-Family Dwellings;
    - b. That no more than one such Structure be established per community or Development;
    - c. That no more than three Employees operate at the site;
    - d. That commercial use of the Structure shall not occur prior to 8:30 a.m. or after 6:00 p.m.; and
    - e. That such commercial retail use of the Structure shall cease upon the later of: (1) expiration of 24 months from the date of its construction; or (2) sale of 90 percent of the marked Lots; and that the Structure shall thereafter be utilized as a Single-Family Dwelling Unit or removed from the site.
- C. **Special Exception Uses.** The following use is allowed in the R-4 Zoning District only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance:
1. Community Recreation Center, which for the purpose of this Article shall mean Government owned and operated.



Map 5.7







## **ARTICLE 5.8 17N-O, HIGHWAY 17 NORTH CORRIDOR OVERLAY ZONING DISTRICT**

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### **Sec. 5.8.1 Statement of Findings**

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The 17N-O, Highway 17 North Corridor Overlay Zoning District, is comprised of six Business/Service Nodes located along Highway 17 North in the area between Porcher's Bluff Road/Park West Boulevard and the Charleston County/Georgetown County boundary. The boundaries the Business/Service Nodes are depicted on the maps following this Article. The requirements of this Article do not apply to the areas located outside of the Business/Service Nodes.

The location of the Business/Service Nodes and the requirements of this Article were derived from a community-wide planning effort and intergovernmental coordination between Charleston County and the Towns of Mount Pleasant, Awendaw, and McClellanville. This planning effort originally encompassed the entire area spanning both sides of Highway 17 North between Porcher's Bluff Road/Park West Boulevard and the County boundary, as depicted in the Charleston County *Comprehensive Plan*. The *Comprehensive Plan* identified this area as a priority planning area due to its unique rural and agricultural character, its natural and cultural resources, and the use of Highway 17 North both as a gateway to Charleston County and for everyday access.

The public who participated in this planning effort recognized that commercial uses should be clustered at nodes to prevent strip commercial Development along Highway 17 North and identified the six Business/Service Nodes shown on the Overlay Zoning District maps. The participants also recognized that Development standards are needed to ensure that Development within the Nodes blends in with the surrounding communities, and that an access management plan should be included to ensure properties located within the Nodes have safe access to and from Highway 17 North. Based on these revisions, the geographic area of the 17N-O was limited to six Business/Service Nodes.

This effort resulted in the adoption of the Zoning and Land Development Regulations contained in this Article, as well as additional recommendations to develop a trail system extending the entire length of the District to connect residential areas to business/service areas and historic/cultural areas and to provide connectivity between the Nodes.

### **Sec. 5.8.2 Purpose and Intent**

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The purpose and intent of the 17N-O Overlay Zoning District is to implement the Charleston County *Comprehensive Plan*, by creating an overall vision for the future of the Highway 17 North Corridor that is supported by all relevant jurisdictions; developing a plan that coordinates land use and transportation; preserving rural and agricultural landscapes; and encouraging sustainable Development through balanced social, cultural, economic, and environmental considerations. The 17N-O Overlay Zoning District seeks to balance these competing interests by clustering commercial uses at Business/Service Nodes to provide services and employment opportunities to the local population, ensuring development within the Nodes blends in with the surrounding communities, providing access management, and minimizing local traffic on Highway 17 North. The 17N-O Overlay Zoning District also creates the flexibility to develop commercial uses and higher Density residential uses within the identified Nodes, without requiring compliance with Article 3.4, *Zoning Map Amendments (Rezoning)*, of this Ordinance, provided that development is in compliance with the regulations of this Article, including the requirements of Table 5.8-1, *Highway 17 North Corridor Overlay Zoning District Use Table*, and all other applicable sections of this Ordinance.

### **Sec. 5.8.3 Overlay Zoning District Applicability and Effect**

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#### **A. Applicability.**

1. The standards of this Article apply to all development within the unincorporated portions of the Business/Service Nodes identified on the maps following this Article.
2. The regulations of this Ordinance do not apply to incorporated properties within Business/Service Nodes; similar regulations have been adopted by the Towns of Awendaw and McClellanville to ensure consistent land use planning in the Nodes.



3. The regulations of this Article do not apply to the properties located outside of the Business/Service Nodes. Instead, the applicable requirements contained in this Ordinance shall apply to properties located outside the Business/Service Nodes.

**B. Effect of Overlay Zoning District.**

1. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control.
2. Development of properties located within the identified Business/Service Nodes shall not require compliance with Article 3.4, *Zoning Map Amendments (Rezoning)* of this Ordinance, provided that such Development is in compliance with the regulations of this Article, including the requirements of Table 5.8-1, *Highway 17 North Corridor Overlay Zoning District Use Table*, and all other applicable sections of this Ordinance.

- C. Developments of Five Acres or Greater.** Developments of five acres or greater in cumulative size located within the Business/Service Nodes that propose Density/Intensity and Dimensional Standards other than those included herein must obtain approval as a Planned Development District under this Article and Article 4.25, *PD, Planned Development Zoning District*, of this Ordinance. As a condition of approval for such Developments, County Council may require demonstrated conformance with the intent of the design guidelines contained herein.

#### **Sec. 5.8.4 Required Coordination with Adjacent Jurisdictions**

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A Letter of Coordination from adjacent jurisdictions shall be required as part of all land Development applications in the Business/Service Nodes, with the exception of applications for agricultural and Single-Family Detached Dwelling uses. The purpose of the Letter of Coordination is to ensure that the proposed development is consistent with the land uses, Density/Intensity and Dimensional Standards, and design and Development standards adopted by adjacent jurisdictions. Coordination with applicable municipalities will be required.

#### **Sec. 5.8.5 Description of Business/Service Nodes**

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The Business/Service Nodes identified on the maps following this Article are described below. The uses permitted in each Node are described in Table 5.8-1, contained in Sec. 5.8.7, *Use Regulations*. All Development in these Nodes shall comply with the Density/Intensity and Dimensional Standards and the Development requirements contained in this Article.

- A. **10-Mile Neighborhood Business/Service Node.** The 10-Mile Neighborhood Business/Service node is located on the southern side of the intersection of Highway 17 North and Theodore Road, as shown on the map entitled "Highway 17 North Corridor Overlay Zoning District: 10-Mile Neighborhood Business/Service Node." Gated communities are not permitted within this Node.
- B. **Seewee Road Business/Service Node.** The Seewee Road Business/Service Node is located at the intersection of Highway 17 North with Seewee Road and Fifteen Mile Landing Road, as shown on the map entitled "Highway 17 North Corridor Overlay Zoning District: Seewee Road Business/Service Node."
- C. **Awendaw Town Center Business/Service Node.** The Awendaw Town Center Business/Service Node is located on the southern side of the Doar Road/Highway 17 North intersection, as shown on the map entitled "Highway 17 North Corridor Overlay Zoning District: Awendaw Town Center Business/Service Node."
- D. **Northern Doar Road Utilities/Convenience Center Node.** The Northern Doar Road Utilities/Convenience Center Node is located near the northernmost intersection of Doar Road and Highway 17 North, as shown on the map entitled "Highway 17 North Corridor Overlay Zoning District: Northern Doar Road Utilities/Convenience Center Node and Steed Creek Road Transit Node." This node is located entirely within the Town of Awendaw.



- E. **Steed Creek Road Transit Node.** The Steed Creek Road Transit Node is located on the northern side of Highway 17 North where it intersects with Steed Creek Road, as shown on the map entitled “Highway 17 North Corridor Overlay Zoning District: Northern Doar Road Utilities/Convenience Center Node and Steed Creek Road Transit Node.”
- F. **McClellanville Highway Commercial District.** The McClellanville Highway Commercial District parallels Highway 17 North in the vicinity of the Town of McClellanville, as shown on the map entitled “Highway 17 North Corridor Overlay Zoning District.”

**Sec. 5.8.6 McClellanville Historic Area**

The McClellanville Historic Area is located within the heart of the Town of McClellanville and extends to the east, as shown on the map entitled “Highway 17 North Corridor Overlay Zoning District: McClellanville Highway Commercial District.” Development of the unincorporated Parcels located in this Node shall comply with the uses, Density/Intensity and Dimensional Standards, and development standards contained in this Ordinance .

**Sec. 5.8.7 Use Regulations**

- A. The Highway 17 North Corridor Overlay Zoning District is intended to cluster office and commercial uses in the Business/Service Nodes identified on the maps following this Article. Table 5.8-1 lists the uses permitted in the Business/Service Nodes located in this overlay Zoning District. These use regulations apply only to the unincorporated Parcels located within the Business/Service Nodes. Mixing of permitted uses within the nodes is encouraged.
- B. **Table 5.8-1: Highway 17 North Corridor Overlay Zoning District Use Table.** Table 5.8-1 lists the uses permitted in the Business/Service Nodes located within the Highway 17 North Corridor Overlay Zoning District. The following is a description of the codes used in the table:
- C.
  - 1. "S" indicates uses permitted only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
    - a. "A" indicates uses permitted by right.
    - b. "C" indicates Uses Subject to Conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
    - c. Blank cells indicate uses that are not permitted.

Table 5.8.7-1: Highway 17 North Corridor Overlay Zoning District Use Table							
USES	BUSINESS/SERVICE NODES						Conditions
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node	
<b>AGRICULTURAL USES</b>							
Horticultural Production	A	A			A	A	Sec. 6.4.1
Agricultural Sales or Services		A				A	Sec. 6.4.44
<b>RESIDENTIAL</b>							
Manufactured Housing Unit	S	S	S	S	S	S	Sec. 6.4.24.B
Single-Family Detached Dwelling Unit	A	A	A	A	A	A	
Short-Term Rental Property: Limited Home Rental			C	C	C		Art. 6.8



Table 5.8.7-1: Highway 17 North Corridor Overlay Zoning District Use Table

USES	BUSINESS/SERVICE NODES						Conditions
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node	
Short-Term Rental Property: Extended Home Rental			S	S	S		Art. 6.8
Mixed Use/Occupancy	C	C	C			C	Sec. 5.8.8(l)
<b>CIVIC/ INSTITUTIONAL</b>							
Court of Law						A	
Adult Day Care Services; Child Care Center; Group Home	A					A	
Historical Sites, Libraries or Archives, Museums, and Fine Arts Centers	A		A			A	
Parks and Recreation; Community Recreation	A	A	A			A	
Pre-schools or Educational Nursery	A					A	
Personal Improvement Education	C					A	Sec. 5.8.8(E)
Postal Service, United States	A		A			A	
Religious Assembly; Business, Professional, Labor, Political, Social or Civic Organization	A	A	A	A	A	A	
Funeral Services						A	
Safety Services	A	A	A	A	A	A	
Utility Service, Major	S	S	S	C	S	S	Sec. 6.4.17
Utility Service, Minor	A	A	A	A	A	A	
<b>HEALTH CARE SERVICES</b>							
Medical Office; Counseling Services	S	A	A			A	Sec. 5.8.8(G)
Health Care Laboratory		A	A			A	
Home Health Agency	A	A	A			A	
Rehabilitation Facility	A	A	A			A	
<b>COMMERCIAL</b>							
USES	BUSINESS/SERVICE NODES						Conditions
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node	
<b>ACCOMMODATIONS</b>							
Short-Term Rental Property: Commercial Guest House (CGH)	C	C				C	Art. 6.8
<b>RECREATION AND ENTERTAINMENT</b>							
Eco-Tourism	A	A	A	A	A	A	



Table 5.8.7-1: Highway 17 North Corridor Overlay Zoning District Use Table

USES	BUSINESS/SERVICE NODES						Conditions
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node	
Recreation and Entertainment, Indoor (excluding Outdoor Shooting Ranges)		C	C			C	Sec. 5.8.8(C)
<b>ANIMAL SERVICES</b>							
Veterinary Services	S					A	Sec. 5.8.8(G)
<b>FINANCIAL SERVICES</b>							
Banks and Financial Services	C	C				C	Sec. 5.8.8(A)
<b>FOOD SERVICES &amp; DRINKING PLACES</b>							
Bar or Lounge	C		C			C	Sec. 6.4.15
Catering Service	A		A			A	
Restaurant, General	C	C	C			C	Sec. 6.4.15
<b>OFFICES AND OTHER NONRESIDENTIAL DEVELOPMENT</b>							
Administrative or Business Office; Government Office; Professional Office	A	A				A	
Special Trade Contractor (Office/Storage)	C						Sec. 5.8.8(F)
USES	BUSINESS/SERVICE NODES						Conditions
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node	
<b>RETAIL SALES &amp; RETAIL OR PERSONAL SERVICES</b>							
Retail Sales or Services, General	A					A	
Consumer Goods Rental Service						A	
Consumer Convenience Service	A					A	
Convenience Stores	C		A				Sec. 5.8.8(E)
Farmers Market	A	A	A	A	A	A	
Food Sales		A	A			A	Sec. 6.4.43
Funeral Services						A	
Hair, Nail, or Skin Care Services	A					A	
Hardware and Similar Stores, excluding Home Improvement Centers	A					A	
Landscaping and Horticultural Services	C					A	Sec. 5.8.8(H)
Liquor, Beer, or Wine Sales	S					S	
Personal Improvement Service	A					A	
Repair Service, Consumer						A	



Table 5.8.7-1: Highway 17 North Corridor Overlay Zoning District Use Table

USES	BUSINESS/SERVICE NODES						Conditions
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node	
Services to Buildings or Dwellings	A					A	
Roadside Stand; Sweetgrass Baskets Stand	C	C	C	C	C	C	Sec. 6.4.58
Service Station, Gasoline (with or without convenience stores)	S	S			C	S	Sec. 5.8.8(B)
Vehicle and Boat Repair or Service						C	Sec. 5.8.8(B)
<b>ARTISAN AND CRAFTSMAN</b>							
Artisan and Craftsman	C	C	C			C	Sec. 5.8.8(D)
<b>VEHICLE AND WATERCRAFT STORAGE</b>							
Boat Ramp	C					C	Sec. 5.2.4
Community Dock; Commercial Dock; Marina	S					S	Art. 5.2 Sec. 5.2.3 Sec. 5.2.5 Sec. 5.2.6

- C. Accessory Uses and Structures customarily incidental and subordinate to any of the uses listed in Table 5.8-1 are permitted, with the exception of accessory drive-through facilities, which are prohibited except as permitted in Sec. 5.8.8(A), *Retail Sales or Services, General and Banks or Financial Services*. All Accessory Uses and Structures shall comply with the requirements contained in this Ordinance.
- D. Outdoor, open or field Storage, when accessory to a permitted use, is permitted, provided that:
  1. The use conditions contained in Table 5.8-1 do not prohibit outdoor, open or field storage.
  2. No such Storage is located within a required Front Setback, or yard fronting on a public Right-of-Way.
  3. No proposed Parking Lot spaces are used for the storage of goods or merchandise.
  4. No Storage or outdoor sales is proposed which will occupy greater than 30 percent of the Lot Area.
  5. Outdoor Storage of waste materials, equipment, supplies, and vehicles are buffered and screened from view of adjacent properties.
  6. No burning of material or products is conducted on the premises.
  7. No tractor trailer containers are located in outdoor Storage areas.

**Sec. 5.8.8 Use Conditions**

- A. **Retail Sales or Services, General; and Banks or Financial Services.** These uses may include drive-through facilities, provided that:
  1. No more than two drive-through lanes with 60 feet or less of stacking space per lane shall be permitted for Bank or Financial Service uses. ATM drive-up facilities shall count as one lane.
  2. No more than one drive-through lane with 60 feet or less of stacking space per lane shall be permitted for Drug Store and Pharmacy uses.



3. All drive-through facilities and access ways are integrally designed with the Building and do not dominate its design.
  4. Drive-through facilities do not face Highway 17 North.
- B. **Vehicle and Boat Repair and Service and Service Stations, Gasoline.** These uses are permitted provided that:
1. All Service and repair is conducted within 30 feet of the Principal Building.
  2. There shall be no access towards or through adjoining residential districts.
  3. No junked, salvaged, or abandoned vehicles, or parts thereof, shall be stored on the premises.
  4. Such uses shall be so arranged as to require all servicing on the premises and outside the public Rights-of-Way and no gasoline pump or air outlet shall be placed closer than 20 feet to any property line.
- C. **Recreation and Entertainment, Indoor.** These uses are permitted provided that:
1. Such use is not located within 150 feet of residentially zoned or used property.
  2. There shall be no access to adjoining residential districts.
  3. Such use shall not operate between the hours of 12:00 a.m. and 11:00 a.m.
  4. Indoor Shooting Ranges are prohibited.
- D. **Artisan and Craftsman.** These uses are permitted provided that:
1. Such uses shall not cause injurious or obnoxious noise, Vibrations, smoke, gas, fumes, odors, dust, fire hazards, radiation, or other conditions harmful or objectionable to adjacent or nearby properties are prohibited.
  2. All truck parking or loading facilities are located to the side or rear of the Building, outside required landscaped yards, and screened from public Rights-of-Way and/or adjacent property zoned or used for residential purposes.
  3. Outdoor Storage of materials is prohibited.
  4. Operation of this use does not create noise in excess of 80 dB, as measured at the property boundary of the noise source using the fast meter response of a sound level meter, reduced to 70 dB maximum between the hours of 7 p.m. and 7 a.m.
  5. Artisan and Craftsman uses shall comply with the requirements listed above and shall be limited to a maximum Floor Area of 2,000 square feet, and five non-resident Employees.
- E. **Personal Improvement Education and Convenience Stores.** In Zoning Districts subject to conditions (C), these uses shall have a maximum Floor Area of 5,000 square feet.
- F. **Special Trade Contractors (Offices/Storage).**
1. This use shall have a maximum Floor Area of 5,000 square feet; and
  2. Outdoor Storage of vehicles, materials, and equipment shall be prohibited.
- G. **Veterinary Services and Medical Office, and Counseling Service.** In Business/Service Nodes where these uses are subject to Special Exception (S) requirements, such uses shall have a maximum Floor Area of 5,000 square feet and shall require review and approval through the Special Exception procedures contained in this Ordinance.
- H. **Landscaping and Horticultural Service.** In Business/Service Nodes where this use is subject to conditions (C), the following requirements shall apply:
1. A Structure or Structures used for Landscaping and Horticultural Services shall have a maximum combined Floor Area of 2,000 square feet;
  2. Large vehicles, equipment and machinery shall be housed inside a Building or sufficiently screened from view of adjoining properties or public roads by way of fencing or landscaping;



3. Aggregate materials such as mulch, sand, gravel, or similar materials shall be kept in bins or sufficiently screened from view of adjoining properties or public roads by way of fencing or landscaping;
4. Plants and other merchandise or materials shall be kept in a neat and orderly fashion on the premises; and
5. All of the preceding shall be indicated on an approved site plan for the property.

**I. Mixed Use/Occupancy**

1. A maximum of 50 percent of the total combined Floor Area (including all floors in all Buildings) may be dedicated to residential uses.
2. All other applicable requirements of this Article shall apply.

**Sec. 5.8.9 Density/Intensity and Dimensional Standards**

The Density/Intensity and Dimensional Standards listed in Table 5.8.9, below, shall apply to all properties in the Business/Service Nodes:

TABLE 5.8.9: HIGHWAY 17 NORTH CORRIDOR OVERLAY ZONING DISTRICT DENSITY/INTENSITY AND DIMENSIONAL STANDARDS <sup>(1)</sup>	
<b>MINIMUM LOT AREA</b>	1 acre
<b>MINIMUM LOT WIDTH</b>	150 feet
<b>MINIMUM SETBACKS</b>	
Adjacent to Highway 17 North	100 feet <sup>(2)</sup>
Front (other than frontage on Hwy 17 N)	50 feet
Side and Rear (double frontage Setback requirements apply to Corner Lots)	20 feet
<b>OCRM CRITICAL LINE</b>	50 feet
<b>MINIMUM DISTANCE BETWEEN STRUCTURES LOCATED ON AN INDIVIDUAL LOT OR BUILDING SPACE</b>	20 feet, provided that covered walkways connecting Buildings or connecting Buildings with parking areas may traverse such space.
<b>MAXIMUM BUILDING HEIGHT</b>	40 feet
<b>MAXIMUM NET RESIDENTIAL DENSITY – MIXED OCCUPANCY (Developments containing commercial/office and residential uses)</b>	Two Principal Dwelling Units per acre in all Nodes with the exception of the 10-Mile Neighborhood Node, where six Principal Dwelling Units per acre are permitted.
<b>MAXIMUM IMPERVIOUS SURFACE COVERAGE (excludes marsh or natural water areas)</b>	25 percent
<b>MAXIMUM BUILDING SIZE</b>	<ol style="list-style-type: none"> <li>a. No single building shall exceed 5,000 square feet of gross Floor Area.</li> <li>b. Where in conflict, the building size provisions listed in Sec. 5.8.8, <i>Use Conditions</i>, shall take precedence.</li> <li>c. Structures of up to 15,000 square feet in size may be approved in accordance with the Special Exception procedures contained in Article 3.6 of this Ordinance.</li> </ol>
<b>MINIMUM LANDSCAPED OPEN SPACE<sup>(3)</sup></b>	20 percent





**TABLE 5.8.9: HIGHWAY 17 NORTH CORRIDOR OVERLAY ZONING DISTRICT DENSITY/INTENSITY AND DIMENSIONAL STANDARDS<sup>(1)</sup>**

1. The Waterfront Development Standards contained in Chapters 4, *Base Zoning Districts*, and 9, *Development Standards*, of this Ordinance apply.
2. Setback adjacent to Highway 17 North may be reduced to no less than 50 feet, provided that:
  - a. No Structures or uses are proposed to be located between the Principal Building and the road Right-of-Way.
  - b. The Principal Structure(s) is designed with two principal Facades; one facing Highway 17 North, the other facing the Principal Building entrance or other public Right-of-Way.
  - c. All other proposed Development activity is physically designed, landscaped, and oriented such that it is compatible with surrounding Structures built in accord with the design guidelines included within this Ordinance.
3. Open Space areas shall be provided on all sites, including landscaped areas or courtyards. Wherever possible, outdoor “spaces” or gathering areas should be created within these Open Space areas of the project, through the use of appropriate Street furniture strategically placed for the benefit of non-motorists.

### **Sec. 5.8.10 Development Standards**

The following development standards apply to all development in the Business/Service Nodes with the exception of agricultural uses and Single-Family Dwelling Units.

- A. Developments of five acres or greater in cumulative size, proposing Density/Intensity and Dimensional Standards other than those listed above, must obtain approval as a Planned Development District under this Article and Article 4.25, *PD, Planned Development Zoning District*, of this Ordinance. As a condition of approval for such Developments, County Council may require demonstrated conformance with the intent of the design guidelines contained herein.
- B. All proposed Developments shall have a means of water provision and wastewater disposal in accordance with this Ordinance.
- C. All buffers and landscaping shall comply with CHAPTER 9, *Development Standards*, of this Ordinance with the exception of the following:
  1. A minimum 50-foot vegetated Right-of-Way buffer shall be required along Highway 17 North.
  2. A minimum 25-foot vegetated buffer shall be required at the rear or adjacent to residential uses.
  3. All vegetation within required buffers must be retained.
  4. Where appropriate, fencing may be required to screen adjacent or surrounding residential uses.
  5. Sweetgrass Baskets Stands are permitted within required buffers provided that they comply with Sec. 6.4.58, *Roadside Stand or Sweetgrass Basket Stand*, of this Ordinance.

### Right-of-Way Buffers



D. **Building Orientation.** Building orientation shall comply with the standards contained in this Article and CHAPTER 9, *Development Standards*, of this Ordinance.

E. **Access.**

1. The property or properties shall have a minimum combined Frontage of 250 feet along Highway 17 North.
2. Properties in all Business/Service Nodes shall have a single shared access from Highway 17 North or, if located on a Corner Lot, shared access shall be provided from the secondary road.
3. Shared access locations on Highway 17 North shall be separated by a minimum of 250 feet.
4. Vehicular access from Streets and highways to properties shall be confined to access drives not exceeding 30 feet in width at the Street Line.
5. Inter-Parcel connections between sites fronting on Highway 17 North shall be required for each proposed Development to facilitate use of these shared access points.

### Shared Access



F. **Open Spaces.** Open Space areas shall be provided on all sites, including landscaped areas or Courtyards. Wherever possible, outdoor “spaces” or gathering areas should be created within these Open Space areas of the project, through the use of appropriate Street furniture strategically placed for the benefit of non-motorists.

G. **Walls of Continuity.** Physical components such as brick walls, wrought iron or wood fences, tabby, evergreen landscape masses, Building Facades, or a combination of these should provide cohesiveness between Parcels within the Node. Walls and Fences shall harmonize with the site and Building(s) on it in scale and materials. They shall respect existing natural features of the site, shall not dominate the Buildings or landscape, and shall be integrated with plantings.

H. **Architectural Standards and Building Materials.** All Structures shall comply with the Development standards contained in CHAPTER 9, *Development Standards*, of this Ordinance provided that:

1. The roofs of all Structures shall be pitched.



2. All Structures, both principal and accessory, shall use a uniform rural village architectural theme applied through appropriate use of scale, proportion, detail, materials, color, and landscape treatment.
3. Unfinished metal and concrete Facades shall be prohibited on all sides of the Structure.
4. Glass Facades shall not exceed 30percent of the Building face/elevation.
5. A minimum of one-third of the front street-side Façade shall either be a covered porch, overhang, or other similar architectural feature.
6. Buildings shall have wooden, brick, finished architectural grade metal, or shell Stone exterior appearance.
7. The following shall apply regarding Building colors:
  - a. Color shades shall be used to unify the Development;
  - b. Color combinations of paints shall be complementary;
  - c. In no case shall garish colors be permitted; and
  - d. In general, no more than three different colors per Building shall be allowed.
8. Building designs shall not utilize long monotonous Facades, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line. All sides of any Building shall have the same attention to detail and appearance.
9. All proposed Development shall be sited and configured in a manner that preserves existing natural features. New construction shall be clustered to preserve Grand Trees, groups of Trees and other significant landscape features.

### Architectural Standards & Building Materials



#### I. Pedestrian Access.

1. Bike and pedestrian ways shall be included in site design and shall link access to adjacent Parcels, as well as within the Development area;
2. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through Parking Lots or cross driveways; and
3. All pedestrian access and pedestrian walkways shall meet the standards of Chapter 9, *Development Standards*, of this Ordinance; however, pervious surface walkways are encouraged when deemed appropriate to surrounding Development characteristics by the Zoning and Planning Director.



## Pedestrian Access



### J. Signage.

1. All Free-Standing Signs shall be Monument style;
2. Shared Free-Standing Signs shall be allowed in accordance with Chapter 9, *Development Standards*, of this Ordinance.
3. Free-Standing Signs shall not exceed 10 feet in height and 50 square feet of sign area.
4. Sign Illumination.
  - a. Illuminated Signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas. Footcandles shall be reduced by one-half the allowable footcandle after hours of operation.
  - b. LED Signs are prohibited;
  - c. No illumination that simulates traffic control devices or emergency vehicles shall be used.
  - d. All illumination must be from a steady, stationary light source.
  - e. Internal Illumination.
    - i. Internally Illuminated Signs must be constructed of routed aluminum or similar opaque material so that only letters, numbers, and/or logos are illuminated.
    - ii. Signs shall not have light reflecting backgrounds or letters.
    - iii. All finishes shall be a matte finish.
  - f. External Illumination.
    - i. Illumination shall be from a steady stationary light source, shielded, and directed solely at the Sign.
    - ii. Light sources to illuminate Signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
    - iii. The intensity of light shall not exceed 20 footcandles at any point on the Sign face.
    - iv. The color of light sources to illuminate Signs shall be white.
    - v. Signs shall not have light-reflecting backgrounds or letters.
5. All other Sign requirements, including requirements for Wall Signs, shall comply with the requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance.

K. **Lighting.** All site lighting shall comply with the Development standards contained in CHAPTER 9, *Development Standards*, of this Ordinance, provided that all site lighting must match the architectural theme of the Buildings and Development and poles shall not exceed 19 feet in height.

### L. Parking and Loading Design.

1. All parking and loading areas shall comply with the Development standards contained in Chapter 9, *Development Standards*, of this Ordinance, provided that all off-street parking spaces shall be located behind or beside the Principal Use.



2. Impervious materials shall comprise no more than 15 percent of the total Parking Lot area. Pervious materials such as gravel, earth, pavers, or sandshell shall be used for the remainder of the Parking Lot area. The amount of impervious Parking Lot coverage may be increased to no more than 25percent, if reviewed and approved through the Special Exception procedures contained in this Ordinance.
3. Loose aggregate in the form of shell, small rock, and crushed stone are encouraged. When loose aggregates are used, they shall be placed over a compacted base material with containment for the aggregate on the edges. The edging may be of a variety of rigid products including metal edging brick, concrete Curb, landscape timbers, and similar sturdy products.

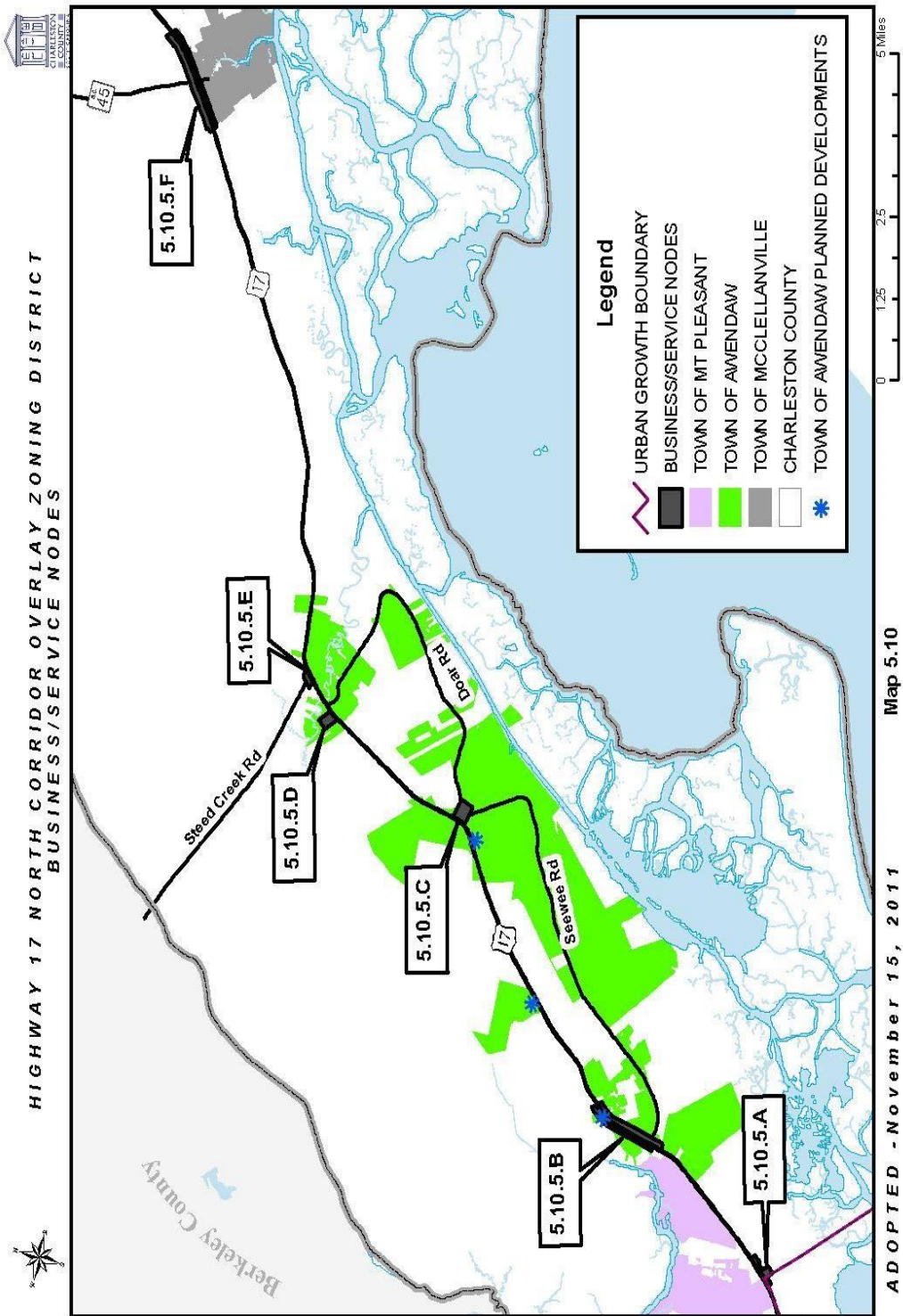
### Parking Design



- M. **Service Areas.** Site design shall consider the placement and screening of service areas and auxiliary Structures. Structures shall be oriented so that loading areas are in no manner visible from residential districts or existing or planned public Rights-of-Way. Loading areas may be oriented towards adjoining developed properties within the Node, only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural design of the project and are appropriately landscaped. Mechanical equipment, service areas and means of access (i.e. delivery areas) shall not be on the primary Facades of Buildings, in front yard areas, or otherwise visible from public Right-of-Ways. Mechanical equipment shall be shielded and screened from public view and designed to be an integral part of the Building it serves.
- N. **Utility Lines.** All new or relocated electrical, telephone, cable television, and similar distribution lines providing service to a Development site shall be installed underground.
- O. **Tree Preservation.** Article 9.2, *Tree Protection and Preservation*, of this Ordinance shall apply to all Development with the Business/Service Nodes, provided that all vegetation within all required buffers shall be retained.

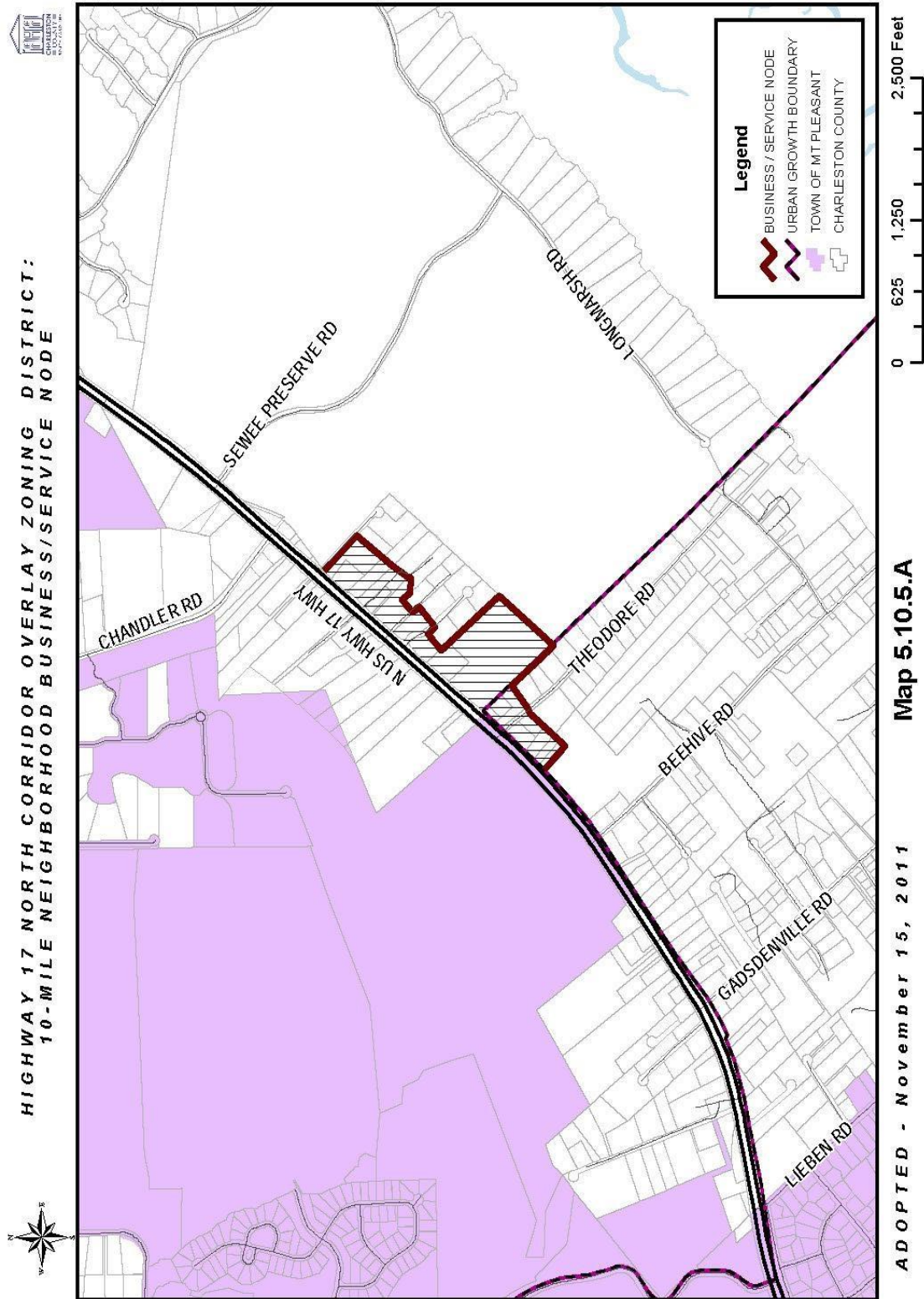


# Map 5.8





Map 5.8.A





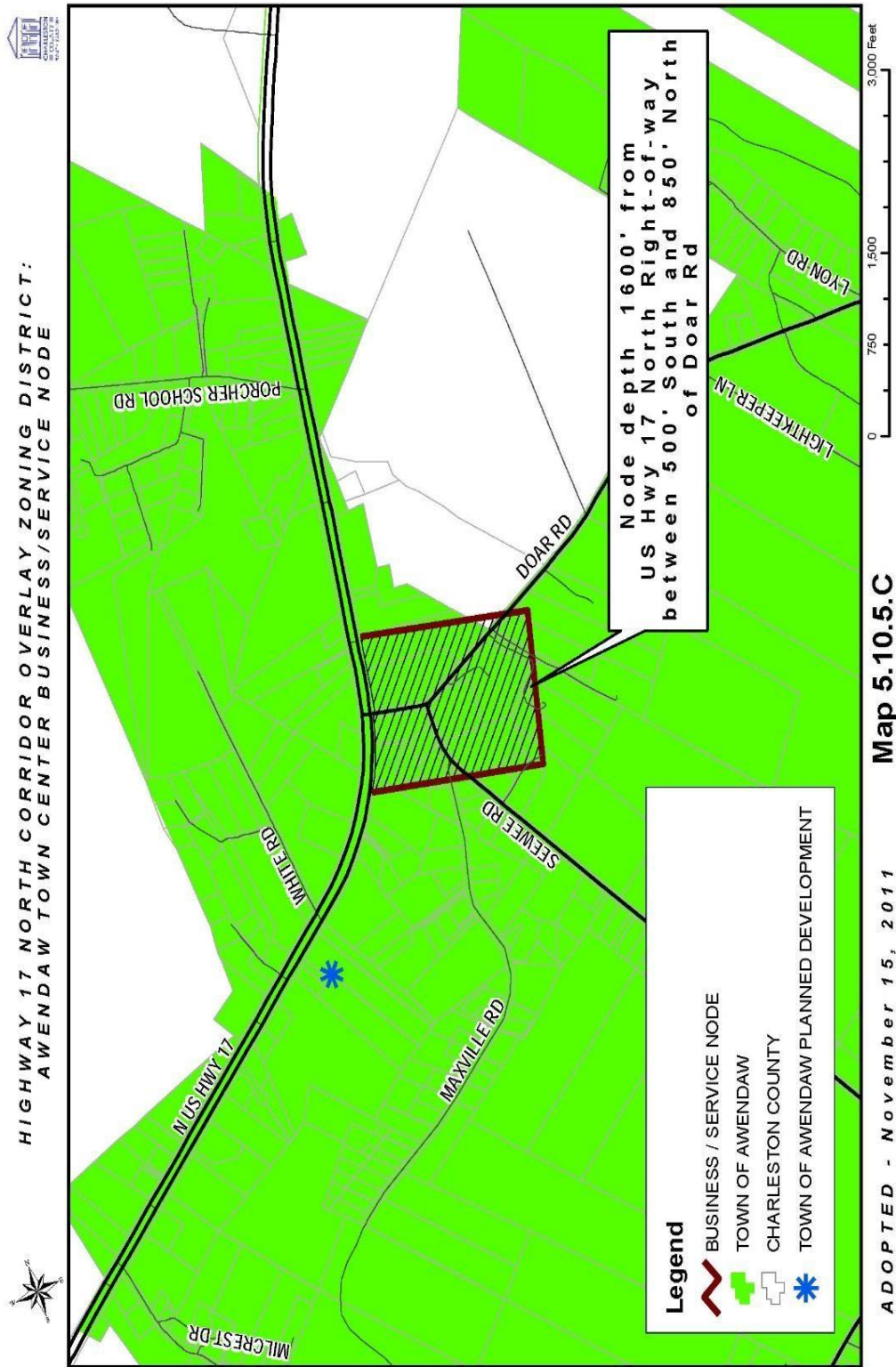
# Map 5.8.B





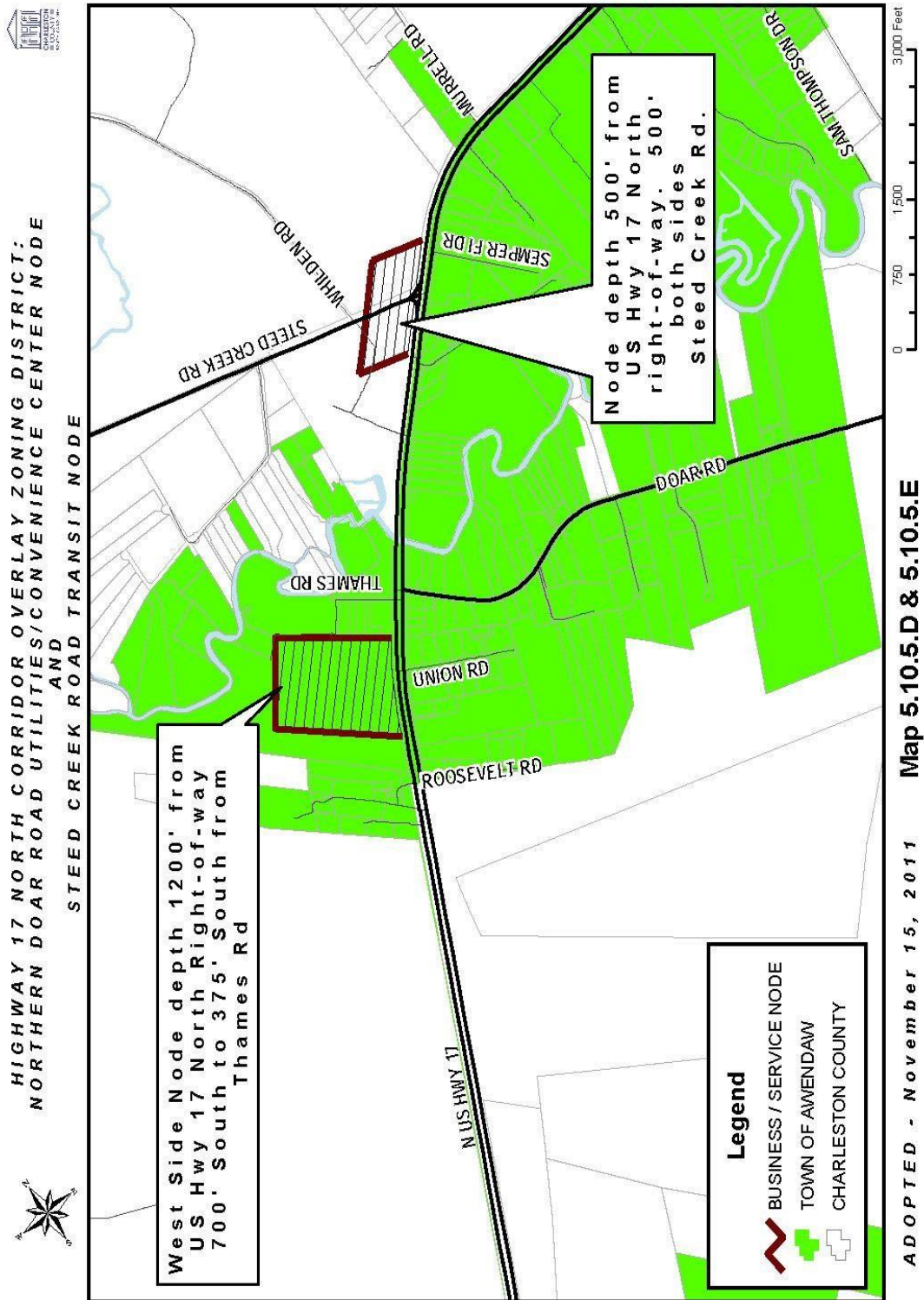


# Map 5.8.C





Map 5.8.D

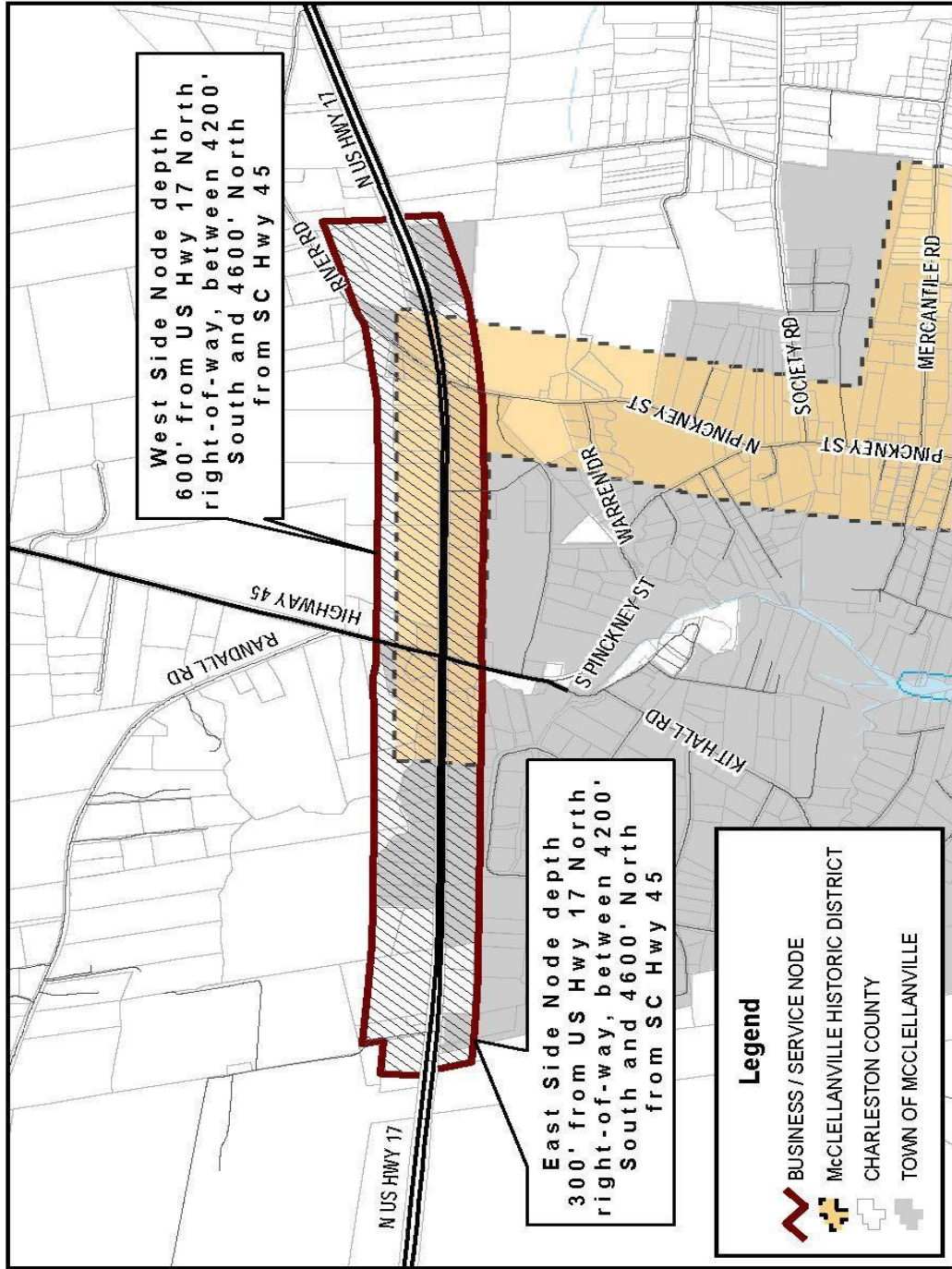




Map 5.8.E



HIGHWAY 17 NORTH CORRIDOR OVERLAY ZONING DISTRICT:  
McCLELLANVILLE HIGHWAY COMMERCIAL DISTRICT



Map 5.10.5.F

ADOPTED - November 15, 2011



## **ARTICLE 5.9 ST. ANDREWS AREA OVERLAY ZONING DISTRICT**

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### **Sec. 5.9.1 Statement of Findings**

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The St. Andrews Area Overlay Zoning District includes unincorporated properties that front on the east and west sides of Highways 61 and 17 from its intersection with Wesley Drive to Ashley Hall Road and Wantoot Boulevard respectively, as shown on the map titled “St. Andrews Area Overlay Zoning District”. This area contains major Thoroughfares in West Ashley that carry a large number of vehicles each day to Charleston through Rural Areas, commercial areas, and established neighborhoods. Moreover, some of the properties along Highways 61 and 17 in this area are located within the jurisdictional limits of the City of Charleston and others are located in unincorporated Charleston County.

### **Sec. 5.9.2 Purpose and Intent**

---

The purpose of the St. Andrews Area Overlay Zoning District is to create a corridor that is well-planned and attractive through the implementation of consistent land use and design standards with adjacent jurisdictions and the utilization of traffic safety measures and access management for vehicles and pedestrians to ensure safe and efficient traffic movement. Additionally, this Overlay Zoning District is intended to provide appropriate services to well-established neighborhoods and provide a transition from the more intense commercial Development along the corridor.

### **Sec. 5.9.3 Effect of Overlay Zoning District**

---

In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. These district regulations are intended to be consistent with similar regulations adopted by the City of Charleston. Legally established, existing Development that does not meet the requirements as described in this Article shall be considered legal nonconforming and shall be subject to the legal nonconforming requirements of this Ordinance.

### **Sec. 5.9.4 Applicability**

---

The standards of this Article shall apply to all Development within the St. Andrews Area Overlay Zoning District, as shown on the map titled “St. Andrews Area Overlay Zoning District,” except for Single- Family Detached Dwelling Units.

### **Sec. 5.9.5 Coordination with Adjacent Jurisdictions**

---

A letter of notification to the City of Charleston shall be required as part of all land Development applications with the exception of applications for Single- Family Detached Dwelling Units. The purpose of the notification is to ensure that the City of Charleston is aware of proposed Development and that there is consistency in land use, Density/Intensity and Dimensional Standards, and design and Development standards adopted by the County and City of Charleston.

### **Sec. 5.9.6 Development Standards and Requirements**

---

The following Development standards and requirements apply to all parcels within the St. Andrews Area Overlay Zoning District. All Development applications shall, at the time of application, include documentation that the following requirements will be met prior to the issuance of any approvals or Zoning Permits:

#### **A. Vehicle Access.**

1. All Parcels in this Overlay Zoning District with a Zoning designation of Residential Office (RO) are allowed one Curb cut per 75 feet of road Frontage; all other commercial or multi-family uses are allowed one curb cut every 150 feet.



2. Proposed new access drives shall be located a minimum distance of 75 feet from any existing street intersection as measured from the edge of the intersecting Roadway to the beginning of the driveway radius.
3. All applications for Development of nonresidential uses shall include suitable access management plans demonstrating that the driveway separation requirements will be met. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the developer of the property:
  - a. Aggregation of Parcels;
  - b. Parallel Frontage or "backage" roads;
  - c. Shared Curb cuts between adjoining properties; and
  - d. Shared access Easements between Parcels.

B. **Traffic Impact Study.** A Traffic Impact Study shall be required in all instances in which the proposed Development area exceeds five acres or if the proposed Development includes one or more of the below.

1. 50 or more Dwelling Units;
2. One or more drive through service windows;
3. Six or more fuel dispensing units;
4. More than 10,000 square feet of Floor Area;
5. Requires a Variance from the driveway (curb-cut) spacing requirements;
6. A Restaurant with more than 4,000 square feet of gross Floor Area; or
7. Where the number of peak hour vehicle trips is projected to exceed 100, per the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

Such Traffic Impact Studies shall comply with the requirements of Sec. 9.6, *Traffic Impact Studies*. Traffic Impact Studies shall be provided to the County for review simultaneous with submission of the preliminary site plan for consideration.

C. **Pedestrian Access.** Bike and pedestrian ways shall be included in site design and shall link access to adjacent Parcels, as well as within the Development area. Grade-separated pedestrian walkways shall provide direct connections from the Street to the main entrance and to abutting properties. Pedestrian walkways shall be designed and located in a manner that does not require pedestrians to walk through Parking Lots or within driveways.

D. **Building Height.** Building Height is limited to a maximum of 35 feet and two and a half stories as defined by this Ordinance. However, the height may be a maximum of 55 feet and four Stories when the Building meets all applicable Setback and buffer requirements, and the following conditions:

1. The portion of the Building exceeding 35 feet in height is stepped back at least 30 feet from the portion(s) of the Building that meets the 35 foot height requirement; and
2. The stepped portion is measured from the outside edge of the Building that is parallel to a Right-of-Way and from the outside edge of the Building that is parallel to an adjacent Parcel which contains or is zoned for Single- Family Detached Dwelling Units.

E. **Signs.** In addition to the requirements in Article 9.8, *Signs*, of this Ordinance all Free- Standing Signs shall meet the following requirements:

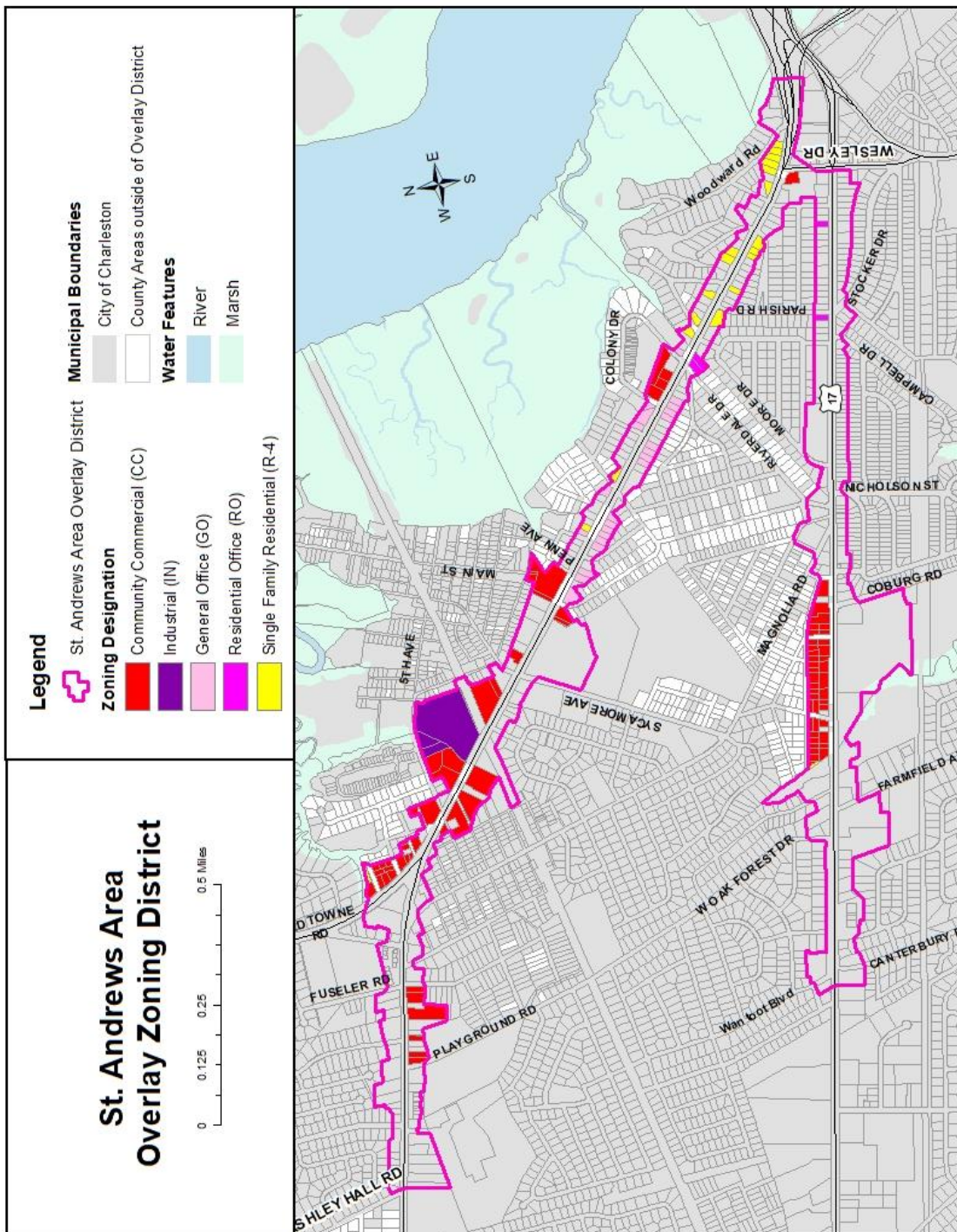
1. All Signs shall be Monument style.
2. Signs shall have a maximum height of eight feet and a maximum size of 40 square feet.
3. Shared shopping center Signs shall be allowed with a maximum height of 10 feet and maximum size of 60 square feet.
4. Internal illumination shall be allowed for Signs.
5. Electronic Message Board Signs and Billboards shall be prohibited.



- F. **Building Coverage.** The Building Coverage shall not exceed 35 percent of the Parcel. However, the Building Coverage may be increased by up to 50percent of the Parcel when the increase is offset by an equal area of driveways, parking, or other hardscape areas that utilize pervious materials. Pervious materials may include, but are not limited to, pervious pavers, pervious concrete or other appropriate pervious surface treatment that do not cause surface Water to runoff and allow water to absorb into the ground, as approved by the Zoning and Planning Director.
- G. **Residential Area.** Parcels intended for non-residential uses are indicated on the St. Andrews Area Overlay Zoning District Map and may be developed in accordance the regulations of this ordinance. Unless shown otherwise, Parcels in the following specific areas of the Overlay Zoning District are to remain residential:
1. The area between Legare Bridge and Colony Drive/Riverdale Drive on St. Andrews Boulevard; and
  2. The area between Wesley Drive and Nicholson Street on Savannah Highway.
- H. **Permitted Uses.** Permitted uses shall include those uses allowed in the Zoning District that corresponds with the Zoning designation as shown on the Overlay Zoning District map and as described in Table 6.1-1, *Use Table*, with the exception of the prohibited uses and uses that require Special Exception approval, as described in this Article.
- I. **Prohibited Uses.** Vehicle Sales (new or used); Vehicle Storage; Indoor/Outdoor Shooting Range; Hotel or Motel; Tattoo Facility; and Self-Service Storage uses shall be prohibited in this Area.
- J. **Uses Requiring Special Exception.** Restaurants, General and Fast Food; Recreation and Entertainment, Indoor; Service Stations, Gasoline; Convenience Store; Liquor, Beer, or Wine Sales; Bar or Lounge; Vehicle and Boat Repair or Service; Commercial Office/Warehouse Complex; Transitional Housing; Pawn Shop; and Warehouse and Distribution Facility uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance. Additionally, applications for Liquor, Beer or Wine Sales must include a Letter of Coordination from both the City of Charleston Police Department and the Charleston County Sheriff's Department.
- K. **Parking.** Applications for Restaurant, Bar or Lounge uses shall include parking plans that indicate the locations of both the required On-Site Parking and possible overflow parking associated with the business to be located on the Subject Property or on adjacent commercially zoned property in accordance with Sec. 9.3.5, *Location*, of the Ordinance.
- All Restaurant, Bar and Lounge uses shall provide one parking space per 75 square feet of gross Floor Area of the business. All other uses shall provide parking spaces in compliance with this section and CHAPTER 9, *Development Standards*, of this Ordinance.
- L. **Building Size.** Building size will be determined by the Building Height, Lot coverage, Setback, and buffer requirements as defined by this Ordinance.
- M. **Buffers.**
1. A minimum of a 25 foot deep vegetated Right-of-Way buffer shall be required along St. Andrews Boulevard and Savannah Highway, which may be reduced to eight feet when there is no parking or vehicular use area between the Buildings and Rights-of-Way;
  2. A minimum of a 25 foot vegetated rear buffer shall be required adjacent to Residential Uses; and
  3. Fencing may be required to screen adjacent or surrounding Residential Uses. When a minimum six foot high opaque Fence or Wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
- N. **Noise.** All activity must comply with the Charleston County Livability Ordinance. There shall be no pick-up or delivery of trash or merchandise scheduled for businesses in this area between the hours of 11:00 pm and 7:00 am. Any proposed outdoor use that provides live or amplified music shall comply with the Special Exception provisions contained in this Ordinance.



Map 5.9





## **ARTICLE 5.10 ASHLEY RIVER ROAD CORRIDOR, ARRC-O, OVERLAY ZONING DISTRICT**

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### **Sec. 5.10.1 Statement of Findings**

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The Ashley River Road Corridor Overlay Zoning District (ARRC-O) includes unincorporated Parcels of Charleston County that front on Highway 61 from its intersection with Ashley Hall Road to Church Creek as shown on the map titled "Ashley River Road Overlay Zoning District". Highway 61 is a major thoroughfare in West Ashley and carries a large number of vehicles each day through rural areas, commercial areas, and established neighborhoods. Moreover, some of the properties along Highway 61 are located within the jurisdictional limits of the City of Charleston and others are located in unincorporated Charleston County. The ARRC-O was adopted to implement traffic safety measures, improve the visual character, and preserve the scenic quality of the corridor. The Overlay Zoning District also creates consistency and coordination between the City of Charleston and unincorporated Charleston County concerning land use, design standards, and code enforcement.

### **Sec. 5.10.2 Purpose and Intent**

---

The purpose of the ARRC-O is to create a corridor that is well-planned and attractive, through the implementation of land use and design standards, and utilizes traffic safety measures and access management for vehicles and pedestrians to ensure safe and efficient traffic movement.

### **Sec. 5.10.3 Effect of Overlay District**

---

In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. These Overlay Zoning District regulations are intended to be consistent with similar regulations adopted by the City of Charleston. Legally established existing Development that does not meet the requirements as described in this Article shall be considered legal nonconforming and shall be subject to the legal nonconforming requirements of this Ordinance unless otherwise stated.

### **Sec. 5.10.4 Applicability**

---

The standards of this Article shall apply to all Development within the ARRC-O, as shown on the map titled "Ashley River Road Corridor Overlay Zoning District," except Single-Family Dwellings, existing Multi-Family Dwellings, and Planned Developments.

### **Sec. 5.10.5 Coordination with Adjacent Jurisdictions**

---

Charleston County will notify the City of Charleston of all land Development applications submitted for unincorporated properties located within the ARRC-O, with the exception of applications for Single-Family Detached Dwellings. The purpose of the notification is to ensure that the City of Charleston is aware of proposed Development.

### **Sec. 5.10.6 General Development Standards and Requirements**

---

The following Development standards and requirements apply to all Parcels within the ARRC-O as described below. All Development applications shall, at the time of application, include documentation that the following requirements will be met prior to the issuance of any approvals or Zoning Permits:

#### **A. Vehicle Access, General.**

1. All Parcels in this Overlay Zoning District with a Zoning District designation of Residential Office (RO) are allowed one Curb cut per 75 feet of road Frontage; all other commercial or multifamily uses are allowed one Curb cut every 150 feet.





2. Access drives on Corner Lots shall be located only on the side Street, not on Highway 61, and there shall also be a minimum distance of 75 feet from the Street intersection as measured from the edge of the intersecting Roadway to the beginning of the driveway radius.
3. All applications for Development of nonresidential uses shall include suitable access management plans demonstrating that the driveway separation requirements will be met. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the Developer or owner of the property:
  - a. Aggregation of Parcels;
  - b. Parallel Frontage or “backage” roads;
  - c. Shared Curb cuts between adjoining properties; and
  - d. Shared access Easements between Parcels.

**B. Shared Access.**

1. Each Parcel involved in a shared access agreement shall be allowed an increase in Building Coverage up to a maximum of 40 percent of the Lot.
2. The Applicant must request a shared access with the adjacent property if Frontage along Highway 61 is less than 250 feet and the adjacent property does not contain a Single-Family Detached Dwelling and/or is not located in a Residential Zoning District . If the owner of the adjacent Parcel does not agree to share access, the Applicant shall provide one of the following to the Planning Department:
  - a. A letter from the adjacent Property Owner denying access; or
  - b. If the adjacent Property Owner refuses to provide a letter, an affidavit that documents attempts that the Applicant made to request shared access and that the neighboring Property Owner refused to provide a letter.
3. If subsection b applies, a new or relocated Curb Cut is permitted on the subject Parcel only with a recorded agreement that the Property Owner will allow adjacent properties to share access when developed or redeveloped or when rezoned, provided that Parcels with 250 feet or more of frontage along the road on which the access is proposed or located are exempt from having to record such Easement.
4. Shared access should be located along a common property boundary.

**C. Traffic Study.** A Traffic Impact Study shall be required in all instances in which the proposed Development area exceeds five acres or if the proposed Development includes one or more of the following:

1. Fifty or more Dwelling Units;
2. One or more drive-through service windows;
3. Six or more fuel dispensing units;
4. More than 10,000 square feet of Floor Area;
5. Requires a Variance from the driveway (Curb Cut) spacing requirements;
6. A restaurant with more than 4,000 square feet of gross Floor Area; or
7. Where the number of peak hour vehicle trips is projected to exceed 100 per the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

Such Traffic Impact Studies shall comply with the requirements of Sec. 9.6.2 , *General*, and Sec. 9.6.3, *Requirements*, shall be prepared by a qualified professional. Traffic impact studies shall be provided to the County for review simultaneous with submission of the preliminary site plan for consideration.

**D. Pedestrian Access.** Bike and pedestrian ways shall be included in site design and shall link access to adjacent parcels, as well as within the Development area. Grade-separated pedestrian walkways shall



provide direct connections from the street to the main entrance and to abutting properties. Pedestrian walkways shall be designed and located in a manner that does not require pedestrians to walk through Parking Lots or within driveways.

E. **Signs.** All new signage must comply with the requirements of this section in addition to the applicable requirements in Article 9.8, *Signs*, of this Ordinance.

1. *Legal Nonconforming Signs and Amortization.*

- a. Any existing legal Nonconforming Sign in this Overlay Zoning District permitted before March 10, 2015 that does not meet the standards set forth in this Article must be removed prior to establishing a new business or no later than January 1, 2020, whichever may occur first.
- b. Any existing legal Nonconforming Sign that is abandoned, as defined in CHAPTER 12, *Definitions*, of this Ordinance, or requires repair, must meet the requirements of this Article.

2. *Freestanding Signs.* The standards below apply to all Freestanding Signs, including all Real Estate Signs.

- a. All Signs shall be Monument style.
- b. Signs shall have a maximum height eight feet and a maximum size of 40 square feet.
- c. Shared shopping center Signs shall be allowed with a maximum height of 10 feet and maximum size of 60 square feet.
- d. Electronic Message Board Signs and Billboards are prohibited.

3. *Illumination.*

- a. Illuminated Signs located adjacent to any Parcel containing a residential use shall be controlled so as not to create excessive glare onto the property, and footcandles shall be reduced by one-half the maximum allowable footcandle after hours of operation.
- b. Illumination that simulates traffic control devices or emergency vehicles is prohibited.
- c. All illumination must be from a steady, stationary light source.
- d. Internal Illumination.
  - i. Internally illuminated Signs must be constructed of routed aluminum or similar opaque material or channel lit so that only letters, numbers, and/or logos are illuminated.
  - ii. All finishes shall be a matte finish.
- e. External Illumination.
  - i. Illumination shall be from a steady stationary light source, shielded and directed solely at the Sign.
  - ii. Light sources to illuminate Signs shall be shielded so as to not cause glare hazardous to pedestrians or vehicle drivers and to not create a nuisance to adjacent properties.
  - iii. The intensity of light shall not exceed 20 footcandles at any point on the Sign face.
  - iv. The color of light sources to illuminate Signs shall be white.
- f. Signs shall not have light reflecting backgrounds or letters.

F. **Land Use Buffers.**

1. A minimum of a 25 foot vegetated buffer shall be required when adjacent to any Parcel containing a Residential Use; and
2. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum six foot high opaque fence or wall is utilized, the Zoning and Planning Director may reduce the land use buffer by up to one-half its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
3. The Building Coverage shall not exceed 35 percent of the Parcel, except as otherwise allowed in this Article. However, the Building Coverage may be increased up to 50 percent of the Parcel when the increase is offset by an equal area of driveways, parking or other hardscape areas that utilize



pervious materials. Pervious materials may include, but are not limited to pervious pavers, pervious concrete or other appropriate pervious surface treatments that do not cause surface water to runoff and that allow water to absorb into the ground, as approved by the Zoning and Planning Director.

4. Applications for Restaurant, Bar or Lounge uses shall include parking plans that indicate the locations of both the Required On-Site Parking and possible overflow parking associated with the business. All parking shall be located on the Subject Property or on adjacent commercially zoned property in accordance with Table 6.1.6-1, *Use Table*, and Sec. 9.3.5, *Location*, of the Ordinance.
5. All activity must comply with the Charleston County Livability Ordinance. There shall be no pick-up or delivery of trash or merchandise scheduled for businesses in this area between the hours of 11:00 pm and 7:00 am. Any proposed outdoor use that provides live or amplified music shall comply with the Special Exception provisions of this Ordinance.

### **Sec. 5.10.7 Light Commercial Area (Ashley Hall Road to Wappoo Road)**

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The Light Commercial Area extends from Ashley Hall Road to Savage Road as illustrated on the ARRC-O map entitled "Light Commercial Area". This area consists primarily of mixed lighter commercial and Multi-Family Development surrounded by established Residential Uses. This portion of the Overlay Zoning District is intended to provide appropriate services to the established neighborhoods and a transition from the more intense commercial Development in the Commercial Core Area. The requirements of this Section apply to Parcels in the Light Commercial Area of the ARRC-O as indicated on the map. All Development applications shall, at the time application is made, provide documentation that the following requirements will be met:

- A. **Permitted Uses.** Permitted uses include uses as allowed in the Residential Office (RO), Neighborhood Commercial (NC), General Office (GO), and Community Commercial (CC) Zoning Districts as indicated on the ARRC-O map and as described in Table 6.1.6-1, *Use Table*.
- B. **Prohibited Uses.** Vehicle Sales (new or used); Vehicle Storage; Indoor/Outdoor Shooting Range; Hotel or Motel; Outdoor Displays of Goods; Tattoo Facility, Short-term Lender; Pawn Shop; and Self-Service Storage uses.
- C. **Uses Requiring Special Exception.** Restaurants, General and Fast Food; Vehicle and Boat Repair or Service; Service Stations, Gasoline ; Liquor, Beer, or Wine Sales ; and Bar or Lounge uses.
- D. **Building Size.** No single Building footprint shall exceed 7,500 square feet unless approved under the Special Exception procedures of this Ordinance. The Building Coverage requirements of this Article apply in addition to the requirements of this Section.
- E. **Building Height.** Building Height in these areas is limited to a maximum of 35 feet and two and a half Stories. However, a height of a maximum of 55 feet and four Stories may be approved by the Zoning and Planning Director when the Building meets all applicable Setback and buffer requirements and the following conditions:
  1. The portion of the Building exceeding 35 feet in height is stepped back at least 30 feet from the portion(s) of the Building that meets the 35 foot height requirement; and
  2. The stepped portion is measured from the outside edge of the Building that is parallel to a Right-of-Way and, if applicable, from the outside edge of the Building that is parallel to an adjacent Parcel which contains or is zoned for Single-Family Detached Dwellings.
- F. **Right of Way Buffer.** A minimum of a 25-foot vegetated Right-of-Way buffer shall be required along Highway 61, which may be reduced to eight feet when there is no parking or vehicular use area between the Buildings and Rights-of-Way.

### **Sec. 5.10.8 Commercial Core Area (Wappoo Road to William Kennerty Drive)**

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The Commercial Core Area is a major commercial node in this part of West Ashley and extends from Wappoo Road to William Kennerty Drive as shown on the ARRC-O map entitled “Commercial Core Area”. This area consists of higher intensity commercial uses such as chain-type restaurants, Vehicle Repair or Service, drug stores, shopping centers, and Service Stations, Gasoline with minimal buffering along Ashley River Road. Future Development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor. The requirements of this Section apply to Parcels within the Commercial Core Area. All Development applications shall, at the time application is made, provide documentation that the following requirements will be met:

- A. **Permitted Uses.** Permitted uses shall include those uses as allowed in the Neighborhood Commercial (NC) and Community Commercial (CC) Zoning Districts as indicated on the ARRC-O map and as described in Table 6.1.6-1, *Use Table*.
- B. **Prohibited Uses.** Indoor/Outdoor Shooting Ranges and Self-Service Storage are prohibited.
- C. **Uses Requiring Special Exception.** Liquor, Beer, or Wine Sales; Vehicle Storage, including Bus Barns, Boat, or RV Storage; and Bar or Lounge uses require Special Exception approval pursuant to the requirements of this Ordinance.
- D. **Building Height.** Building Height is limited to a maximum of 35 feet and two and a half Stories. Building Heights of up to 55 feet and four Stories may be approved by the Zoning and Planning Director when the Building meets all applicable Setback and buffer requirements and the conditions listed below; however, Vehicle Storage, including Bus Barns, Boat or RV Storage, uses shall not exceed 35 feet in height.
  - 1. The portion of the Building exceeding 35 feet in height is stepped back at least 30 feet from the portion(s) of the Building that meets the 35 foot height requirement; and
  - 2. The stepped portion is measured from the outside edge of the Building that is parallel to a Right-of-Way and, if applicable, from the outside edge of the Building that is parallel to an adjacent Parcel which contains or is zoned for Single-Family Detached Dwellings.
- E. **Right of Way Buffer.** A minimum of a 25-foot deep vegetated Right-of-Way buffer shall be required along Ashley River Road which may be reduced to eight feet when there is no parking or vehicular use area between the Buildings and Rights-of-Way.

#### **Sec. 5.10.9 Village Commercial Area (William Kennerty Drive to Church Creek)**

The Village Commercial Area extends from William Kennerty Drive to Church Creek as illustrated on the ARRC-O map entitled “Village Commercial Area”. This area currently consists of mixed scale high to medium intensity commercial Development such as shopping centers and consumer services, small scale offices, restaurants, and some multi-family uses. This area is intended to be developed with less intense commercial Development than the Commercial Core area. Future Development in this area should place high priority on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and Building architecture. The requirements of this Section apply to Parcels within the Village Commercial Area as indicated on the map. All Development applications shall, at the time application is made, provide documentation that the following requirements will be met:

- A. **Permitted Uses.** Permitted uses include those uses as allowed in the Residential Office (RO), Neighborhood Commercial (NC), and Community Commercial (CC) Zoning Districts as indicated on the Overlay map and as described in Table 6.1.6-1, *Use Table*.
- B. **Prohibited Uses.** Multi-Family Development not part of a Mixed Use Development; Towing Facility; Vehicle Sales on property greater than 0.75 acres; Exterior Display of Goods; Indoor/Outdoor Shooting Ranges; Fire Works Stand (permanent and temporary); Self-Service Storage; and Tattoo Facility uses shall be prohibited uses.
- C. **Uses Requiring Special Exception.** Vehicle Storage, including Bus Barns, Boat, and RV Storage; Vehicle Sales on property equal to or less than 0.75 acres; Bar or Lounge; Vehicle and Boat Repair or Service;

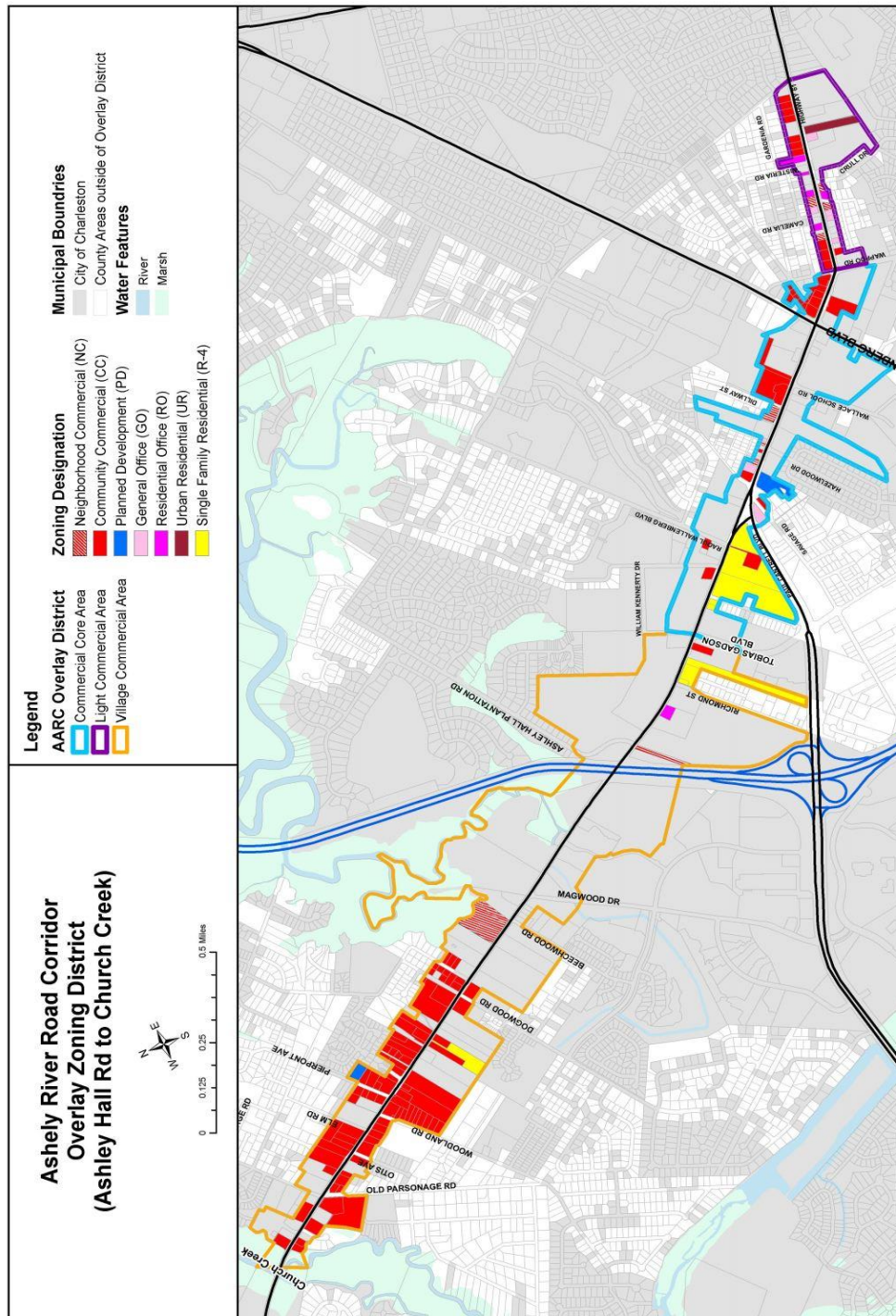


Restaurant, Fast Food; Service Station, Gasoline; Recreation and Entertainment, Indoor; and Liquor, Beer, or Wine Sale uses require Special Exception approval pursuant to the requirements of this Ordinance.

- D. **Building Height.** Building Height in these areas is limited to a maximum of 35 feet and two and a half Stories.
- E. **Building Size.** No single Building footprint shall exceed 10,000 square feet unless approved under the Special Exception procedures of this Ordinance. The requirements of this Section are in addition to the Building Coverage requirements of this Article.
- F. **Lighting.** Lighting shall be required and comply with Sec. 9.5.4(C), *Site Lighting*, of this Ordinance. In addition, architectural style lighting shall be required along all sidewalks every 50 feet on center with a maximum height of 20 feet.
- G. **Pedestrian Access.** Bike and pedestrian ways shall be included in site design and shall link access to adjacent Parcels, as well as within the Development area. Pedestrian walkways shall be separated from the travel ways and may be located within Right-of-Ways or within buffers and shall provide direct connections from the Street to the main entrance and to abutting properties. Pedestrian walkways shall also be designed and located in a manner that does not require pedestrians to walk through Parking Lots or within driveways.
- H. **Right of Way Buffer.** A minimum of a 35-foot deep vegetated Right-of-Way buffer shall be required along Highway 61, which may be reduced to 20 feet when there is no parking or vehicular use area between the Buildings and Rights-of-Way.

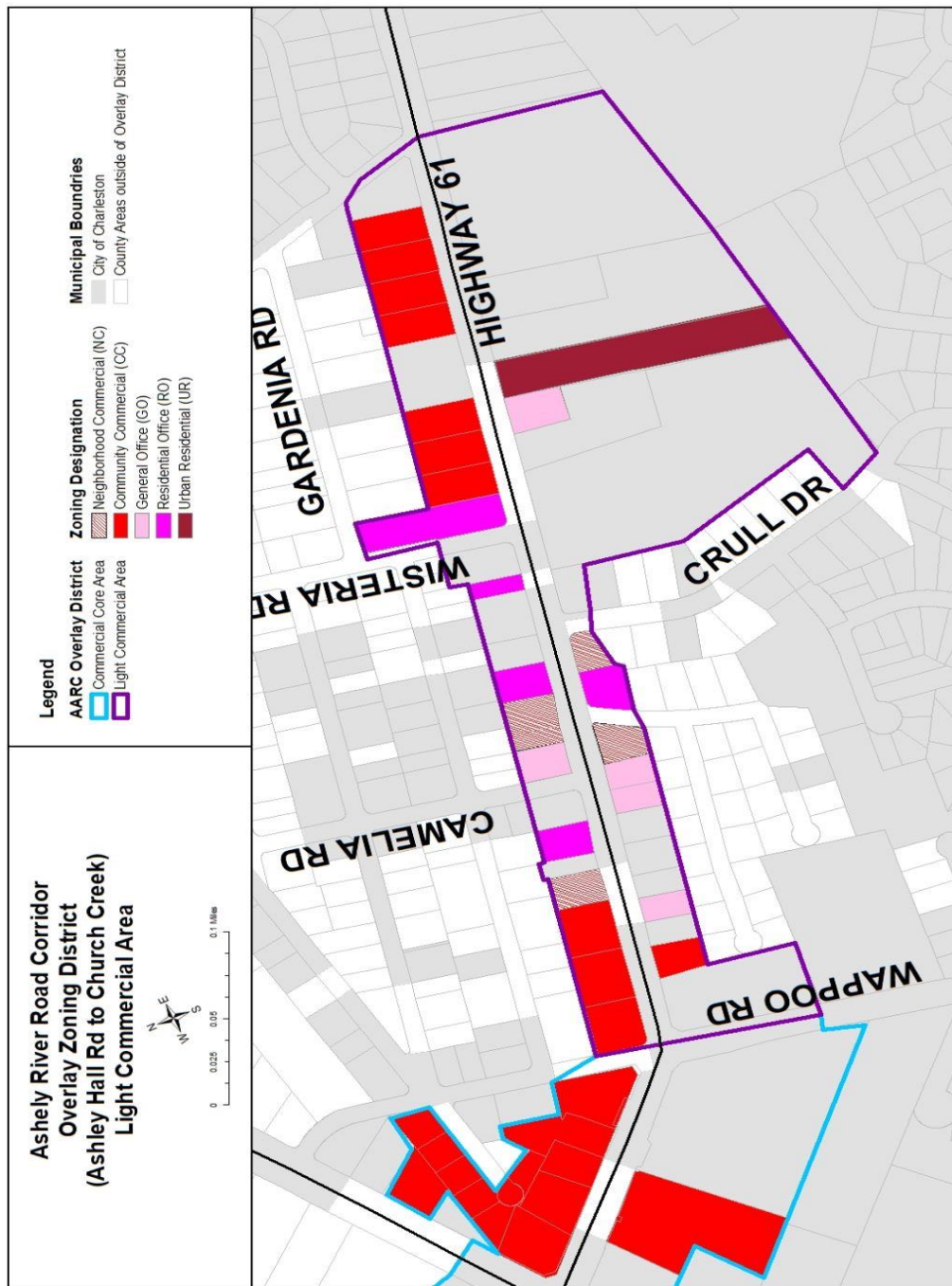


# Map 5.10



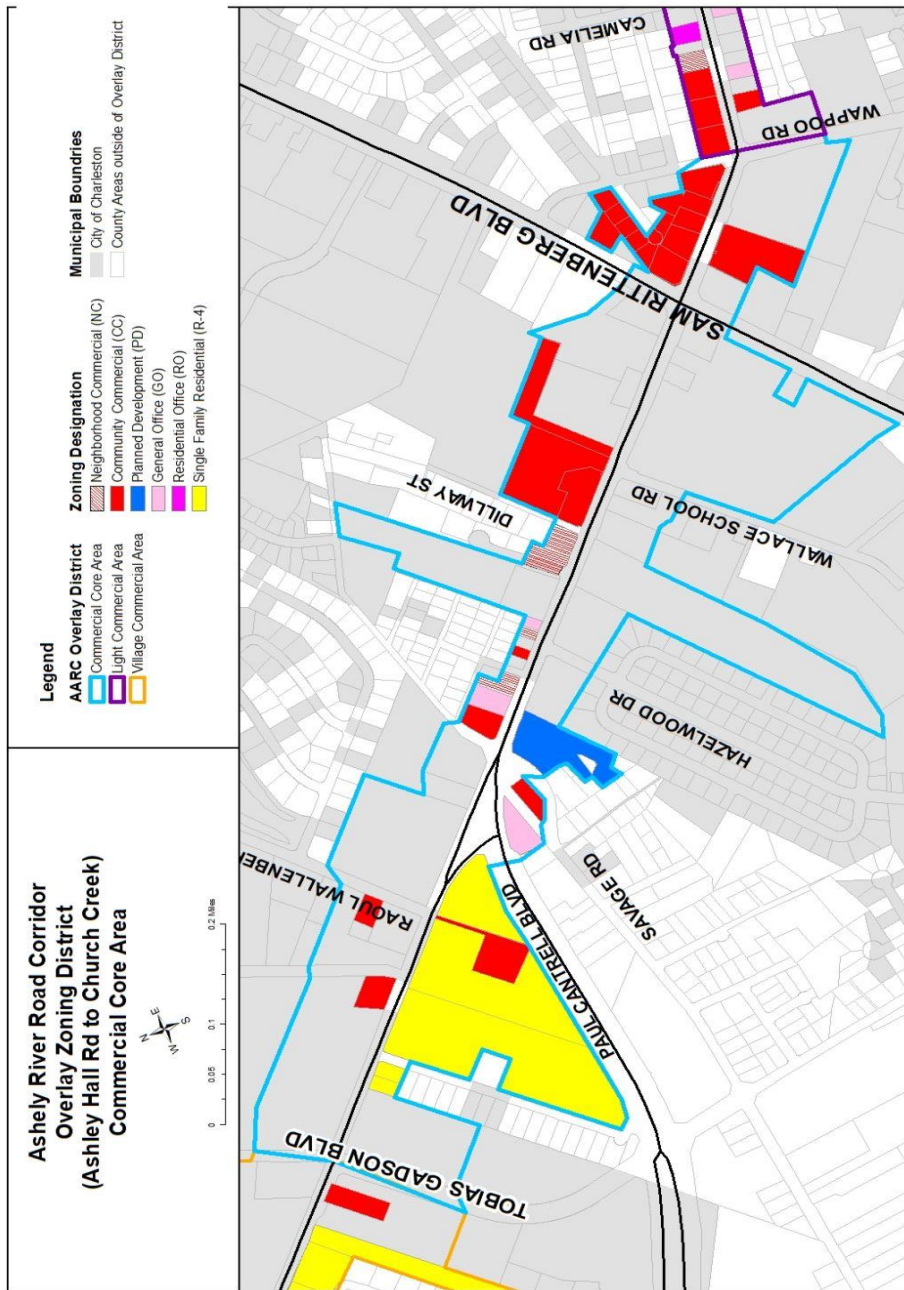


Map 5.10.A





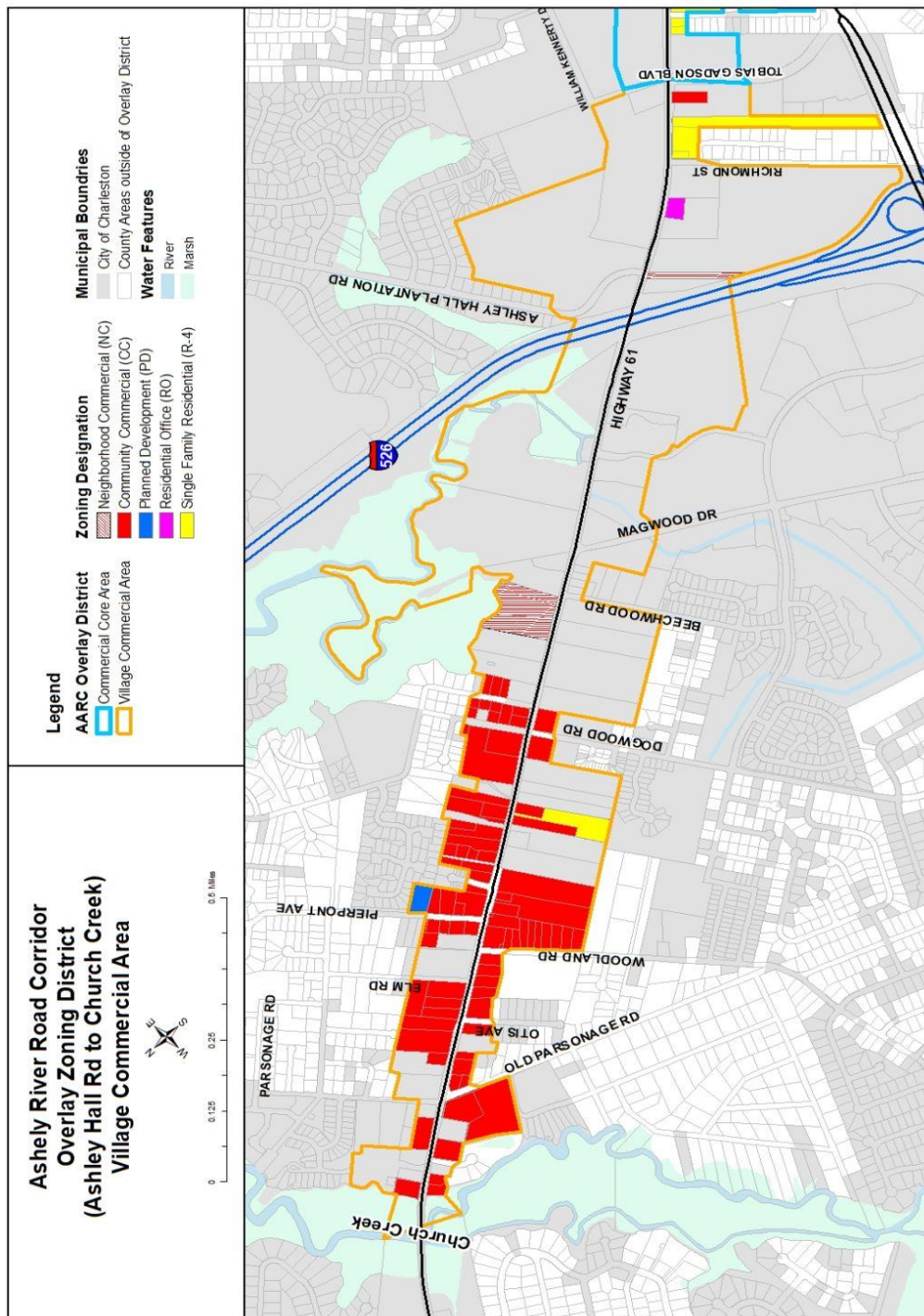
Map 5.10.B







Map 5.10.C





## **ARTICLE 5.11 DUPONT-WAPPOO AREA OVERLAY ZONING DISTRICT (DuWap-O)**

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### **Sec. 5.11.1 Statement of Findings**

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The DuPont-Wappoo Area Overlay Zoning District (DuWap-O) includes unincorporated Parcels of Charleston County that are generally bound by Sam Rittenberg Boulevard, Wappoo Road, and the Charleston “Greenway” as shown on the map titled “DuPont-Wappoo Area Overlay Zoning District.” The DuPont-Wappoo Area is in a well-established area of West Ashley that consists of a variety of residential, commercial, and light industrial uses that have evolved over time. This Overlay Zoning District was developed to preserve the existing Development patterns while providing standards that enable continued Development appropriate to, and in scale with, the community. It builds upon the existing entrepreneurial uses and other existing commercial, Office, retail, and Residential Uses in the area. This area is also important due to its proximity to I-526, Savannah Highway, the Charleston Greenway and Bikeway, and the Tiger Swamp Watershed. The Dupont-Wappoo Area Overlay Zoning District was also adopted to: improve the general visual character and quality of the area; implement traffic safety measures (vehicular, pedestrian and bicycle); and improve stormwater runoff attenuation. The DuWap-O also creates consistency and coordination between the City of Charleston and Charleston County regarding land use requirements, design standards, stormwater management, transportation, and code enforcement.

### **Sec. 5.11.2 Purpose and Intent**

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The purpose of the DuWap-O is to create an area that is well-planned, attractive, and preserves and improves existing Development patterns through the implementation of land use and design standards. It is also intended to ensure safe and efficient vehicle, pedestrian, and bicycle movement through traffic safety measures and access management standards and to address stormwater runoff, drainage, and flooding issues in the area.

### **Sec. 5.11.3 Effect of Overlay District**

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. These Overlay Zoning District regulations are intended to be consistent with similar regulations adopted by the City of Charleston. Legally established Development existing as of the date of adoption of the DuWap-O [November 1, 2016] that does not meet the requirements as described in this Article shall be considered legal nonconforming and shall be subject to the legal nonconforming requirements of this Ordinance unless otherwise stated.

### **Sec. 5.11.4 Applicability**

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The standards of this Article shall apply to all Development within the DuWap-O, as shown on the map titled “DuPont-Wappoo Area Overlay Zoning District.” Single-Family Detached Dwellings, as defined in this Ordinance shall only be subject to the applicable use provisions of this Article.

### **Sec. 5.11.5 Coordination with Adjacent Jurisdictions**

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Charleston County will notify the City of Charleston Planning staff of regarding all Rezoning, Special Exception, Variance, and Site Plan Review applications submitted for unincorporated properties located within the DuWap-O. The purpose of this coordination is to ensure that Development is consistent with similar requirements adopted for this area by the City of Charleston.

### **Sec. 5.11.6 Use Regulations**

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- A. **Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table.** Table 5.11.6 lists the principal uses permitted in the districts/areas as identified and described in this Overlay Zoning District. The following is a description of the codes used in the table:
1. “A” indicates uses allowed by right.



2. "C" indicates Uses Subject to Conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."
3. "S" indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."
4. Blank cells indicate uses that are not permitted.

**B. Prohibited uses.**

1. General Prohibited Uses. Vehicle Sales (new or used), Vehicle Rental and Leasing Service, including associated vehicle storage areas, that encompass more than one acre; Manufactured Home Dealer; Indoor/ Outdoor Shooting Range; Pawn Shop; Convenience Store; Warehouse Club or Superstore; Billboard; Sexually Oriented Business; Restaurant, Fast Food; Restaurant with drive-through lanes/windows; Vehicle Storage; Towing Facility; Impound Yard; Car Wash; Service Station, Gasoline; Truck Stop; Short-Term Lender; and single use Multi-Family Dwelling Units with individual Building footprints greater than 10,000 square feet, provided, however, that this limitation shall not apply to Affordable and Workforce Dwelling Units developed in compliance with Sec. 6.4.19 of this Ordinance.
2. In the CC Zoning District, Self-Service Storage is prohibited unless it is part of a multi-story mixed use Development where the ground floor use along all Street Frontages (entire Street Frontage) is separately leased commercial or Office space independent of the Self-Service Storage. In the JC Zoning District, Self-Service Storage is allowed only within existing Structures when all applicable requirements of this Ordinance are met. Development of new Structures for the purpose of Self-Service Storage in the JC Zoning District is prohibited.

**C. New or Unlisted Uses and Interpretation.** The Zoning and 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, *Definitions*, of this Ordinance.

**D. Nonconforming Uses.** The requirements of Article 10.2, *Nonconforming Uses*, of this Ordinance apply to all Development except Single-Family Detached Dwellings within the DuWap-O, provided, however, that the following requirements shall apply in place of those contained in Sec. 10.2.4, *Loss of Legal Nonconformity Status*, sub-section A:

1. If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 36 consecutive months, the use shall be considered abandoned. Once abandoned, the use's legal nonconforming status shall be lost and re-establishment of a Nonconforming Use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the DuWap-O.

Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table							
<p>"A" indicates uses allowed by right.</p> <p>"C" indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."</p> <p>"S" indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."</p> <p>Blank cells indicate uses that are not permitted.</p>							
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
<b>AGRICULTURAL USES</b>							
Horticultural Production	A	A					
Stable, Private					S		Sec. 6.4.20



**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

**“A”** indicates uses allowed by right.  
**“C”** indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**“S”** indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**Blank cells** indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
Agricultural Processing	A						
Roadside Stand; Sweetgrass Baskets Stand	C	C	C	C	C	C	Sec. 6.4.58
<b>RESIDENTIAL</b>							
Assisted Living					S	S	
Duplex					S	A	
Dwelling Group					C	C	Sec. 6.4.7
Child Caring Institution					S	S	
Group Home					S	S	
Group Residential					S	S	
Manufactured Housing Unit					C	C	Sec. 6.4.24
Multi-Family Dwelling	C	C				A	Sec. 5.11.7.F
Single Family Attached Dwelling Unit		C			S	C	Sec. 6.4.2
Single- Family Detached Dwelling Unit	A	C	C	C	A	A	Sec. 6.4.25
Affordable and Workforce Dwelling Unit					C	A	Sec. 6.4.19
Transitional Housing						S	
Short-Term Rental Property, Limited Home Rental (LHR)					C	C	Art. 6.8
Short-Term Rental Property, Extended Home Rental (EHR)					S	S	Art. 6.8
<b>CIVIC/ INSTITUTIONAL</b>							
Court of Law		A	A	A			
Safety Services	A	A	S	A	S	S	
Postal Service, United States		A	A	A	C	C	Sec. 6.4.26
Adult Day Care Services	A	A	S	S	S	S	
Child Care Center	A	A	S	S	S	S	
Family Home	A	A	A	A	A	A	
Cemetery		A	A	A	C	C	Sec. 6.4.53
Funeral Services		A	A	A			
Pre-school or Educational Nursery		A	S	S	S	S	
School, Primary		A	A	A	A	A	



**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

**“A”** indicates uses allowed by right.  
**“C”** indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**“S”** indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**Blank cells** indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
School, Secondary		A	A	A	A	A	
Higher Education Facility		A	S	S	S	S	
Personal Improvement Education	A	A	S	S			Sec. 6.4.26
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
<b>HEALTH CARE SERVICES</b>							
Medical Office		A	A	A			
Community Residential Care Facility	S	A		S		S	Sec. 6.4.42
Counseling Services	A	A	A	A			
Intermediate Care Facility for Individuals with Intellectual Disabilities	S	A		S		S	
Health Care Laboratory	A	A	A	A			
Home Health Agency	A	A	A	A			
Hospital; Hospice Facility		A	S	A			
Outpatient Facility for Chemically Dependent or Addicted Persons		A		S			
Rehabilitation Facility	S	A	S	A			
Residential Treatment Facility for Children or Adolescents (mental health treatment)	S	A		S			
<b>MUSEUMS, HISTORIC SITES, AND SIMILAR INSTITUTIONS</b>							
Historic Site		A	A	A	A	A	
Library or Archive		A	A	A	A	A	
Museum		A	A	A	A	A	
Nature Exhibition		A					Sec. 6.4.10
Botanical Garden		A					
Zoo		S					
<b>RECREATION AND ENTERTAINMENT</b>							
Community Recreation		A	A	A	A	A	
Fishing, Hunting, or Recreational Guide Service		A	A	A			
Parks and Recreation	A	C	C	C	C	C	Sec. 6.4.11
Recreation and Entertainment, Indoor		A					Sec. 6.4.30



**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

**“A”** indicates uses allowed by right.  
**“C”** indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**“S”** indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**Blank cells** indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
Recreation and Entertainment, Outdoor		C					Sec. 6.4.11
Drive-in Theater		C					Sec. 6.4.6 Sec. 6.4.11
Special Events		C	C	C	C	C	Art. 6.7
<b>RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS</b>							
Business, Professional, Labor, or Political Organization	A	A	A	A			
Social or Civic Organization; Social Club or Lodge	A	A	S	S	S	S	Sec. 6.4.4
Religious Assembly	A	A	A	A	A	A	
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
<b>UTILITIES AND WASTE-RELATED USES</b>							
Utility Service, Major	C	C	C	C	C	C	Sec. 6.4.17
Utility Service, Minor	A	A	A	A	A	A	
Septic Tank Installation, Cleaning, or Related Services	A	S					
<b>COMMERCIAL</b>							
<b>ACCOMMODATIONS</b>							
Hotel or Motel		A					
Short-Term Rental Property, Commercial Guest House (CGH)		C	C	C			Art. 6.8
<b>ANIMAL SERVICES</b>							
Pet Store or Grooming Salon	A	A					Sec. 6.4.32
Small Animal Boarding	A	A					Sec. 6.4.32
Veterinary Services	A	A		C			Sec. 6.4.32
<b>FINANCIAL SERVICES</b>							
Banks and Financial Services		A	C	C			Sec. 6.4.26
<b>FOOD SERVICES AND DRINKING PLACES</b>							



**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

**“A”** indicates uses allowed by right.  
**“C”** indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**“S”** indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**Blank cells** indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
Bar or Lounge	S	S					Sec. 6.4.15
Catering Service	A	A	C	C	S	S	Sec. 6.4.34
Restaurant, General	C	C		C			Sec. 6.4.15
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
<b>INFORMATION INDUSTRIES</b>							
Communication Services	A	A		S			
Communications Towers	C	C		C			Sec. 6.4.45
<b>OFFICES</b>							
Administrative or Business Office; Government Office; Professional Office	A	A	C	C			Sec. 6.4.26
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>							
Convention Center or Visitors Bureau		A	S	S			Sec. 6.4.31
Heavy Construction Services or General Contractors	A						
Special Trade Contractors (Offices/Storage)	A	C					Sec. 5.11.7.A
<b>PARKING, COMMERCIAL</b>							
Parking Lot		A					
Parking Garage		A					
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
<b>RENTAL AND LEASING SERVICES</b>							
Charter Boat or other Recreational Watercraft Rental Services		C					Sec. 5.11.7.E
Commercial or Industrial Machinery or Equipment; Heavy Duty Truck or Commercial Vehicle Rental or Leasing		C					Sec. 5.11.7.E
Construction Tools or Equipment Rental or Leasing	A	A					
Consumer Goods Rental Center	A	A					



**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

**“A”** indicates uses allowed by right.  
**“C”** indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**“S”** indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled **“Conditions.”**  
**Blank cells** indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
Self-Service Storage	C	C					Sec. 5.11.7.D
Vehicle Rental or Leasing		C					Sec. 5.11.7.E
<b>REPAIR AND MAINTENANCE SERVICES</b>							
Boat Yard	C	C					Sec. 5.11.7.E Sec. 6.4.39 Art. 5.3
Repair Service, Consumer	A	A					
Repair Service, Commercial	A	A					
Vehicle and Boat Repair or Service	A						
<b>RETAIL SALES</b>							
Nonstore Retailers		A					
Liquefied Petroleum Gas (Bottled Gas) Dealers	A	A					
Home Improvement Centers	A	A					
Food Sales	A	A					
Liquor, Beer, or Wine Sales		S					
Retail Sales or Services, General		A					
Duplicating or Quick Printing Services; Private Postal or Mailing Service	A	A		C			Sec. 6.4.26
Vehicle Sales (new or used)		C					Sec. 5.11.7.E
Heavy Duty Truck or Commercial Vehicle Dealers		C					Sec. 5.11.7.E
Vehicle Parts, Accessories, or Tire Stores	A	A					
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
<b>RETAIL OR PERSONAL SERVICES</b>							
Consumer Convenience Service		A					
Hair, Nail, or Skin Care Services	A	A	C	C	C	C	Sec. 6.4.3
Personal Improvement Service	A	A	C	C			Sec. 6.4.26
Physical Fitness or Health Club	A	A		A			
Tattoo Facility	S	S					Sec. 6.4.13





**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

“A” indicates uses allowed by right.  
 “C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”  
 “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”  
 Blank cells indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
Services to Buildings or Dwellings	A	A	C	C			Sec. 6.4.48
Landscaping and Horticultural Services	A	A	C	C			Sec. 6.4.48
<b>VEHICLE AND WATERCRAFT STORAGE</b>							
Boat Ramp		C	C	C	C	C	Sec. 5.2.4
Community Dock		S	S	S	S	S	Art. 5.2 Sec. 5.2.3
Commercial Dock		S	S	S	S	S	Art. 5.2 Sec. 5.2.6
Marina		S	S	S	S	S	Art. 5.2 Sec. 5.2.5
<b>WHOLESALE SALES</b>							
Aircraft Wholesaler; Wholesale Sales	A	A					
Clay or Related Products and Construction Material Wholesaler	A	A					
Flower, Nursery Stock, or Florists Supplies Wholesaler	A	A					
Petroleum Wholesaler	A	A					
USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
<b>INDUSTRIAL</b>							
<b>INDUSTRIAL SERVICES</b>							
Laundry, Dry Cleaning, or Carpet Cleaning Plants	A	A					
Photo Finishing Laboratory	A	A					
Research and Development Laboratory	A						
<b>MANUFACTURING AND PRODUCTION</b>							
Manufacturing and Production	C	C					Sec. 6.4.57
Microbrewery and Distillery	C	C					Sec. 5.11.7.B
<b>OTHER USES</b>							
<b>RECYCLING SERVICES</b>							
Recycling Collection Facility, Drop-Off	A	A	A	A	A	A	
<b>TRANSPORTATION</b>							
Sightseeing Transportation, Land or Water	A	C					Sec. 5.11.7.C



**Table 5.11.6, DuPont-Wappoo Area Overlay Zoning District Use Table**

“A” indicates uses allowed by right.  
 “C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”  
 “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”  
 Blank cells indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District		Residential Areas		Conditions
			RO	GO	R4	UR	
Taxi or Limousine Service	A	C					Sec. 5.11.7.C
Water Transportation		C					Sec. 5.11.7.C

**Sec. 5.11.7 Use Conditions**

- A. Special Trade Contractors (Offices/Storage) and Office/Warehouse Complexes are prohibited on properties with Frontage on Savannah Highway and/or Wappoo Road.
- B. Microbreweries and Distilleries shall be subject to the conditions of Sec. 6.4.33 of this Ordinance.
- C. In Zoning Districts subject to this condition, the specified uses shall not be located on Parcels with Frontage on Savannah Highway.
- D. In the CC Zoning District, Self-Service Storage/Mini-Warehouses must be part of a multi-story Mixed Use Development where the ground floor use along all/entire Street Frontages is separately leased commercial or Office space independent of the Self-Service Storage facility; otherwise, this use is prohibited. In the JC Zoning District, Self-Service Storage/Mini-Warehouses are allowed only within existing Structures when all applicable requirements of this Ordinance are met. Development of new Structures for the purpose of Self-Service Storage/Mini-Warehouses in the JC Zoning District is prohibited.
- E. In Zoning Districts subject this condition, Vehicle Sales, and Vehicle Rental or Leasing uses, including all associated Vehicle Storage areas, must not exceed one acre in size; otherwise, these uses are prohibited.
- F. Multi-Family Dwelling Developments must comply with the following requirements:
  - 1. Individual Building footprints shall not exceed 10,000 square feet; and
  - 2. The Development shall contain a mixture of residential and non-residential uses with at least 25 percent of the square footage of the proposed Structures dedicated to nonresidential uses.
  - 3. The limitations described in sub-sections 1 and 2 above shall not apply to Affordable and Workforce Dwelling Units developed pursuant to Sec. 6.4.19, *Affordable and Workforce Dwelling Units*, of this Ordinance.

**Sec. 5.11.8 General Development Requirements**

- A. **Vehicle Access.** All applications for Development and/or redevelopment of properties shall include suitable access management plans demonstrating compliance with the driveway separation requirements described below:
  - 1. The maximum width of driveways shall be based upon the speed limit of the street to which the driveway is to be connected, and shall be as shown on Table 5.11.8, *Minimum Driveway Width Requirements*.



2. Driveway separation shall be a minimum distance of 50 feet from the intersection of the Right-of-Way lines to the edge of driveways.
3. The distance between the proposed driveway and an existing adjacent driveway shall be the greatest distance feasible.
4. For Parcels with a Right-of-Way Frontage equal to or less than 130 feet in length, the Development is limited to one driveway; for Parcels with a Frontage greater than 130 feet in length, the Development may have up to three driveways.
5. For Parcels with a Right-of-Way Frontage equal to or less than 130 feet in length, two single lane driveways may be allowed if the inbound drive is located upstream from the outbound drive.
6. Notwithstanding the above stated requirements, access drives on Corner Lots shall be located only on the side (secondary) Street and such driveways shall be a minimum distance of 50 feet from the Street intersection as measured from the edge of the intersecting Roadway to the beginning of the driveway radius, provided, however, that the Zoning and Planning Director may approve the access on the primary Street.
7. Shared access is encouraged between adjoining Parcels. Driveways for all uses except Single-Family Dwelling Units should be located in a manner where they can be shared between adjacent Parcels as described below.
  - a. Shared access should be located along a common property boundary, if feasible.
  - b. If the owner of the adjacent Parcel does not agree to share access, the Applicant shall provide one of the following to the Zoning and Planning Department:
    - i. A letter from the adjacent Property Owner denying access; or
    - ii. If the adjacent Property Owner refuses to provide a letter, an affidavit that documents attempts that the Applicant made to request shared access and that the neighboring Property Owner refused to provide a letter. If this subsection applies, a new or relocated Curb Cut is permitted on the subject Parcel only with a recorded agreement that the Property Owner will allow adjacent properties to share access when developed and/or redeveloped, provided that Parcels with 250 feet or more of Frontage along the Road on which the access is proposed or located are exempt from having to record such Easement.
  - c. Shared access agreements shall be recorded with the Register of Deeds (ROD) Office.

Table 5.11.8 Maximum Driveway Width Requirements	
A	B
Street Speed Limit	Max. one-way/two-way driveway width
20	15/30
25	15/30
30	20/40
35	20/40
40	25/50
45	25/50
50	30/60
55 +	30/60

- B. **Traffic Study.** A Traffic Impact Study shall be required in accordance with Sec. 9.6, *Traffic Impact Studies*. Traffic impact studies shall be provided to the County for review simultaneous with submission of the preliminary site plan for consideration.
- C. **Pedestrian Access and Sidewalks.**



1. On-site pedestrian access shall comply with the requirements of this Ordinance and shall be included in site design and shall link access to existing sidewalks, adjacent Parcels, as well as within the Development area. At-grade and grade-separated pedestrian walkways shall provide direct connections from the Street to the main entrance and to abutting properties. Pedestrian walkways shall be designed and located in a manner that does not require pedestrians to walk through Parking Lots or within driveways and shall be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area.
  2. When properties are developed or redeveloped in accordance with Article 3.7, *Site Plan Review*, of this Ordinance, Property Owners shall install paved sidewalks within publicly dedicated Rights-of-Way. This requirement shall only apply in locations where no sidewalk exists within the Rights-of-Way on which property has frontage at the time of Development application, as determined by the Zoning and Planning Director. The following shall apply:
    - a. Sidewalks shall extend the length of the entire property at the Right-of-Way Frontage Line and shall be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area;
    - b. Sidewalks shall have a minimum width of at least five feet;
    - c. The Property Owner shall obtain and submit all required Encroachment permits as part of the Site Plan Review application;
    - d. The Property Owner shall provide written documentation from the City of Charleston that they will maintain the sidewalk(s) upon approval of Certificates of Occupancy. Such documentation shall be submitted as part of the site plan review application; and
    - e. Sidewalks shall be installed prior to issuance of Certificates of Occupancy.
  3. If the appropriate authority denies a request to construct a sidewalk in the public Right-of-Way, the Zoning and Planning Director may approve one of the following:
    - a. Sidewalks may be placed outside of a public Right-of-Way; or
    - b. Sidewalks may be placed outside of a public Right-of-Way when deemed appropriate for the preservation of a Grand Tree or for the accommodation of Utilities or other necessary Infrastructure provided that the Property Owner voluntarily agrees to record an Easement for the safe movement of pedestrians and the maintenance of the sidewalk.
- D. **Street Lights.** The following standards apply to properties with frontage on Savannah Highway when such properties are developed or redeveloped in accordance with Article 3.7, *Site Plan Review*, of this Ordinance:
1. Street lights shall be placed in the Right-of-Way in the grassed strip between the Street and sidewalk and shall be spaced approximately 150 feet apart or as determined appropriate by the Zoning and Planning Director, provided, however, that Property Owners shall only be responsible for the Street lights located in front of their properties as determined by the Zoning and Planning Director;
  2. Encroachment permits from the SC Department of Transportation shall be required as part of the Site Plan Review application;
  3. Property Owners/Applicants shall provide documentation stating that they shall be responsible for bearing the costs of the conduit(s) for the required Street light(s) and coordinating with the applicable electricity provider to erect the lights prior to the issuance of Certificates of Occupancy;
  4. Street lights shall have acorn-style heads and shall be placed on 12-foot tall fully fluted poles. Should these designs/light types no longer be in existence at the time of Land Development application, the Zoning and Planning Director shall determine the appropriate pedestrian scale fixture to be used; and
  5. Street lights shall be installed prior to issuance of Certificates of Occupancy.



The Property Owner shall provide written documentation that the Development/redevelopment will comply with the above stated requirements. Such documentation shall be submitted as part of the Site Plan Review application.

- E. **Street Trees.** For properties with Frontage on Savannah Highway, trees shall be planted adjacent to the Savannah Highway Right-of-Way to supplement the vegetation located in the Right-of-Way when such properties are developed or redeveloped in accordance with Article 3.7, *Site Plan Review*, of this Ordinance. The numbers, types/species, and locations of these trees shall be determined by the Zoning and Planning Director during the Site Plan Review process. All such Trees shall be planted prior to the issuance of Certificates of Occupancy. This requirement is in addition to the landscaping, buffering, and screening requirements of this Article.
- F. **Site Lighting.** All exterior illumination shall comply with the lighting requirements of Article 9.5, *Architectural and Landscape Design Standards*, of this Ordinance.
- G. **Parking, Loading and Vehicular Use Area Landscaping.** The parking, loading and vehicular use area landscaping requirements of Article 9.4, *Landscaping, Screening, and Buffers*, of this Ordinance shall apply to Development within this Overlay Zoning District.
- H. **Land Use Buffers.** The land use buffer requirements of CHAPTER 9, *Development Standards*, of this Ordinance shall apply, provided, however, that the Zoning and Planning Director may approve the following:
  - 1. The land use buffer may be reduced by up to one-half its required depth to a minimum of 10 feet when a minimum six foot tall opaque Fence or Wall is utilized.
  - 2. If a land use buffer is required for a property located in the Job Center District, a five foot landscaped buffer and masonry Wall may be allowed in place of the land use buffer if the Subject Property is not located next to a property zoned or used for Single-Family Detached Dwellings.
- I. **Right-of-Way Buffers.**
  - 1. A minimum 25 foot vegetated Right-of-Way buffer shall be required, provided, however, that the Zoning and Planning Director may reduce this buffer to five feet when there is no parking or vehicular use area between the Buildings and Right-of-Way.
  - 2. A minimum 15 foot vegetated Right-of-Way buffer shall be required along Wappoo Road, DuPont Road, Orleans Road, and Skylark Road frontages.
  - 3. A minimum five foot vegetated Right-of-Way buffer shall be required.
  - 4. Right-of-Way buffers for properties that do not have frontage on Savannah Highway, Wappoo Road, DuPont Road, Orleans Road, or Skylark Road and are not located in the Job Center District shall comply with the requirements of Article 9.4, *Landscaping, Screening, and Buffers*, of this Ordinance.
  - 5. The landscape material requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance shall apply to all buffers.
- J. **Signs.** All signage must comply with the requirements of this Section in addition to the applicable requirements of Article 9.8, *Signs*, of this Ordinance.
  - 1. All Signs shall be Monument style.
  - 2. The following apply to Signs located on Savannah Highway, Wappoo Road, DuPont Road, Orleans Road, and Skylark Drive:
    - a. For Development containing three or fewer business units, one Monument style Sign with a maximum height of 12 feet and a maximum size of 40 square feet shall be allowed.
    - b. For Development containing more than three business units, one Monument style Sign with a maximum height of 14 feet and a maximum size of 60 square feet shall be allowed.
  - 3. The following apply to Signs located on all other roads in this Overlay Zoning District:



- a. For Development containing three or fewer business units, one Monument style Sign with a maximum height of five feet and a maximum size of 16 square feet shall be allowed.
  - b. For development containing more than three business units, one Monument style Sign with a maximum height of five feet and a maximum size of 20 square feet shall be allowed.
4. Electronic Message Board Signs and Billboards are prohibited.
  5. Any legal Nonconforming Sign located on property within this Overlay Zoning District that was legally permitted on or before the date of adoption of this Article [November 1, 2016] that does not comply with the standards set forth in this Article must be removed prior to establishment of a new business on the property and replaced with a Sign that complies with the requirements of this Article.
  6. Legal Nonconforming Signs that are abandoned, as defined in this Ordinance, or require repair, must comply with the requirements of this Article.
- K. **Noise.** All activity must comply with the Charleston County Livability Ordinance and the applicable regulations of this Ordinance.
- L. **Special Stormwater Requirements.** The DuPont-Wappoo Area Overlay Zoning District is located in the Tiger Swamp watershed with outfall into the Stono River and is a Special Protection Area as defined by County Ordinance primarily due to the particularly frequent flooding that occurs in this region. Special Protection Areas are designated areas in the County for which more stringent design standards have been established to address an existing problem, such as flooding or water quality. The Public Works Director has the authority to establish Special Protection Areas, define associated Special Protection Area design criteria, and require compliance with the edition of the Charleston County Stormwater Program Permitting Standards and Procedures Manual in effect at the time of Land Development application submittal. Construction activities occurring within these areas will be required to comply with additional or more stringent design criteria as determined by the Directors of the Public Works Department and Zoning and Planning Department. Due to the dynamic nature and significance of these Special Protection Areas, the Applicant shall meet with the Public Works Director to discuss specific design criteria pursuant to the requirements of the Charleston County Stormwater Program Permitting Standards Manual prior to submitting any Subdivision or Site Plan Review applications. Future stormwater studies of this area may require additional regulations.
- M. **Design Standards.** Development shall comply with the architectural design requirements of Article 9.5, *Architectural and Landscape Design Standards*, of this Ordinance in addition to the requirements listed below. Height shall be measured in Stories instead of feet. In case of conflict, the requirements listed below shall apply:
1. *Building Height.*
    - a. For Parcels with Frontage on Savannah Highway:
      - i. Parcels located between DuPont Road and I-526 and between Stinson Drive and I-526 shall have a maximum Building Height of seven Stories;
      - ii. Parcels located east of DuPont Road and Stinson Drive shall have a maximum Building Height of five Stories.
    - b. The maximum Building Height for Parcels fronting on Wappoo Road, DuPont Road, Orleans Road, and Skylark Drive (without any Frontage on Savannah Highway) shall be three Stories.
    - c. The maximum Building Height for all other Parcels shall be two and a half Stories.
  2. *Architecture.*
    - a. Building entrances and windows shall be provided along the Street Frontage.
    - b. Buildings on Corner Lots shall address all applicable Street Frontages with regards to site design and architectural intent.
    - c. Vehicle and Storage bays shall not face any road Frontage, provided, however, that the Zoning and Planning Director may exempt emergency service facilities from this requirement.



- d. Parking shall be located to the side or rear of the Building, provided, however, that this requirement shall not apply to Parcels in the Job Center District that do not have Frontage on Savannah Highway, Wappoo Road, DuPont Road, Orleans Road, or Skylark Drive.
- e. Quality Building materials such as brick, stucco, and finished masonry products and shingles as approved by the Zoning and Planning Director must be used. Vinyl siding and eifs shall not be permitted, provided, however, that this requirement shall not apply to Parcels in the Job Center District that do not have Frontage on Savannah Highway, Wappoo Road, DuPont Road, Orleans Road, or Skylark Drive.
- f. Windows shall be inset with sills and headers and vinyl windows shall be prohibited, provided, however, that this requirement shall not apply to Parcels in the Job Center District that do not have Frontage on Savannah Highway, Wappoo Road, DuPont Road, Orleans Road, or Skylark Drive.
- g. New Buildings shall utilize colors that are complementary, not necessarily homogeneous, to existing Buildings.
- h. Residential Buildings on properties located in the Job Center District and along Wappoo Road and 1<sup>st</sup> Drive that are converted to nonresidential uses shall present the Residential Character (height, scale, material, entrances, windows of roof pitch, etc.) at the Street Frontage.
- i. Architecture shall be appropriate to reflect the vision for the area pursuant to the DuPont-Wappoo Community Plan as approved by the Zoning and Planning Director.

#### **Sec. 5.11.9 Job Center District**

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The Job Center District is intended to promote small entrepreneurial businesses and industries like those that already exist in the area including consumer, special trade, and automotive commercial services with limited business park uses surrounded by established Residential Uses, while controlling large scale commercial Development and more intense, high traffic generating, commercial uses such as restaurants and Bars. The following apply to Parcels in the Job Center District as indicated on the map titled “DuPont-Wappoo Area Overlay Zoning District” in addition to the applicable requirements of this Article:

**A. Density, Intensity, Dimensional, and Design Standards.**

1. The maximum residential Density is 12 Principal Dwelling Units per acre.
2. No single Building shall exceed 12,500 gross square feet.
3. Maximum Building Coverage shall be based on the requirements as described in Sec. 5.11.8.L, *Special Stormwater Requirements*, and all the ability to comply with all other applicable requirements of this Ordinance.
4. The minimum Lot Area shall be 4,000 square feet.
5. The minimum Lot Width shall be 15 feet.
6. The OCRM Critical Line Setback shall be a minimum of 50 feet.
7. The OCRM Critical Line Buffer shall be a minimum of 35 feet.

- B. Hours of Operation.** The hours of operation for uses that are open to the public are limited to 7:00 am to 9:00 pm.

#### **Sec. 5.11.10 Community Commercial District**

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The Community Commercial District within the DuWap-O includes parcels with more intense commercial uses located primarily along Savannah Highway, Wappoo Road, Skylark Drive, and DuPont Road. This district is intended to allow compatible commercial uses while implementing streetscape, design, and access management standards. In addition to the applicable requirements of this Article, the Density/Intensity, Dimensional, and design standards contained in Sec. 4.21.3, *Community Commercial District*, of this Ordinance shall apply. In case of conflict, the requirements of this Article shall control.



### **Sec. 5.11.11 Light Commercial District**

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The Light Commercial District within the DuWap-O is intended to allow office uses and low intensity neighborhood- oriented commercial uses. These areas are located mainly along Wappoo Road, Elsey Drive, and 1<sup>st</sup> Drive, as shown on the map titled “DuPont-Wappoo Area Overlay Zoning District,” which identifies properties in the Neighborhood Commercial (NC), General Office (GO), and Residential Office (RO) Zoning Districts. In addition to the applicable requirements of this Article, all Parcels indicated as RO, GO, and NC on the map titled “DuPont-Wappoo Area Overlay Zoning District” shall comply with all applicable design and Development standards of the applicable Zoning District as contained in this Ordinance. In case of conflict, the requirements of this Article shall control.

### **Sec. 5.11.12 Residential Areas**

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The Residential Areas within the DuWap-O include residential uses located in various places within the Overlay Zoning District, as shown on the map titled “DuPont-Wappoo Area Overlay Zoning District.” These areas are intended to retain their current character, consisting of Single-Family Detached Dwellings, Single-Family Attached Dwellings, and Multi-Family Dwellings. The map titled “DuPont-Wappoo Area Overlay Zoning District” identifies the properties in the Low Density Residential (R-4) and Urban Residential (UR) Zoning Districts. All Parcels indicated as R-4 and UR shall comply with the use regulations of this Article and all applicable Density/Intensity and Dimensional Standards for the applicable Zoning District as contained in this Ordinance. The requirements of Sec. 5.11.8, *General Development Requirements*, also apply, with the exception of Single-Family Detached Dwellings. In case of conflict, the requirements of Sec. 5.11.8, *General Development Requirements*, shall control for Development that is not Single-Family Detached Dwellings.

### **Sec. 5.11.13 Conservation/Park District**

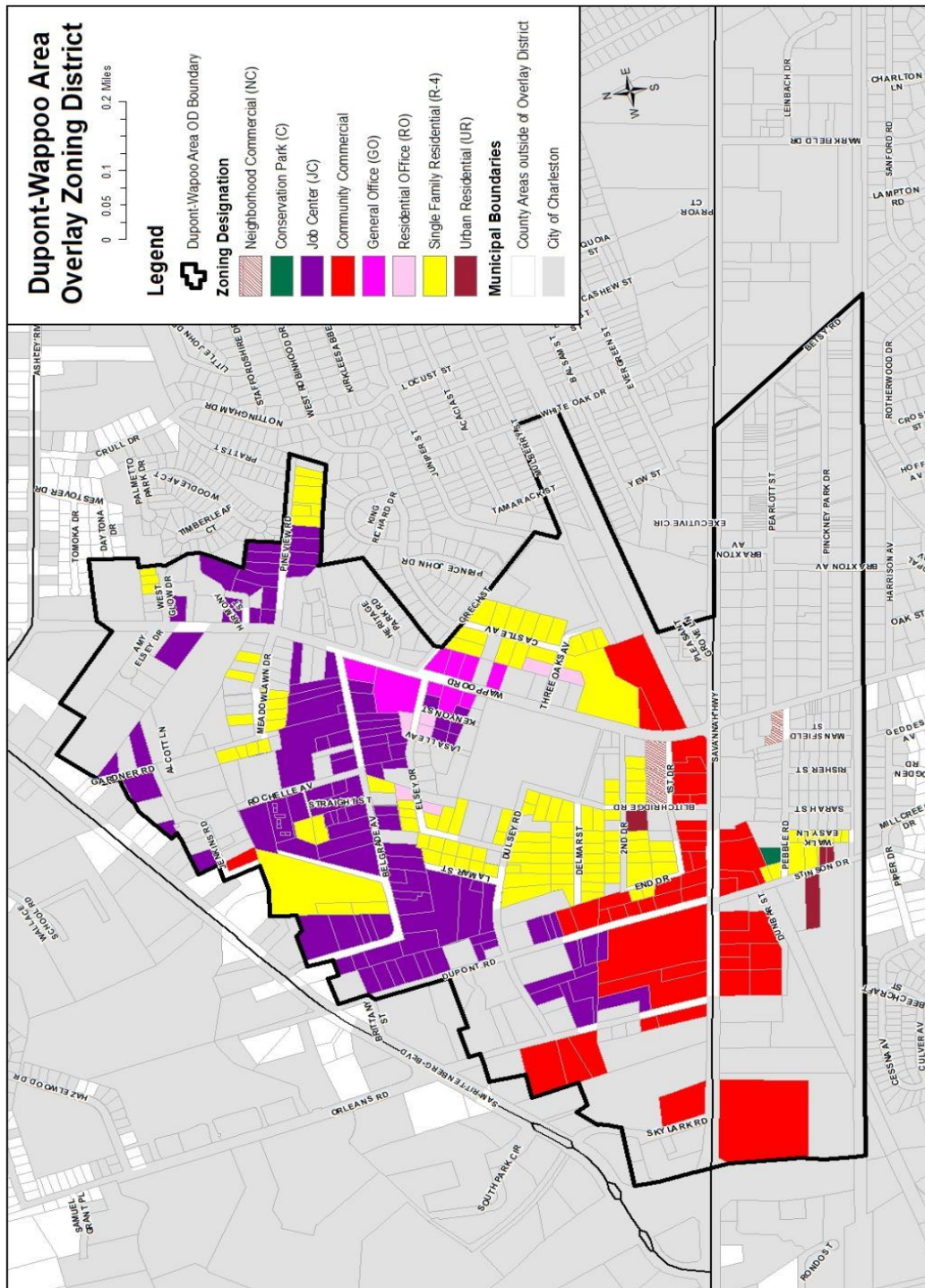
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As shown on the DuWap-O map, only one unincorporated Parcel located within the DuWap-O is in the Conservation/Park District. The subject Parcel is located along Pebble Road and contains a Cemetery. The intent of this district is to protect the Cemetery from Development and retain its historic character and significance for the community. The only uses allowed within this district are Cemeteries, Farmers Markets, Parks and Recreation uses (with the exception of Indoor and Outdoor Recreation Uses as defined in this Ordinance), and stormwater Infrastructure uses that are not detrimental to the existing Cemetery. The only Development standards that apply are the land use and Right-of-Way buffer requirements.





Map 5.11





## **ARTICLE 5.12 PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT (PF-O)**

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### **Sec. 5.12.1 Statement of Findings**

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The PF-O, Parkers Ferry Community Overlay Zoning District, is generally located in the westernmost portion of Charleston County, an area characterized by large undeveloped tracts of land and small historic rural communities. The Parkers Ferry Community Overlay Zoning District is composed of unincorporated Parcels identified by residents of the Parkers Ferry Community. Properties in conservation Easements and large forestry and timber company land holdings were purposefully excluded from the PF-O.

These areas were initially identified through a community-wide planning effort, and serve as the first implementation of the Rural Cultural Community Protection Future Land Use designation incorporated into the Charleston County Comprehensive Plan. The public who participated in this Parkers Ferry Community planning effort recognized that future development within their community should be compatible with the existing community. Participants felt that future residential densities should remain low, and that new Development should reflect, and respect, the continuation of existing land uses such as Agriculture, forestry, churches, Cemeteries, schools, and cultural and historic Buildings. The participants also recognized that there is a need to allow a limited selection of appropriate businesses, office services, and employment opportunities for local residents, provided the location, Building scale, and Lot Building Coverage is compatible with existing Development and remains consistent with the current Parkers Ferry rural community land patterns.

In conjunction with this planning effort, a supporting document entitled “Parkers Ferry Community Plan” was adopted by Charleston County Council and incorporated by reference into the Charleston County Comprehensive Plan. This community plan documents the Parkers Ferry Community planning effort and includes the results of the community needs assessment survey that forms the basis for both the Community Plan and this Overlay Zoning District. The Community Plan also provides recommended strategies developed in coordination with area residents to address issues identified by the survey and assist the community in achieving its vision for the future. This Overlay Zoning District implements Parkers Ferry Community Plan Implementation Strategy 2.1, which states: “Adopt amendments to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), including but not limited to an Overlay Zoning District, as applicable.”

### **Sec. 5.12.2 Purpose and Intent**

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The purpose and intent of the PF-O is to implement the Charleston County Comprehensive Plan by creating an overall vision for the future of the Parkers Ferry Community that is supported by all relevant jurisdictions and service providers; protects and promotes the culture and unique development patterns of existing historic rural communities; preserves rural and agricultural landscapes; and through balanced social, cultural, economic and environmental considerations, sustains the area’s strong sense of community. This vision is a reflection of the needs expressed by the residents of the Parkers Ferry Community, and the PF-O strives to preserve the existing rural, low-Density single-family Residential Character of the area, while allowing additional flexibility to subdivide and develop property. The PF-O also provides for a strategic clustering of a limited number of rural non-residential nodes and uses at prominent rural crossroads and within areas that historically contained these unique land uses. Retail and office uses allowed within these nodes are a direct response to the community’s expressed desire for additional services appropriate to the rural character of the Parkers Ferry Community, as well as additional local employment opportunities.

### **Sec. 5.12.3 Effect of the Overlay Zoning District**

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control, except as otherwise noted.

### **Sec. 5.12.4 Applicability**

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The standards of this Article shall apply to all Development within the PF-O as described in this Article and as shown on the map titled “Parkers Ferry Community Overlay Zoning District.”

**Sec. 5.12.5 Use Regulations**

- A. **Table 5.12.5, Parkers Ferry Community Overlay Zoning District Use Table.** Table 6.1-1, Use Table, does not apply to properties in the PF-O. Table 5.12.5 lists the uses allowed in the areas as identified and described in this Overlay Zoning District. The following is a description of the codes used in the table:
  - 1. “A” indicates uses allowed by right.
  - 2. “C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
  - 3. “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
  - 4. Blank cells indicate uses that are not permitted.
- B. **Prohibited Uses.** Prohibited uses in the PF-O include: Microbrewery and Distillery, Tattoo Facility, Indoor/Outdoor Shooting Range, Firearm Sales, Billboard, and Liquor, Beer, or Wine Sale uses.
- C. **New or Unlisted Uses and Use Interpretation.** The Zoning and 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, *Definitions*, of this Ordinance or may require that the use be processed in accordance with the Planned Development (PD) procedures of this Ordinance.

TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE				
	RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES		CONDITION
<b>AGRICULTURAL USES</b>				
<b>AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING AND SUPPORT</b>				
	<b>Animal Aquaculture</b>	C	C	Sec. 6.4.1
	<b>Apiculture (Bee Keeping)</b>	A	A	
	<b>Animal and Insect Production</b>	A	A	
	<b>Horticultural Production</b>	A	A	
	<b>Winery</b>	C	C	Sec. 6.4.21
<b>FORESTRY AND LOGGING</b>				
	<b>Bona Fide Forestry Operation</b>	C	C	Sec. 6.4.23
	<b>Lumber Mill, Planing, or Saw Mill</b>		S	
<b>STABLE</b>				
	<b>Stable, Commercial</b>	C	C	Sec. 6.4.20



**TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE**

		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
	Stable, Private	A	A	
<b>SUPPORT ACTIVITIES FOR AGRICULTURE USES</b>				
	Agricultural Processing	S	S	Sec. 6.4.1
	Agricultural Sales or Services	A	A	
	Roadside Stand; Sweetgrass Basket Stand	C	C	Sec. 6.4.8
<b>RESIDENTIAL</b>				
	Assisted Living	S	S	
	Dwelling Group	C	C	Sec. 6.4.7
	Farm Labor Housing	C	C	Sec. 6.4.9
	Child Caring Institution	S	S	
	Group Residential	S	S	
	Manufactured Housing Unit	A	A	
	Short-Term Rental Property, Limited Home Rental (LHR)	C	C	Art. 6.8
	Short-Term Rental Property, Extended Home Rental (EHR)		S	Art. 6.8
	Dwelling Unit, Single-Family Detached	A	A	
	Affordable and Workforce Dwelling Unit	C	C	Sec. 6.4.19
		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
<b>CIVIC / INSTITUTIONAL</b>				
<b>COURTS AND PUBLIC SAFETY</b>				
	Court of Law	A	A	
	Safety Services	A	A	
<b>DAY CARE SERVICES</b>				
	Adult Day Care Service	A	A	



**TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE**

		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
	<b>Group Home</b>	A	A	
	<b>Child Care Center</b>	A	A	
	<b>Family Home</b>	C	C	Sec. 6.4.29
<b>DEATH CARE SERVICES</b>				
	<b>Cemetery</b>	C	C	Sec. 6.4.53
	<b>Funeral Services</b>		A	
<b>EDUCATIONAL SERVICES</b>				
	<b>Pre-school or Educational Nursery</b>	A	A	
	<b>School, Primary</b>	A	A	
	<b>School, Secondary</b>	A	A	
	<b>Higher Education Facility</b>	S	S	
	<b>Personal Improvement Education</b>	S	A	
<b>HEALTH CARE SERVICES</b>				
	<b>Medical Office</b>	S	A	
	<b>Community Residential Care Facility</b>	S	A	
	<b>Counseling Services</b>	S	A	
	<b>Intermediate Care Facility for Individuals with Intellectual Disabilities</b>	S	A	
	<b>Home Health Agency</b>	S	A	
	<b>Hospital</b>		S	
	<b>Rehabilitation Facility</b>		A	
	<b>Residential Treatment Facility for Children or Adolescents (mental health treatment)</b>	S	S	
<b>MUSEUMS, HISTORIC SITES AND SIMILAR INSTITUTIONS</b>				
	<b>Historic Sites</b>	C	A	Sec. 6.4.27



**TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE**

		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
	Library or Archive	A	A	
	Museum	A	A	
	Nature Exhibition	C	A	Sec. 6.4.10
	Botanical Garden	A	A	
	Zoo		S	
		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
POSTAL SERVICE				
	Postal Service, United States	C	A	Sec. 6.4.26
RECREATION AND ENTERTAINMENT				
	Community Recreation	A	A	
	Fishing, Hunting, or Recreational Guide Service	A	A	
	Golf Course or Country Club	C	C	Sec. 6.4.50
	Parks and Recreation	C	C	Sec. 6.4.11
	Recreation and Entertainment, Outdoor	C	C	Sec. 6.4.11
	Drive-In Theater		C	Sec. 6.4.6 Sec. 6.4.11
	Golf Driving Range	S	S	Sec. 6.4.11
	Special Events		C	Sec. 5.12.6(E) Art. 6.7
	Eco-Tourism		A	
	Recreation and Entertainment, Indoor		C	Sec. 5.12.6(A)
RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS				
	Social or Civic Organization	S	S	Sec. 6.4.4
	Religious Assembly	A	A	
	Social Club or Lodge	S	C	Sec. 6.4.4
UTILITIES AND WASTE-RELATED USES				



**TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE**

		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
	Utility Service, Major	S	S	Sec. 6.4.17
	Utility Service, Minor	A	A	
<b>COMMERCIAL</b>				
<b>ACCOMMODATIONS</b>				
	Short-Term Rental Property, Commercial Guest House (CGH)		C	Art. 6.8
	Hotel or Motel		S	
	RV (Recreational Vehicle) Park or Campground		S	Sec. 6.4.12
<b>ANIMAL SERVICES</b>				
	Kennel		A	
	Pet Store or Grooming Salon		A	
	Small Animal Boarding		A	
	Veterinary Services		A	
<b>FINANCIAL SERVICES</b>				
	Banks and Financial Services		A	
<b>FOOD SERVICES AND DRINKING PLACES</b>				
	Bar or Lounge		S	Sec. 6.4.15
	Catering Service	S	C	Sec. 6.4.34
	Restaurant, Fast Food		S	Sec. 6.4.15
	Restaurant, General		C	Sec. 6.4.15
<b>INFORMATION INDUSTRIES</b>				
	Communications Tower	C	C	Sec. 6.4.5
<b>OFFICES</b>				
	Administrative or Business Office; Government Office; Professional Office		A	



**TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE**

		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
	Special Trade Contractor (Office/Storage)		C	Sec. 5.14.6.B
<b>REPAIR AND MAINTENANCE SERVICES</b>				
	Repair Service, Consumer		C	Sec. 6.4.40
	Vehicle and Boat Repair and Service		S	Sec. 6.4.22
		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
<b>RETAIL SALES</b>				
	Home Improvement Center		C	Sec. 6.4.26
	Food Sales		A	
	Retail Sales or Services, General		A	
	Convenience Store		A	
	Duplicating or Quick Printing Services, Private Postal or Mailing Services		A	
	Service Stations, Gasoline		S	
	Vehicle Parts, Accessories, or Tire Stores		A	
<b>RETAIL OR PERSONAL SERVICES</b>				
	Consumer Convenience Service		A	
	Hair, Nail, or Skin Care Services	C	A	Sec. 6.4.3
	Personal Improvement Service		A	
	Farmers Market		A	
	Services to Buildings or Dwellings		C	Sec. 6.4.48
	Landscaping and Horticultural Services		C	Sec. 6.4.48





**TABLE 5.12.5: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE**

		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
<b>MANUFACTURING AND PRODUCTION, GENERAL</b>				
	<b>Artisan and Craftsman</b>	C	C	Sec. 5.12.6(C)
	<b>Manufacturing and Production</b>		C	Sec. 5.12.6(D)
		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
<b>OTHER USES</b>				
<b>RECYCLING SERVICES</b>				
	<b>Recycling Collection Facility, Drop-Off</b>	A	A	
<b>RESOURCE EXTRACTION/MINING</b>				
	<b>Resource Extraction/Mining</b>	S	S	Sec. 6.4.14
<b>TRANSPORTATION</b>				
	<b>Sightseeing Transportation, Land or Water</b>		S	Art. 5.2
	<b>Water Transportation</b>		S	Art. 5.2

**Sec. 5.12.6 Use Conditions**

**A. Recreation and Entertainment, Indoor.**

1. Such use is not located within 150 feet of residentially zoned or used properties.
2. There shall be no access to adjoining residentially zoned or used properties.
3. Such use shall not operate between the hours of 12:00 a.m. and 11:00 a.m.
4. Indoor Shooting Ranges shall be prohibited.

**B. Special Trade Contractors (Offices/Storage).**

1. This use excludes any tractor trailer containers in outside storage areas;
2. This use shall have a maximum floor area of 5,000 square feet including the Building(s); and
3. Outdoor storage of vehicles, materials, and equipment shall be prohibited.

**C. Artisan and Craftsman.**

1. Such uses shall not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, radiation or other conditions harmful or objectionable to adjacent or nearby properties are prohibited.
2. All truck parking or loading facilities are located to the side or rear of the Building, outside required landscaped yards, and screened from public Rights-of-Way and/or adjacent property zoned or used for residential purposes.
3. Outdoor storage of materials is prohibited.



4. Operation of this use does not create noise in excess of 80 dB, as measured at the property boundary of the noise source using the fast meter response of a sound level meter, reduced to 70 dB maximum between the hours of 7 p.m. and 7 a.m.
5. Artisan and Craftsmen uses shall comply with the requirements listed above and shall be limited to a maximum Floor Area of 2,000 square feet, and five non-resident Employees.
6. In Residential Areas, all of the requirements of this Section shall apply in addition to the following:
  - a. All activities related to the Artisan and Craftsman use shall be confined to a Structure that is entirely enclosed, and
  - b. On-site retail sales are limited to articles of artistic quality or effect or handmade workmanship produced on the premises.

**D. Manufacturing and Production.**

1. In Zoning Districts subject to conditions (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 non-resident Employees.
2. All activities related to the Manufacturing and Production use shall be confined to a structure that is entirely enclosed.
3. On-site retail sales are prohibited.
4. If the Zoning and Planning Director finds a proposed Manufacturing and Production use will have a substantially negative impact on a surrounding area or adjoining property, the use shall comply with the Special Exception procedures of this Ordinance.

**E. Special Events Principal Uses in the Business Nodes and Commercial Properties.** Special Events Principal Uses shall be allowed in the Business Nodes and Commercial Properties of the PF-O subject to the requirements for Commercial Zoning Districts contained in Art. 6.7, *Special Events Use*, of this Ordinance.

**Sec. 5.12.7 Residential Areas**

The Residential Areas as shown on the map titled “Parkers Ferry Community Overlay Zoning District” are intended to protect and promote the culture and unique Development patterns of the existing rural residential communities and maintain their strong sense of community. The requirements of the AGR Zoning District shall apply for all matters not addressed in this Overlay Zoning District for the Residential Areas. The following requirements apply to Parcels in the Residential Areas in addition to the applicable requirements of this Ordinance:

**A. Density, Intensity and Dimensional Standards.**

1. All non-residential Development in the Residential Areas shall comply with the Density, Intensity and Dimensional Standards of the Business/Service Nodes and Commercial Properties as contained in this Article.
2. The Density/Intensity and Dimensional Standards listed in Table 5.12.7, below, shall apply to all properties in the Residential Areas:

TABLE 5.12.7: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT RESIDENTIAL AREAS DENSITY/INTENSITY AND DIMENSIONAL STANDARDS <sup>(1)</sup>	
PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT RESIDENTIAL AREAS DENSITY/INTENSITY AND DIMENSIONAL STANDARDS <sup>(1)</sup>	
MAXIMUM DENSITY	1 Principal Dwelling Unit per acre
MINIMUM LOT AREA	Variable <sup>(2)</sup>
MINIMUM LOT WIDTH:DEPTH RATIO	1:5 <sup>(3)</sup>



<b>MINIMUM SETBACKS</b>	
FRONT/STREET SIDE	25 feet
INTERIOR SIDE	10 feet
REAR	10 feet
OCRM CRITICAL LINE	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of Lot
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet
<p>(1) For Lots that contain or abut an OCRM Critical Line, the Waterfront Development Standards of Sec. 4.9.3 and Article 4.24, of this Ordinance as they apply to the AGR Zoning District, shall apply.</p> <p>(2) The Lot must establish a minimum 1,600 square foot buildable area with a minimum width of 20 feet and meet all Zoning, SCDHEC, Building Services, and Fire Department requirements.</p> <p>(3) The depth of the Lot shall not exceed five times the width of the Lot (1:5 ratio).</p>	

- B. **One-time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999.** A one-time subdivision creating one Lot from a Nonconforming Lot of record (Lot existing prior to April 21, 1999) shall be allowed, if each Lot resulting from the Subdivision meets the minimum Lot Area requirement of Table 5.12-2. An Ingress/Egress Easement may be utilized to access a proposed Lot (singular) to the rear of the property. The Setback from the edge of the Easement will be the required Side Setback required for Zoning District. The Side Setback from the edge of the Easement will only be utilized to create one proposed Lot from the provision of One-time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999.
- C. **Accessory Dwelling Units.**
  - 1. One Accessory Dwelling Unit per Lot shall be allowed in the Residential Areas of the PF-O if documentation of septic approval by SCDHEC for the Accessory Dwelling Unit is provided and the Lot does not abut or contain an OCRM Critical Line. The requirements of Sec. 4.24.2, *Minimum Lot Standards for Accessory Dwelling Units on Parcels Which Contain or Abut an OCRM Critical Line*, shall apply to Accessory Dwelling Units on Lots that abut or contain an OCRM Critical Line;
  - 2. Accessory Dwelling Units shall have a maximum of 1,500 square feet of heated gross Floor Area;
  - 3. Accessory Dwelling Unit placement shall comply with all dimensional standards of this Article; and
  - 4. Separate Electrical meters shall not be allowed for attached Accessory Dwelling Units.
- D. **Temporary Special Events.** Temporary Special Events shall be allowed in the Residential Areas of the PF-O subject to the requirements for Temporary Special Events Permits for the AGR Zoning District as contained in Art. 6.7, *Special Events Use*, of this Ordinance.
- E. **Other Regulations.** Development in the Residential Areas shall comply with all other applicable regulations of this Ordinance.

### **Sec. 5.12.8 Business/Service Nodes and Commercial Properties**

The Business/Service Nodes and Commercial Properties, as shown on the map titled "Parkers Ferry Community Overlay Zoning District," are intended to re-establish the proportion, location and scale of small neighborhood rural businesses that historically existed in these communities. The requirements of the RC Zoning District shall apply for all matters not addressed in this Overlay Zoning District for the Business/Service Nodes and Commercial Properties. The following requirements apply to Parcels in the Business/Service Nodes and Commercial Properties in addition to the applicable requirements of this Ordinance:

- A. **Density, Intensity and Dimensional Standards.**



1. All residential development in the Business/Service Nodes and Commercial Properties shall comply with the Density/Intensity and Dimensional Standards of the Residential Areas as contained in this Article.
2. The Density/Intensity and Dimensional Standards listed in Table 5.12.8, below, shall apply to all properties in the Business/Service Nodes and Commercial Properties.

**B. Accessory Dwelling Units.**

1. One Accessory Dwelling Unit per Lot shall be allowed in the Business/Service Nodes and Commercial Properties of the PF-O if documentation of septic approval by SCDHEC for the Accessory Dwelling Unit is provided and the Lot does not abut or contain an OCRM Critical Line. The requirements of Sec. 4.24.2, *Minimum Lot Standards for Accessory Dwelling Units on Parcels Which Contain or Abut an OCRM Critical Line*, shall apply to Accessory Dwelling Units on Lots that abut or contain an OCRM Critical Line;
2. Accessory Dwelling Units shall have a maximum of 1,500 square feet of heated gross Floor Area;
3. Accessory Dwelling Unit placement shall comply with all dimensional standards of this Article; and
4. Separate electrical meters shall not be allowed for attached Accessory Dwelling Units.

<b>TABLE 5.12.8: BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES DENSITY/INTENSITY AND DIMENSIONAL STANDARDS <sup>(1)</sup></b>	
<b>PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES DENSITY/INTENSITY AND DIMENSIONAL STANDARDS <sup>(1)</sup></b>	
<b>MINIMUM LOT AREA</b>	30,000 square feet
<b>MINIMUM LOT WIDTH</b>	100 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	25 feet <sup>(2)</sup>
Interior Side	15 feet <sup>(3)</sup>
Rear	25 feet <sup>(3)</sup>
OCRM Critical Line	50 feet
<b>MINIMUM DISTANCE BETWEEN STRUCTURES LOCATED ON AN INDIVIDUAL LOT OR BUILDING SPACE</b>	20 feet, provided that covered walkways connecting buildings or connecting buildings with parking areas may traverse such space
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet
<b>MAXIMUM RESIDENTIAL DENSITY - MIXED OCCUPANCY (Developments containing commercial/office and residential uses)</b>	One Principal Dwelling Unit per acre is permitted.
<b>MAXIMUM BUILDING COVERAGE</b>	30% of Lot
<b>MAXIMUM BUILDING SIZE</b>	No single building shall exceed 5,000 square feet of gross Floor Area <sup>(4)</sup>
<p>(1) The Waterfront Development Standards contained in CHAPTER 4 of this Ordinance apply.</p> <p>(2) In instances where the Right-of-Way Buffers contained in Sec. 9.4.4.A of this Ordinance are more restrictive than those of Table 5.12.8, the Right-of-Way Buffer requirements of Sec. 9.4.4.A of this Ordinance shall apply.</p> <p>(3) In instances where the Land Use Buffers contained in Sec. 9.4.4.B of this Ordinance are more restrictive than those of Table 5.12.8, the Land Use Buffer requirements of Sec. 9.4.4.B of this Ordinance shall apply.</p> <p>(4) In instances where the building size requirements of this table are in conflict with those contained in Sec. 5.12.6, <i>Use Conditions</i>, and/or Art. 6.4, <i>Use Conditions</i>, the most restrictive shall apply.</p>	



- C. **Temporary Special Events.** Temporary Special Events shall be allowed in the Business/Service Nodes and Commercial Properties of the PF-O subject to the requirements for Temporary Special Events Permits for Commercial Zoning Districts as contained in Art. 6.7, *Special Events Use*, of this Ordinance.
- D. **Other Regulations.** Development in the Business/Service Nodes and Commercial Properties shall comply with all other applicable regulations of this Ordinance, including Chapter 9, *Development Standards*.

### **Sec. 5.12.9 Home Occupations**

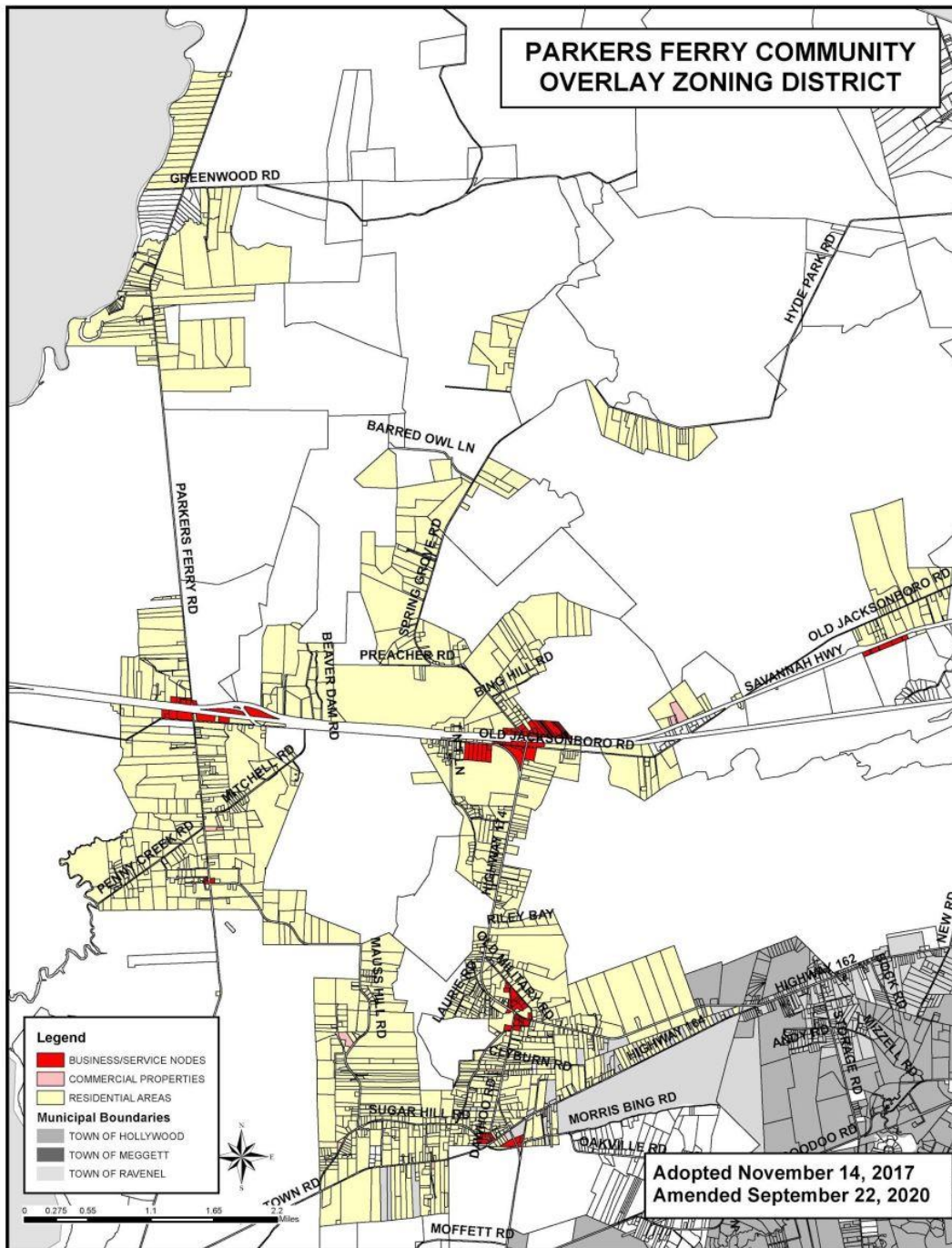
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All requirements in Sec. 6.5.11, *Home Occupations*, of this Ordinance shall apply with the exception of the following:

- A. **Repair Service, Commercial; Vehicle and Boat Repair or Service; and Special Trade Contractor (Offices/Storage).** Repair Service, Commercial; Vehicle and Boat Repair or Service; and Special Trade Contractors (Offices/Storage) are allowed if they take place in an enclosed structure, pose no noise or safety concerns, and comply with all applicable regulations of this Ordinance. This excludes Vehicle Rental or Leasing and Vehicle Sales (new or used), which are prohibited as Home Occupations in this Overlay Zoning District.
- B. **Small Animal Boarding.** Small Animal Boarding is prohibited as a Home Occupation in Residential Areas.
- C. **Medical Offices.** Medical Offices are prohibited as a Home Occupation in Residential Areas.
- D. **Employees.** The requirements of Sec. 6.5.11.E, *Employees*, of this Ordinance apply, provided, however, that up to five nonresident employees may work at the Home Occupation site if approved through Site Plan Review and Special Exception procedures contained in this Ordinance.
- E. **Vehicles.** The requirements of Sec. 6.5.11.L, *Vehicles*, of this Ordinance apply in addition to all other applicable requirements.

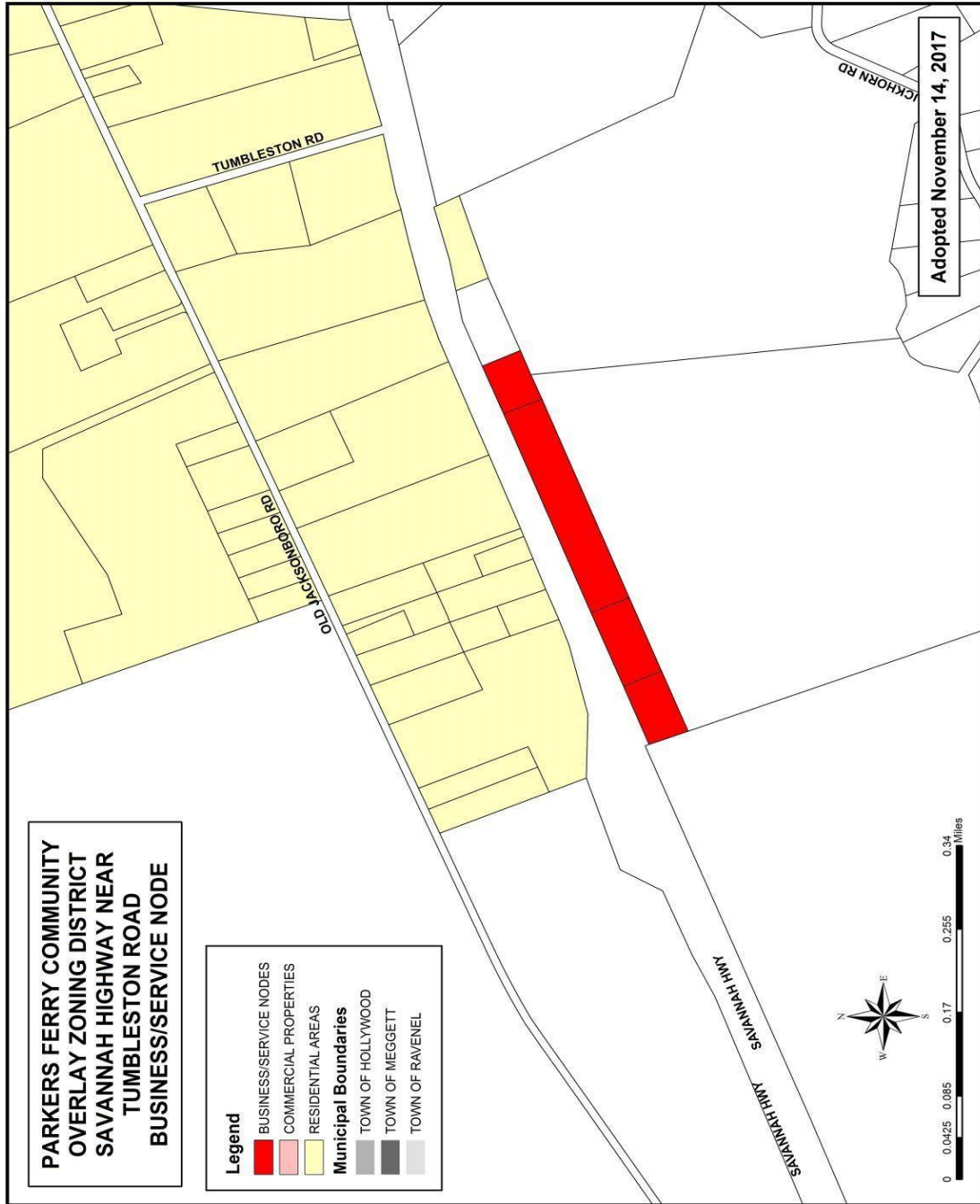


Map 5.12



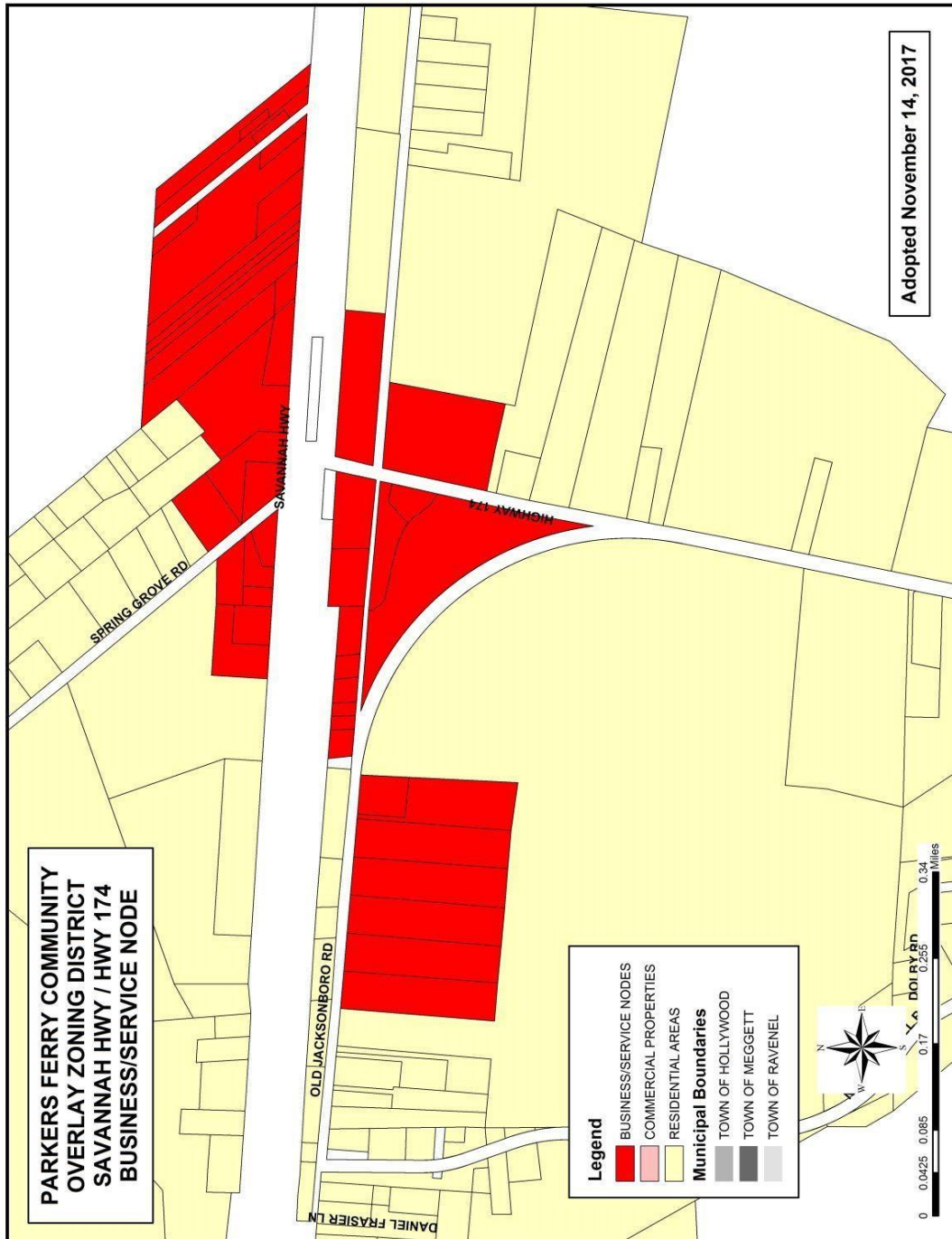


Map 5.12.A





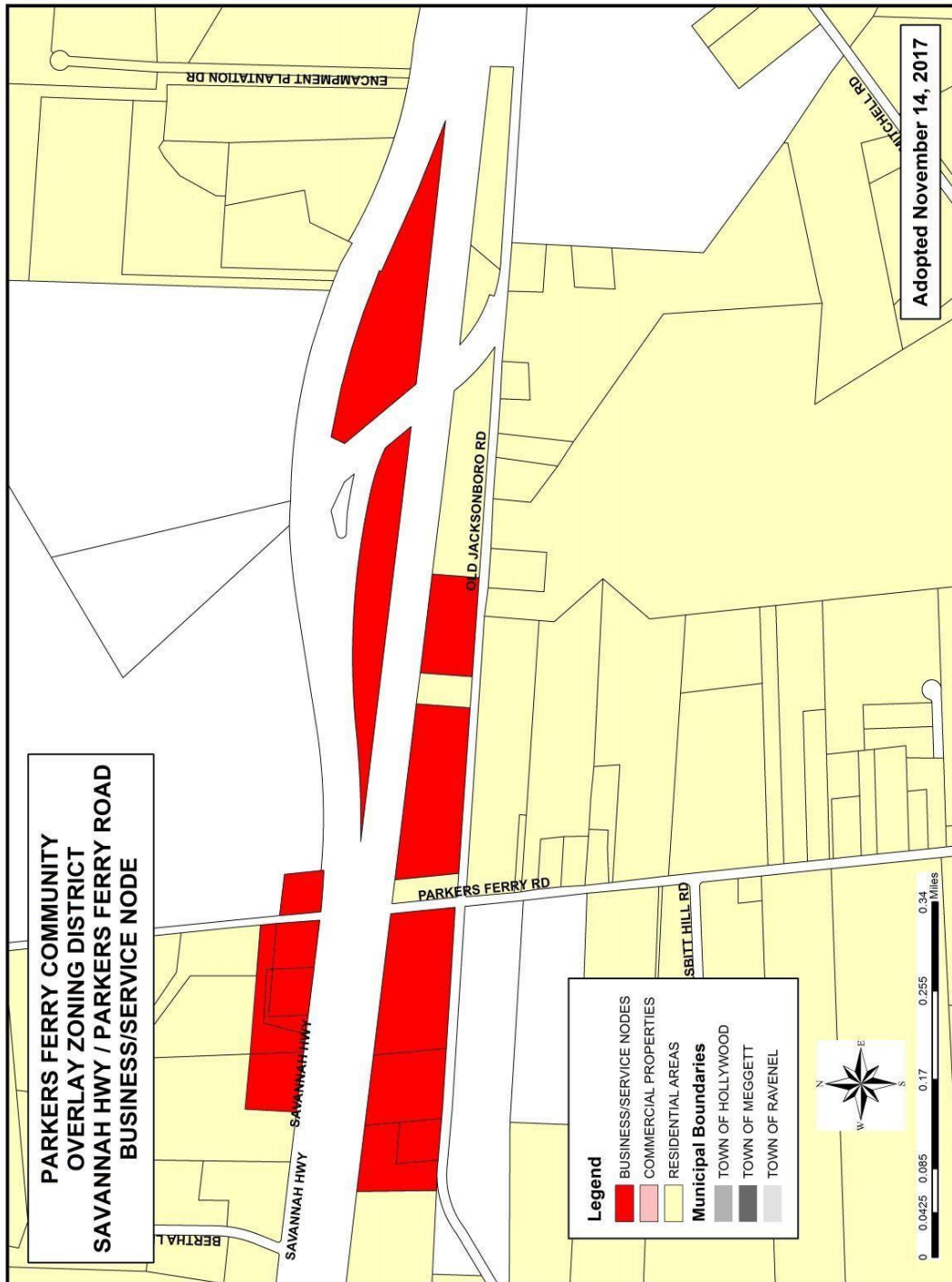
Map 5.12.B





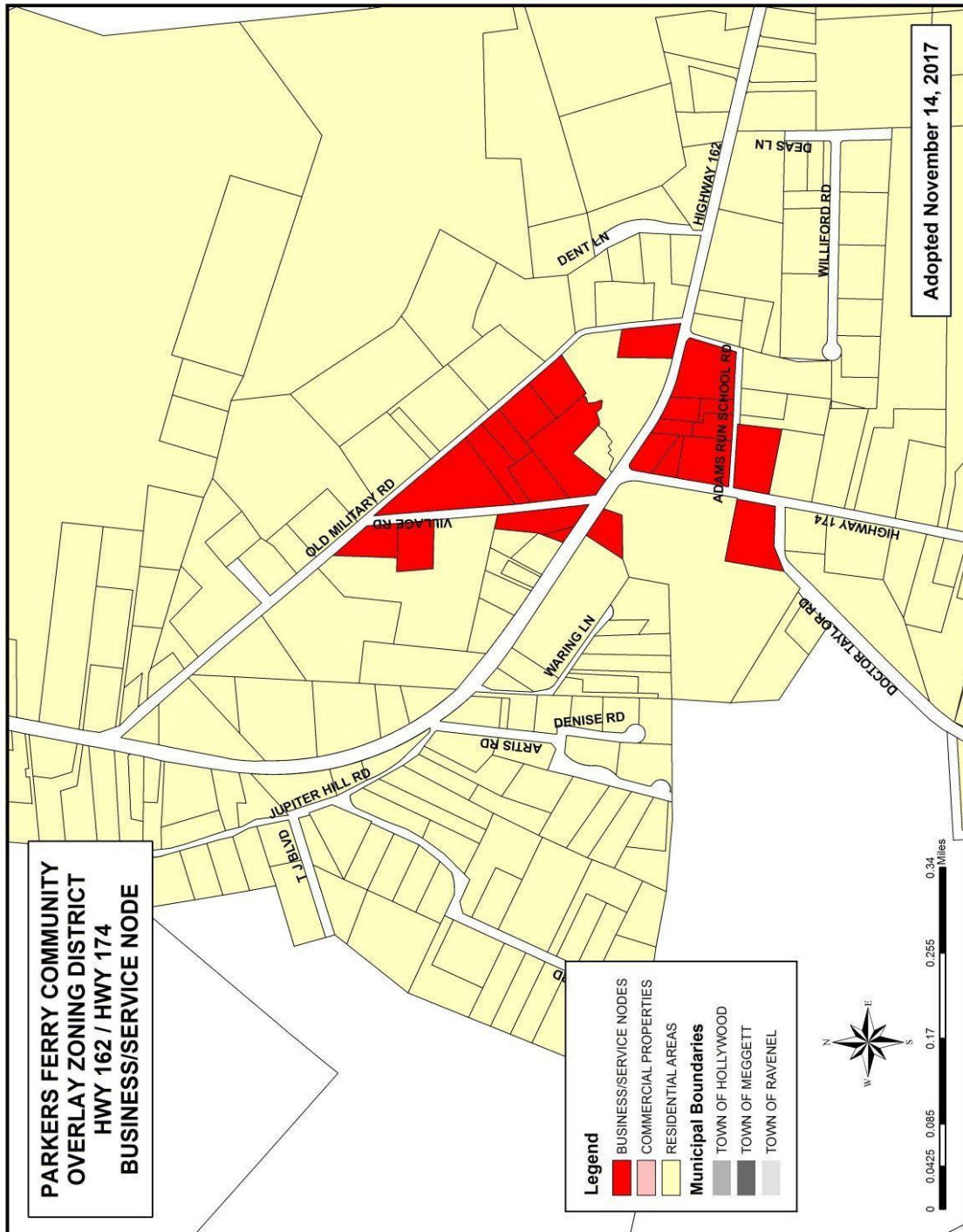


Map 5.12.C



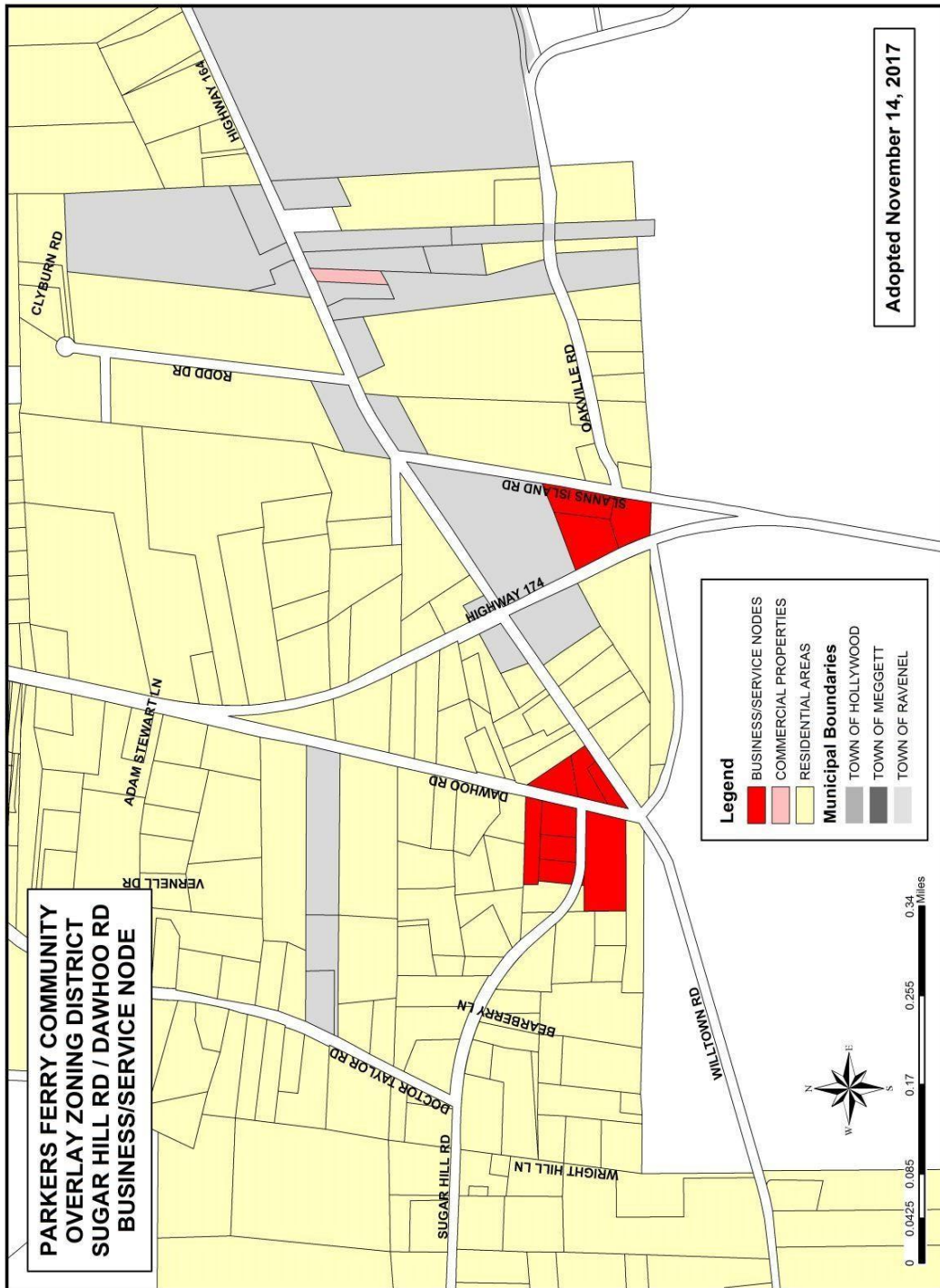


Map 5.12.D



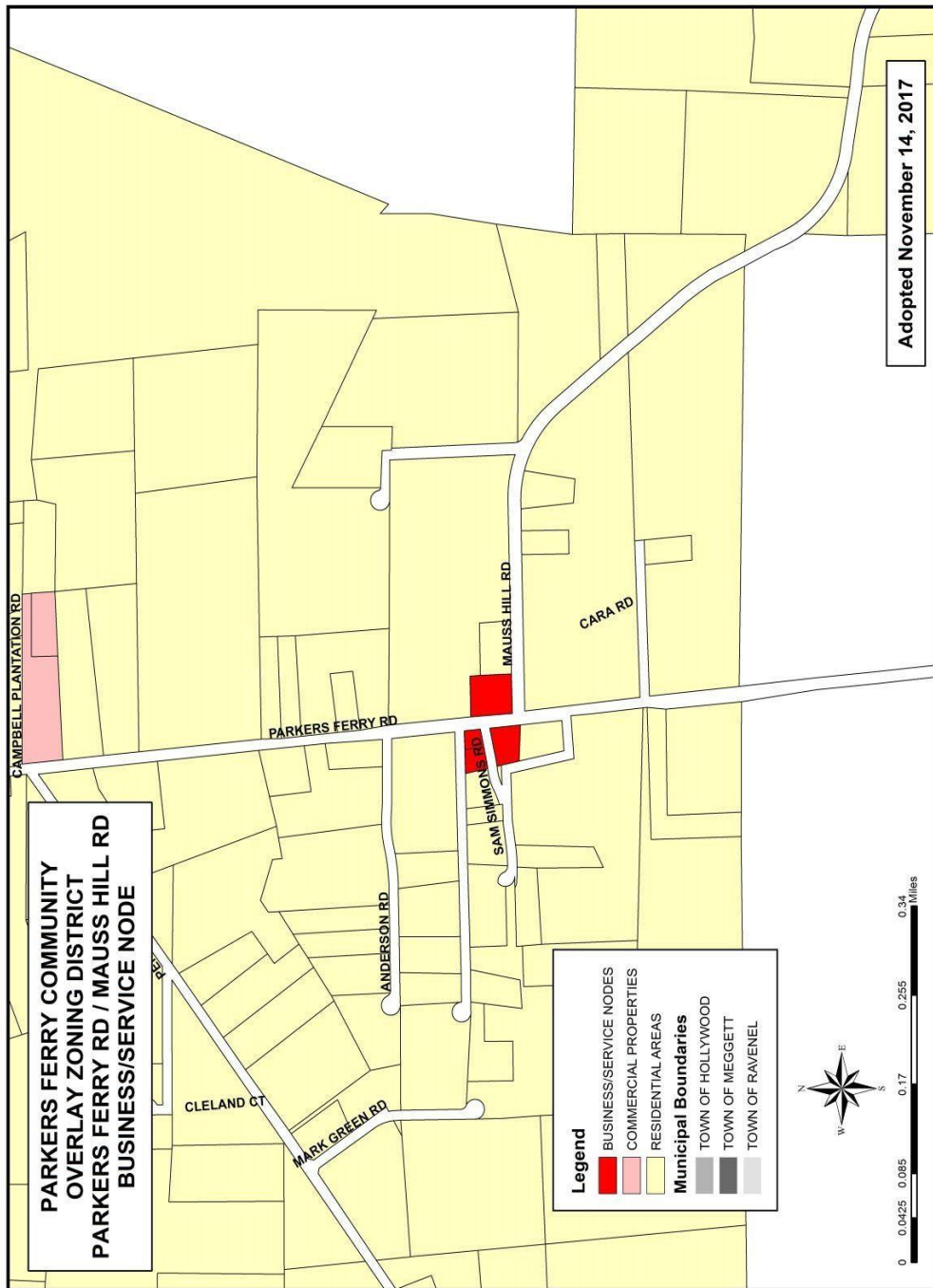


Map 5.12.E



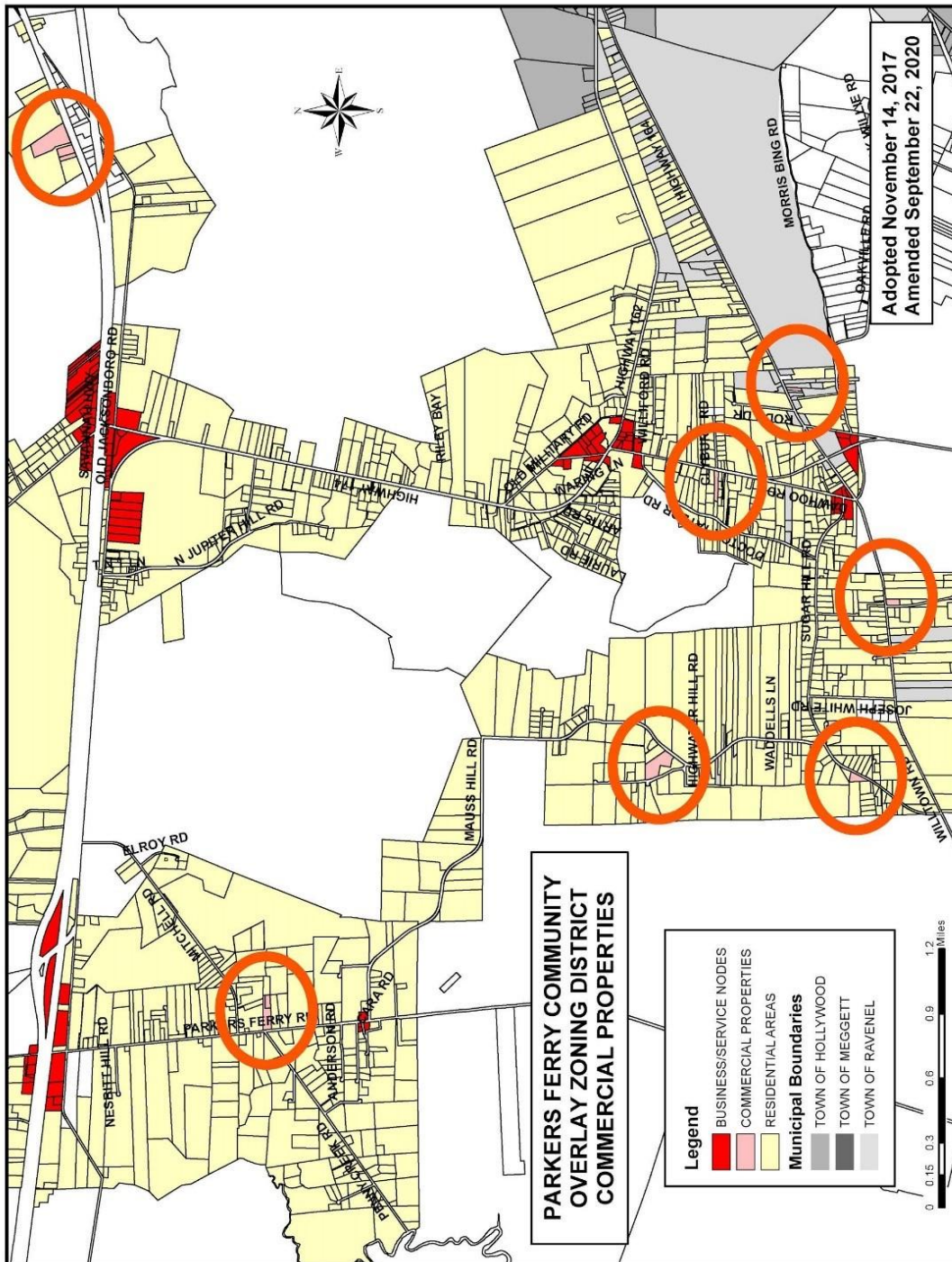


Map 5.12.F





Map 5.12.G





## **ARTICLE 5.13 SOL LEGARE COMMUNITY OVERLAY ZONING DISTRICT (SL-O)**

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### **Sec. 5.13.1 Statement of Findings**

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The SL-O, Sol Legare Community Overlay Zoning District, is located on the southern end of James Island in the Urban/Suburban Area of the County, just north of Folly Beach. The community is wholly located in unincorporated Charleston County and is bordered by Kings Flat Creek on the south; the Stone River on the west; and Holland Island Creek on the north. The sole access into the community is from Folly Road. The community was established during the Reconstruction Era and prospered in the twentieth century, becoming known as a prominent African-American community with roots in the Gullah Geechee culture. The land use Development is unique in Sol Legare, due to the use of long-lot Farm Parcels which maximize the Frontage along both the Roadway and adjacent waterways. The historic value of the community and associated Development patterns was documented in the *2016 Charleston County Historic Resources Survey Update*, and this overlay intends to preserve and enhance the historical Development patterns.

Beginning in 2013, planning staff worked with community members to identify planning and zoning issues. This input helped form the *Urban/Suburban Cultural Community Protection Future Land Use* designation, which is implemented by this Overlay Zoning District. Furthermore, the feedback gathered from community members at a series of public meetings from 2013 – 2017 led to the creation of the *Sol Legare Community Plan*, which is adopted concurrently with this Overlay Zoning District and supports the provisions of this Article, as Strategy 2.1 of the Plan states, “*Adopt amendments to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), including but not limited to an Overlay Zoning District, as applicable.*” The Plan further explains the community planning process and needs assessment, and includes additional strategies to achieve the community’s vision for the future. The Plan also describes the planning and zoning issues addressed by this Overlay Zoning District in greater detail, including the inability to subdivide properties due to inflexible subdivision standards, the lack of flexibility in land uses traditionally seen in the community (such as commercial uses in the historic Mosquito Beach area, community-oriented uses such as Farmers’ Markets or Community Gardens, and Home Occupations), and the threat to community character as new Development is often times inconsistent with the scale and design of existing Structures.

### **Sec. 5.13.2 Purpose and Intent**

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The purpose and intent of the SL-O is to implement the Charleston County Comprehensive Plan by creating an overall vision for the future of the Sol Legare Community that protects and promotes the culture and unique development patterns of the existing historic community; preserves low Density residential development and traditional commercial uses; and sustains the area’s strong sense of community by supporting community-oriented land uses. This vision is a reflection of the needs expressed by the Residents of the Sol Legare Community, and the SL-O strives to preserve the existing character of the area while allowing additional flexibility to subdivide and develop property. The SL-O also provides for the re-establishment of commercial uses in locations traditionally known as commercial hubs in the community, while also expanding opportunities for Home Occupations.

### **Sec. 5.13.3 Effect of the Overlay Zoning District**

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In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control except as otherwise noted.

### **Sec. 5.13.4 Applicability**

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The standards of this Article shall apply to all Development within the SL-O as described in this Article and as shown on the map titled “Sol Legare Community Overlay Zoning District.”

### **Sec. 5.13.5 Use Regulations**

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**A. Table 5.13.5, Sol Legare Community Overlay Zoning District Use Table.** Table 6.1.6-1, *Use Table*, does not apply to properties in the SL-O. Table 5.13.5 lists the uses allowed in the areas as identified and described in this Overlay Zoning District. The following is a description of the codes used in the table:

1. "A" indicates uses allowed by right.
2. "C" indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."
3. "S" indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."
4. Blank cells indicate uses that are not permitted.

**B. Prohibited Uses.** The following uses are prohibited on all Parcels in the SL-O include: Transitional Housing; Consumer Goods Rental Centers; Vehicle Sales; Tattoo Facility; Indoor/Outdoor Shooting Range; Firearm Sales; Stable, Commercial; and Billboard uses.

**C. New or Unlisted Uses and Use Interpretation.** The Zoning and 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, *Definitions*, of this Ordinance or may require that the use be processed in accordance with the Planned Development (PD) procedures of this Ordinance.

TABLE 5.13.5: Sol Legare Community Overlay Use Table		RESIDENTIAL AREA	COMMERCIAL AREA	CONDITION
<b>AGRICULTURAL USES</b>				
<b>AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING AND SUPPORT</b>				
	<b>Animal Aquaculture</b>		C	Sec. 6.4.1
	<b>Apiculture (Bee Keeping)</b>		A	
	<b>Animal and Insect Production</b>	C	C	Sec. 6.4.1
	<b>Horticultural Production</b>	A	A	
	<b>Winery</b>		C	Sec. 6.4.21
<b>FORESTRY AND LOGGING</b>				
	<b>Bona Fide Forestry Operation</b>	C	C	Sec. 6.4.23
<b>STABLE</b>				
	<b>Stable, Private</b>	S	C	Sec. 6.4.20
<b>SUPPORT ACTIVITIES FOR AGRICULTURE USES</b>				
	<b>Roadside Stand; Sweetgrass Basket Stand</b>	C	C	Sec. 6.4.8
	<b>Community Garden</b>	A	A	
<b>RESIDENTIAL</b>				
	<b>Assisted Living</b>	S	S	
	<b>Duplex</b>	C	C	Sec.5.13.5.D.4
	<b>Dwelling Group</b>	C	C	Sec.5.13.5.D.5
	<b>Child Caring Institution</b>	S	S	
	<b>Manufactured Housing Unit</b>	S	S	Sec.5.13.5.D.6



<b>TABLE 5.13.5: Sol Legare Community Overlay Use Table</b>		<b>RESIDENTIAL AREA</b>	<b>COMMERCIAL AREA</b>	<b>CONDITION</b>
	Single-Family Detached Dwelling Unit	A	A	
	Affordable and Workforce Dwelling Unit	C	C	Sec. 6.4.19
	Short-Term Rental Property, Limited Home Rental (LHR)	S	C	Art. 6.8
	Short-Term Rental Property, Extended Home Rental (EHR)	S	C	Art 6.8
	Mixed Use Development		A	
<b>CIVIC / INSTITUTIONAL</b>				
<b>COURTS AND PUBLIC SAFETY</b>				
	Court of Law	A	A	
	Safety Services	A	A	
<b>DAY CARE SERVICES</b>				
	Adult Day Care Service	S	A	
	Group Home	S	A	
	Child Care Center	S	A	
	Family Home	C	C	Sec. 6.4.29
<b>DEATH CARE SERVICES</b>				
	Cemetery	C	C	Sec. 6.4.53
	Funeral Services		A	
<b>EDUCATIONAL SERVICES</b>				
	Pre-school or Educational Nursery	S		
	School, Primary	S	S	
	School, Secondary	S	S	
	Higher Education Facility	S	S	
	Personal Improvement Education		S	
<b>HEALTH CARE SERVICES</b>				
	Medical Office	S	S	
	Counseling Services		A	
	Home Health Agencies		S	
	Hospital; Hospice Facility		S	
	Rehabilitation Facility		S	
	Residential Treatment Facility for Children or Adolescents		S	
<b>MUSEUMS, HISTORIC SITES, AND SIMILAR INSTITUTIONS</b>				
	Historic Site	C	A	Sec. 6.4.27
	Library or Archive	A	A	





<b>TABLE 5.13.5: Sol Legare Community Overlay Use Table</b>		<b>RESIDENTIAL AREA</b>	<b>COMMERCIAL AREA</b>	<b>CONDITION</b>
	Museum	A	A	
	Nature Exhibition		A	Sec. 6.4.10
<b>POSTAL SERVICE</b>				
	Postal Service, United States	C	A	Sec. 6.4.26
<b>RECREATION AND ENTERTAINMENT</b>				
	Community Recreation	A	A	
	Fishing, Hunting, or Recreational Guide Service		A	
	Parks and Recreation	C	C	Sec. 6.4.11
	Special Events		C	Sec. 5.13.7.E
	Eco-Tourism	S	A	
<b>RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS</b>				
	Business, Professional, Labor, or Political Organizations		C	Sec. 6.4.4
	Social or Civic Organizations; Social Club or Lodge	S	C	Sec. 6.4.4
	Religious Assembly	A	A	
<b>UTILITIES AND WASTE-RELATED USES</b>				
	Utility Service, Major	S	S	Sec. 6.4.17
	Utility Service, Minor	A	A	
<b>COMMERCIAL</b>				
<b>ACCOMMODATIONS</b>				
	Short-Term Rental Property, Commercial Guest House (CGH)		C	Art. 6.8
	Hotel or Motel		S	
	RV (Recreational Vehicle) Park or Campground		S	Sec. 6.4.12
<b>ANIMAL SERVICES</b>				
	Kennel		S	Sec. 6.4.54
	Small Animal Boarding		C	Sec. 6.4.32
	Veterinary Services		C	Sec. 6.4.32
<b>FOOD SERVICES AND DRINKING PLACES</b>				
	Bar or Lounge		S	Sec. 6.4.15
	Catering Service		C	Sec. 6.4.34
	Restaurant, Fast Food		C	Sec. 6.4.15 Sec.5.13.5.D.8
	Restaurant, General		C	Sec. 6.4.15
<b>INFORMATION INDUSTRIES</b>				



<b>TABLE 5.13.5: Sol Legare Community Overlay Use Table</b>		<b>RESIDENTIAL AREA</b>	<b>COMMERCIAL AREA</b>	<b>CONDITION</b>
	<b>Communications Towers</b>		S	Sec. 6.4.5
<b>OFFICES</b>				
	<b>Administrative or Business Office</b>		A	
	<b>Government Office</b>		A	
	<b>Professional Office</b>		A	
	<b>Office/Warehouse Complex</b>		S	
	<b>Special Trade Contractors (Offices/Storage)</b>		S	Sec. 5.13.5.D.1
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>				
	<b>Visitors Bureau</b>		C	Sec. 5.13.5.D.9
	<b>Parking Lot</b>		S	Sec.5.13.5.D.7
	<b>Charter Boat or other Recreational Watercraft Rental Services</b>		C	Art. 5.3
	<b>Water-Dependent Commercial</b> , including seafood-related Retail Sales; Restaurant, General; Charter Boat or other Recreational Watercraft Rental Services; Boat Ramps; Commercial Docks; and other accessory produce/roadside stands		C	Art. 5.3
<b>REPAIR AND MAINTENANCE SERVICES</b>				
	<b>Repair Service, Consumer</b>		S	
<b>RETAIL SALES</b>				
	<b>Bicycle Rentals</b>		A	
	<b>Food Sales</b>		A	
	<b>Retail Sales or Services, General</b>		A	
	<b>Convenience Stores</b>		A	
	<b>Florist</b>		A	
<b>RETAIL OR PERSONAL SERVICES</b>				
	<b>Consumer Convenience Service</b>		A	
	<b>Hair, Nail, or Skin Care Services</b>	C	A	Sec. 6.4.3
	<b>Personal Improvement Service</b>		A	
	<b>Farmers Market</b>		A	
<b>VEHICLE AND WATERCRAFT STORAGE</b>				
	<b>Boat Ramp</b>	C	C	Art. 5.2 Sec. 5.2.4
	<b>Community Dock</b>	S	S	Art. 5.2 Sec. 5.2.3



TABLE 5.13.5: Sol Legare Community Overlay Use Table		RESIDENTIAL AREA	COMMERCIAL AREA	CONDITION
	Commercial Dock	S	S	Art. 5.2 Sec. 5.2.6
MANUFACTURING AND PRODUCTION				
	Artisan and Craftsman	C	C	Sec.5.13.5.D.2
	Manufacturing and Production		C	Sec.5.13.5.D.3
OTHER USES				
RECYCLING SERVICES				
	Recycling Collection Facility, Drop-Off	A	A	
RESOURCE EXTRACTION/MINING				
	Resource Extraction/Mining	S	S	Sec. 6.4.14
TRANSPORTATION				
	Sightseeing Transportation, Land or Water		S	Art. 5.2
	Water Transportation		S	Art. 5.2

**D. Use Conditions.**

**1. Special Trade Contractors (Office/Storage).**

- a. This use excludes any tractor trailer containers in outside storage areas;
- b. This use shall have a maximum floor area of 5,000 square feet including the building(s);
- c. Outdoor storage of vehicles, materials, and equipment shall be prohibited; and
- d. The hours of operation shall be limited from 7 am to 7 pm.

**2. Artisan and Craftsman.**

- a. Such uses shall not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, radiation, or other conditions harmful or objectionable to adjacent or nearby properties.
- b. All truck parking or loading facilities are located to the side or rear of the Building, outside required landscaped yards, and screened from public Rights-of-Way and/or adjacent property zoned or used for residential purposes.
- c. Outdoor storage of materials is prohibited.
- d. Operation of this use does not create noise in excess of 80 dB, as measured at the property boundary of the noise source using the fast meter response of a sound level meter, reduced to 70 dB maximum between the hours of 7 p.m. and 7 a.m.
- e. Artisan and Craftsman uses shall comply with the requirements listed above and shall be limited to a maximum Floor Area of 2,000 square feet and five non-resident Employees.
- f. In Residential Areas, all of the requirements of this Section shall apply in addition to the following:
  - i. All activities related to the Artisan and Craftsman use shall be confined to a structure that is entirely enclosed, and
  - ii. On-site retail sales are limited to articles of artistic quality or effect or handmade workmanship produced on the premises

**3. Manufacturing and Production.**



- a. In Zoning Districts subject to conditions (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 employees.
  - b. All activities related to the Manufacturing and Production use shall be confined to a structure that is entirely enclosed.
  - c. On-site retail sales are prohibited.
  - d. If the Zoning and Planning Director finds a proposed Manufacturing and Production use will have a substantially negative impact on a surrounding area or adjoining property, the use shall comply with the Special Exception procedures of this Ordinance.
4. **Duplex.**
- a. The Zoning Lot must have twice the minimum Lot size required; however, this requirement does not apply to Lots of record that existed prior to March 27, 2018.
  - b. Duplexes must be designed to architecturally blend with the existing Single-Family Detached Dwellings (see Figures 1 and 2).
  - c. A Duplex may not exceed a total square footage (for both Dwelling Units) of 2,500 Square Feet.



Figure 1 Example of Duplex maintaining residential character



Figure 2 Example of duplex that does not comply with architectural standards

5. **Dwelling Groups.**
- a. Density/Intensity and Dimensional Standards in Table 5.13-6 shall apply. In each case, the distance between Structures shall not be less than the sum of the minimum Interior Setbacks required. The 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. To maintain the traditional siting of residential Structures on single Parcels, Dwelling Units may be placed in rows, with the front of a Dwelling facing the rear of an adjacent Dwelling. Alternatively, Dwelling Units may face (front) either a Street, Courtyard, or living space.
  - c. Each Dwelling Group shall provide an access consistent with APPENDIX A, *Road and Drainage Construction Standards*, of this Ordinance.



- d. Unless specifically modified by this Section, Dwelling Groups shall comply with all other requirements of this Ordinance, including Sec. 6.4.8, *Dwelling Groups*, for the S-3 Zoning District.
6. **Manufactured Housing Unit.** A Manufactured Housing Unit 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
7. **Parking Lot.**
  - a. Parking Garages are prohibited.
  - b. A Parking Lot may only be the Principal Use on a property if it serves as parking for a business located within 1,000 feet of the property containing the Parking Lot.
8. **Restaurant, Fast Food.** Drive-thru windows are prohibited.

**E. Accessory Uses and Structures.** Accessory Uses and Structures shall be permitted in accordance with Article 6.5, *Accessory Uses and Structures*, of this Ordinance, unless otherwise stated below.

1. **Accessory Dwelling Units.** One Accessory Dwelling Unit may be established on an existing Zoning Lot if the following standards are met:
  - a. Proof of wastewater disposal is provided (by SCDHEC or public service provider) for the Accessory Dwelling Unit and the Lot does not abut or contain an OCRM Critical Line. The requirements of Sec. 4.24.2, *Minimum Lot Standards for Accessory Dwelling Units on Parcels Which Contain or Abut an OCRM Critical Line*, shall apply to Accessory Dwelling Units on Lots that abut or contain an OCRM Critical Line.
  - b. Accessory Dwelling Units shall have a maximum of 800 square feet of heated gross Floor Area. The size may be increased to 1,500, if a Special Exception is granted by the Board of Zoning Appeals, in accordance with the procedures of this Ordinance.
  - c. Accessory Dwelling Unit placement shall comply with all dimensional standards of this Article.
  - d. Separate electrical meters are allowed for attached Accessory Dwelling Units.
2. **Home Occupations.** All requirements of Sec. 6.5.11, *Home Occupations*, of this Ordinance shall apply with the exception of the following:
  - a. Repair Service, Commercial; Vehicle and Boat Repair or Service; and Special Trade Contractors (Office/Storage) are allowed if they take place in an enclosed structure, pose no noise or safety concerns, and comply with all applicable regulations of this Ordinance. This excludes Vehicle Rental or Leasing and Vehicle Sales (new or used), which are prohibited as a Home Occupation in this Overlay Zoning District.
  - b. The requirements of Sec. 6.5.11, *Home Occupations*, of this Ordinance apply, provided, however, that up to five nonresident Employees may work at the Home Occupation, if approved through Site Plan Review and Special Exception procedures contained in this Ordinance.

### **Sec. 5.13.6 Residential Area**

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The Residential Area as shown on the map titled “Sol Legare Community Overlay Zoning District” is intended to protect and promote the culture and unique development patterns of the existing low Density residential community. The following requirements apply to Parcels in the Residential Area in addition to the applicable requirements of this Ordinance. For matters not addressed in this Overlay Zoning District, the requirements of the Special Management (S-3) Zoning District shall apply.



A. **Density, Intensity and Dimensional Standards.** The Density/Intensity and Dimensional Standards listed in Table 5.13.6, *Residential Area Density/Intensity and Dimensional Standards*, shall apply to all properties in the Residential Area:

Table 5.13.6: Residential Area Density/Intensity and Dimensional Standards		
	S-3 Development Option	SL-O Development Option <sup>(1)(2)</sup>
<b>MAXIMUM DENSITY</b>	3 Principal Dwelling Units per acre	3 Principal Dwelling Units per acre
<b>MINIMUM LOT AREA</b>	14,500 SF; 12,500 SF if public water or sewer is available; 10,00 square feet if water and sewer is available	10,000 SF [3]
<b>MINIMUM LOT WIDTH</b>	70 feet with public water and sewer is available; 80 feet without public water and/or public sewer	50 feet [1]
<b>MINIMUM LOT WIDTH:DEPTH RATIO</b>	None [4]	None [4]
<b>MINIMUM SETBACKS</b>		
<b>Front/Street Side</b>	25 feet	10 feet[5]
<b>Interior Side</b>	15 feet	15 feet
<b>Rear</b>	25 feet	5 feet
<b>OCRM Critical Line</b>	35 feet	30 feet
<b>MAXIMUM BUILDING COVER</b>	30% of Lot	30% of Lot
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet	35 feet
<b>MAXIMUM BUILDING SIZE</b>	None	2,500 SF
<p>[1] In order to utilize the SL-O Development Option, the width of the property must be less than 110 feet as shown on a Lot of record existing prior to March 27, 2018.</p> <p>[2] For Lots that contain or abut an OCRM Critical Line, the Waterfront Development Standards of this Ordinance, as they apply to the S-3 Zoning District, shall apply, provided, however, that the Zoning and Planning Director may allow a reduction in the minimum Lot Width and/or minimum Lot Width average required by Sec. 4.11.3 and Art. 4.24 for the S-3 Zoning District when the following criteria are met:</p> <ul style="list-style-type: none"> <li>a. The property is a Lot of record existing prior to March 27, 2018;</li> <li>b. The SL-O development option is being utilized;</li> <li>c. The width of the property is less than 100 feet as shown on a Lot of record existing prior to March 27, 2018; and</li> <li>d. No more than one waterfront Lot is proposed to be created.</li> </ul> <p>[3] Lot size of properties containing or abutting an OCRM Critical Line shall follow the SL-O Development Option Standards.</p> <p>[4] The Lot Width: depth ratio of this ordinance shall not apply.</p> <p>[5] The setback from a public Right-of-Way, private Right-of-Way, and/or private ingress/egress Easement is 10 feet as measured from the property line. All accesses must comply with the requirements of the International Fire Code. On Corner and Double-Frontage Lots, the Front Setback standards shall apply to each Lot Line that borders a public Right-of-Way, private Right-of-Way, or private ingress/egress Easement; the remaining Lot Lines shall be subject to the Side Setback standards and there is no Rear Lot Line/Setback.</p>		



- B. **One-time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999.** A one-time Subdivision creating one Lot from a Nonconforming Lot of record (lot existing prior to April 21, 1999) shall be allowed, if each Lot resulting from the Subdivision meets the minimum Lot Area requirement of Table 5.12.6. An Ingress/Egress Easement may be utilized to access a proposed Lot (singular) to the rear of the property. The Setback from the edge of the Easement will be the required Side Setback required for Zoning District. The Side Setback from the edge of the Easement will only be utilized to create one proposed Lot from the provision of One-time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999.
- C. **Gated Communities.** Gated communities shall be prohibited.
- D. **Fences/Walls.** The maximum height for residential fences is six feet. Open, transparent fencing is encouraged in the SL-O. Fences made of opaque materials and chain link fences shall not exceed four feet in height.
- E. **Temporary Special Events.** A Temporary Special Event shall be allowed in the Residential Areas of the SL-O subject to the requirements for Temporary Special Events Permits for Agricultural and Residential Zoning Districts as contained in Art. 6.7, *Special Events Use*, of this Ordinance.
- F. **Other Regulations.** Development in the Residential Area shall comply with all other applicable regulations of this Ordinance.

**Sec. 5.13.7 Commercial Areas**

The Commercial Areas shown on the map titled “Sol Legare Community Overlay Zoning District” are intended to re-establish the proportion, location, and scale of small neighborhood businesses that historically existed in the community. Some properties historically had commercial uses, but were zoned S-3, resulting in non-conforming Structures and uses. These properties are now zoned “Commercial” in the SL-O, to allow the possible redevelopment of parcels. The requirements of the NC Zoning District shall apply for all matters not addressed in this Overlay Zoning District for the Commercial Areas. The following requirements apply to Parcels in the Commercial Areas in addition to the applicable requirements of this Ordinance:

- A. **Density/Intensity and Dimensional Standards.**
  1. All residential Development in the Commercial Areas shall comply with the Density/Intensity and Dimensional Standards of the Residential Areas as contained in Sec. 5.13.6, provided, however, that the Commercial Area requirements shall apply when residential Development is included as part of a Mixed Use Development (located within a Mixed Use Building).
  2. All non-residential Development in the Commercial Areas shall comply with the Density/Intensity and Dimensional Standards listed in Table 5.13.7, *Commercial Areas Density/Intensity and Dimensional Standards*, below.

<b>Table 5.13.7: Commercial Areas Density/Intensity and Dimensional Standards<sup>(1)</sup></b>	
<b>MINIMUM LOT AREA</b>	10,000 SF
<b>MINIMUM LOT WIDTH</b>	25 feet
<b>MINIMUM SETBACKS</b>	
<b>Front/Street Side</b>	Equivalent to required buffers
<b>Interior Side</b>	Equivalent to required buffers
<b>Rear</b>	Equivalent to required buffers
<b>OCRM Critical Line</b>	15 feet
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet



<b>MAXIMUM NET RESIDENTIAL DENSITY - MIXED OCCUPANCY</b> (Developments containing commercial/office and residential uses)	Three Principal Dwelling Units per acre
<b>MAXIMUM BUILDING COVERAGE</b>	30% of Lot
<b>MAXIMUM BUILDING SIZE</b>	No single Building shall exceed 5,000 square feet of gross Floor Area. <sup>(2)</sup>
<p>(1) In instances where the SL-O standards conflict with Waterfront Development Standards, the SL-O standards shall apply. Where no specific standards are mentioned in the SL-O, the Waterfront Development Standards for the CN Zoning District in CHAPTER 4 of this Ordinance shall apply.</p> <p>(2) In instances where the building size requirements of this table are in conflict with those contained in Sec. 5.13.5.D, <i>Use Conditions</i>, and/or Article 6.4, <i>Use Conditions</i>, the most restrictive shall apply. Increases in building size may be granted by the Board of Zoning Appeals pursuant to the Special Exception procedures contained in this Ordinance.</p>	

- B. **Sign Regulations.** In addition to the Sign regulations contained in ARTICLE 9.11, Signs, of this Ordinance, the following regulations shall apply:
  1. All Signs shall be Monument style.
  2. Signs shall not exceed 6 feet in height and 40 square feet in size.
  3. Internal illumination is prohibited.
  4. Electronic Readerboard Signs are prohibited.
  
- C. **Special Stormwater Requirements.** The Sol Legare Community Overlay Zoning District is located in the Sol Legare watershed and drainage basins, which are highly sensitive and reactive to coastal tidal and flooding conditions. Development within the Sol Legare watershed and drainage basins requires comprehensive stormwater analysis to minimize and mitigate any potential impacts. Construction activities within the Sol Legare watershed and drainage basins will be required to comply with current edition of the Charleston County Stormwater Program Permitting Standards and Procedures Manual in effect at the time of land development application submittal. Due to the watershed and drainage basin potential for flooding conditions, additional requirements may be established by the Public Works Director. The Applicant shall meet with the Public Works Director to discuss specific design criteria pursuant to the requirements of the Charleston County Stormwater Program Permitting Standards Manual prior to submitting any Subdivision or Site Plan Review applications. Future stormwater studies of this area may require additional regulations.
  
- D. **Special Event.** A Temporary Special Event shall be allowed in the Commercial Areas of the SL-O subject to the requirements for Temporary Special Events Permits for Commercial Zoning Districts as contained in Art. 6.7, *Special Events Use*, of this Ordinance.

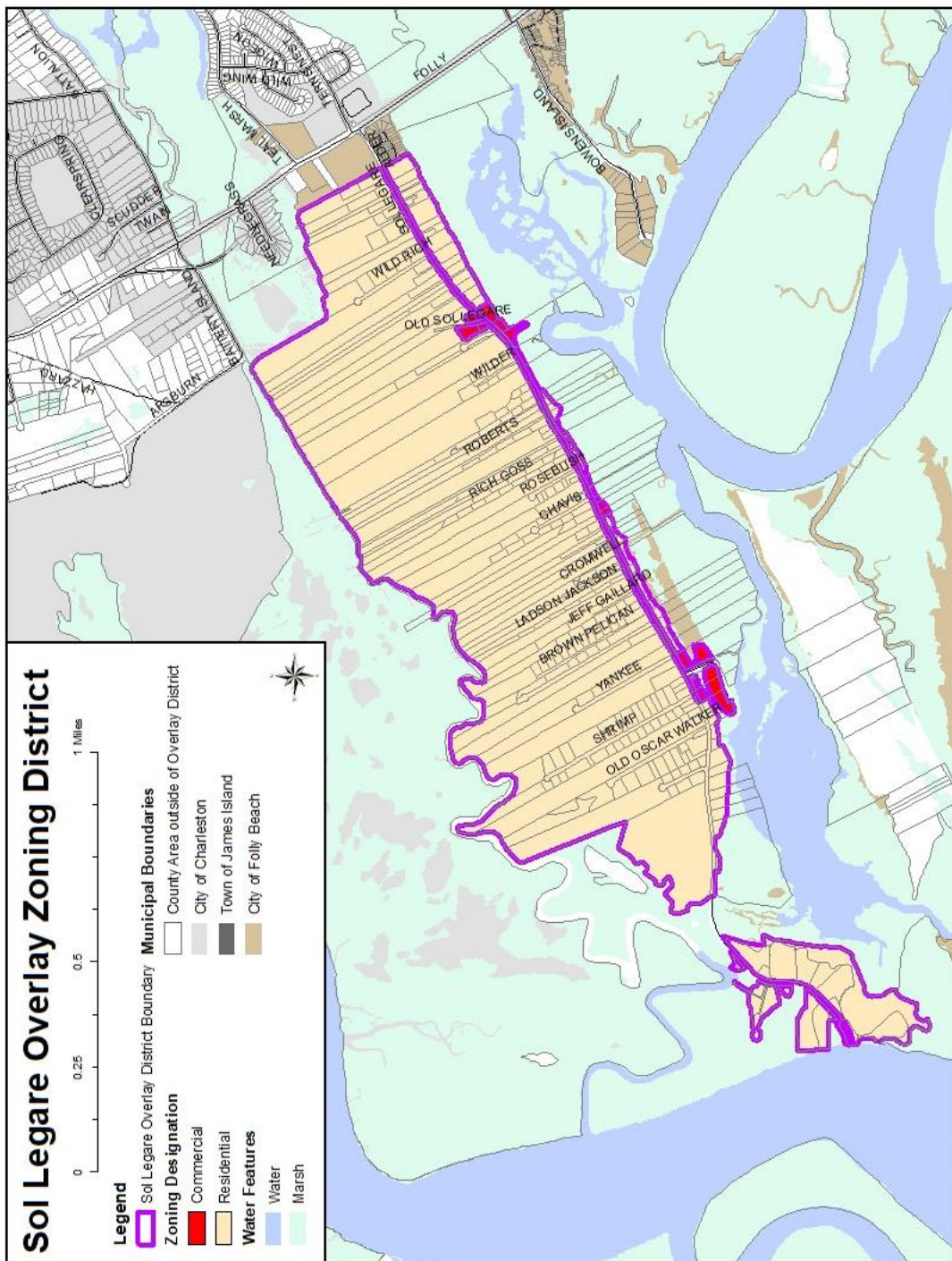
Special Events established as Principal Uses in the Commercial Areas of the SL-O are subject to the requirements of Art. 6.7, *Special Events Use*, of this Ordinance, and specifically Sec. 6.7.4, *Special Events Established as Principal Uses in Commercial and Industrial Zoning Districts*, and Sec. 6.7.5, *Outdoor Special Events*.

- E. **Other Regulations.** Development in the Commercial Areas shall comply with all other applicable regulations of this Ordinance, including Chapter 9, *Development Standards*.





Map 5.13





## ARTICLE 5.14 JA-MHC-O, JAMES ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT

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### Sec. 5.14.1 Statement of Findings

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The MHC-O, Maybank Highway Corridor Overlay Zoning District, was first established as part of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) when it was adopted on November 20, 2001. The MHC-O only included unincorporated properties along Maybank Highway on Johns Island. In 2006, the MHC-O was amended to implement the recommendations of the 2003 Charleston County Comprehensive Plan Five-Year Review, but still only included unincorporated properties along Maybank Highway on Johns Island. In 2015, as part of the adoption of the Comprehensive Plan Five-Year Review, County Council included the priority recommendation to coordinate with the City of Charleston to review the MHC-O District and extend the overlay boundary onto James Island. The JA-MHC-O, James Island Maybank Highway Corridor Overlay Zoning District, implements that recommendation.

The original MHC-O is a primary gateway to Johns Island and acts as one of the main Thoroughfares for destinations such as Kiawah Island, Seabrook Island, and Wadmalaw Island. The JA-MHC-O, James Island Maybank Highway Corridor Overlay Zoning District, is a separate overlay Zoning District with a boundary that includes the Maybank Highway segment on James Island, where the corridor traverses a municipal golf course, large-scale Mixed Use Developments, and popular local shopping and entertainment destinations. Maybank Highway on James Island carries a high volume of vehicular traffic each day. Moreover, some of the properties in this corridor are located within the jurisdictional limits of the City of Charleston, while some are located within unincorporated Charleston County. The JA-MHC-O was adopted to implement pedestrian and traffic safety measures, address Infrastructure deficiencies, improve the visual character of the corridor, and create consistency between Charleston County and the City of Charleston regarding zoning Land Development regulations.

### Sec. 5.14.2 Purpose and Intent

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The purpose of the JA-MHC-O is to create a corridor that is well-planned, attractive, and preserves and improves existing development patterns where appropriate through the implementation of traffic safety measures and land use and design standards. It is also intended to ensure safe and efficient vehicle, pedestrian, and bicycle movement through pedestrian and traffic safety measures and access management standards, and to address stormwater runoff, drainage, and flooding issues along the corridor.

A separate regional planning effort involving numerous public and private stakeholders was conducted concurrent with the preparation of this JA-MHC-O. This planning effort, named Dutch Dialogues Charleston, culminated in a final report released in September 2019. The report addresses “long-term planning to manage the risks and the opportunities provided by the Lowcountry’s dynamic water systems.” It should be noted that implementation of recommendations included in the Dutch Dialogues Charleston Final Report may result in future amendments to the JA-MHC-O.

### Sec. 5.14.3 Applicability of the Overlay Zoning District

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- A. **Standards.** The standards of this Article shall apply to all Development of unincorporated properties within the JA-MHC-O, as shown on the map titled “James Island Maybank Highway Corridor Overlay Zoning District,” except Single-Family Detached Dwelling Units. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control.
- B. **Variations.** The following requirements are ineligible for Zoning Variations in addition to those listed in Sec. 3.10.1, *Applicability; Limitations*, of this Ordinance:
  - 1. Sec. 5.14.6.B, *Vehicle Access*;
  - 2. Sec. 5.14.6.D, *Pedestrian Access and Sidewalks*; and



3. Sec. 5.14.6.E, *Right-of-Way Buffer Requirements*.

### **Sec. 5.14.4 Coordination with Adjacent Jurisdictions**

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A Letter of Coordination from the City of Charleston shall be required as part of all Land Development applications in the JA-MHC-O with the exception of applications for Single-Family Detached Dwellings. The purpose of this coordination is to ensure that Development is consistent with similar requirements adopted for the JA-MHC-O by the City of Charleston.

### **Sec. 5.14.5 Uses**

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- A. **Permitted Uses.** Permitted uses shall include those uses allowed in the applicable Zoning District as shown on the Overlay Zoning District map titled “James Island Maybank Highway Corridor Overlay Zoning District,” and as described in Table 6.1-1, *Use Table*, with the exceptions described in this Section.
- B. **Prohibited Uses.** The following uses shall be prohibited on all Parcels included in the JA-MHC-O: Vehicle Sales (new or used), Vehicle Rental and Leasing Service, including associated vehicle storage areas; Manufactured Home Dealers; Indoor/Outdoor Shooting Range; Pawn Shop; Convenience Store; Warehouse Club or Superstore; Billboard; Sexually Oriented Business; Restaurant, Fast Food; Restaurant with drive-through lanes/windows; Vehicle Storage; Towing Facility; Impound Yard; Car Wash; Truck Stop; Short-term Lender; Self-Service Storage; and Service Station, Gasoline containing more than four fuel dispensing stations.
- C. **New or Unlisted Uses and Interpretations.** The Zoning and 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, *Definitions*, of this Ordinance.
- D. **Nonconforming Uses.** The requirements of Article 10.2, *Nonconforming Uses*, of this Ordinance apply to all development subject to the JA-MHC-O, provided, however, that the following requirements shall apply in place of those contained in Sec. 10.2.4, *Loss of Legal Nonconformity Status*, subsection A:
  1. *Abandonment.* If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 36 consecutive months, the use shall be considered abandoned. Once abandoned, the legal nonconforming status of the use shall be lost and re-establishment of a Nonconforming Use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the JA-MHC-O.
- E. **Accessory Uses.** Accessory Uses shall be allowed pursuant to Art. 6.5, *Accessory Uses*, of this Ordinance.

### **Sec. 5.14.6 Development Standards and Requirements**

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- A. **Residential Density.**
  1. *Maximum Residential Density.* The Density/Intensity and Dimensional Standards listed in Table 5.16-2 of this Article shall apply to all properties in the JA-MHC-O.
  2. *Calculation of Residential Density.* Residential Density shall be calculated by dividing the number of Lots on a site by the net area (in acres) of Highland of the site on which the Lots are located. Net Highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as Freshwater Wetlands. Site Plan Review and Subdivision applications shall include all Freshwater Wetland metes and bounds, and total Freshwater Wetland acreage based on a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.
- B. **Vehicle Access.** All Site Plan Review and Subdivision applications shall include access management plans demonstrating compliance with the driveway separation requirements described below:
  1. *Driveway Separation.* For driveways directly accessing Maybank Highway, driveway separation shall be a minimum distance of 150 feet from the intersection of the Right-of-Way lines to the



closest edge of driveways. Where the driveway separation is less than 150 feet the proposed driveway shall be designed as a right-in, right-out (RIRO) driveway and conform to the SCDOT standards for a Typical Right-in Right-out Driveway Design.

2. *Driveway Width.* Vehicular access from Maybank Highway and side (secondary) Streets to properties shall be confined to access drives not exceeding 30 feet in width at the Street Line. Driveways which include a median strip to separate traffic flow in opposite directions shall not exceed 60 feet in width at the Street Line.
3. *Distance between Driveways.* The distance between the proposed driveway and an existing adjacent driveway shall be the greatest distance feasible.
4. *Limitation to Number of Driveways.* For Parcels with a Right-of-Way Frontage equal to or less than 150 feet in length, the Development is limited to one driveway; for Parcels with a Frontage greater than 150 feet and less than 300 feet in length, the Development is limited to two driveways; for Parcels with a Frontage equal to or greater than 300 feet, the Development may have up to three driveways.
5. *Corner Lots.* Notwithstanding the above stated requirements, access drives on Corner Lots shall be located only on the side (secondary) Street and such driveways shall be a minimum distance of 50 feet from the street intersection as measured from the edge of the intersecting Roadway to the beginning of the driveway radius. However, the Zoning and Planning Director may require the access to be located on the primary street to avoid undue interference with, or hazard to, traffic on the Roadways.
6. *Shared Access Requirements.* Shared access is encouraged between adjoining Parcels. Driveways for all uses except Single-Family Detached Dwellings shall be located in a manner where they can be shared between adjacent Parcels as described below:
  - a. The Applicant must request a shared access with the adjacent property if the adjacent property does not contain a Single-Family Detached Dwelling.
  - b. Shared access should be located along a common property boundary, if feasible.
  - c. If the owner of the adjacent parcel does not agree to share access, the Applicant shall provide one of the following to the Zoning and Planning Department:
    - i. A letter from the adjacent Property Owner denying access; or
    - ii. If the adjacent Property Owner refuses to provide a letter, an affidavit that documents attempts that the applicant made to request shared access and that the neighboring Property Owner refused to provide a letter. If this subsection applies, a new or relocated Curb Cut is permitted on the subject Parcel only with a recorded agreement that the Property Owner will allow adjacent properties to share access when developed and/or redeveloped, provided that Parcels with 250 feet or more of Frontage along the road on which the access is proposed or located are exempt from having to record such Easement.
  - d. Shared access agreements shall be recorded with the Register of Deeds (ROD) Office.
  - e. Each Parcel involved in a shared access shall be allowed an increase in Building Coverage up to a maximum of 40 percent of the Lot.
7. *Transportation Coordination.* Prior to the issuance of a Certificate of Occupancy, the applicant must show conformance with all requirements included in Letters of Coordination from the South Carolina Department of Transportation (SCDOT), Charleston County Public Works Department, and the Charleston Area Regional Transportation Authority (CARTA).

C. **Traffic Impact Studies.** All development applications requiring Site Plan Review shall be subject to the requirements of Article 9.6, *Traffic Impact Studies*.

D. **Pedestrian Access and Sidewalks.**

1. *On-Site Pedestrian Access.* On-site pedestrian access shall comply with the requirements of this Ordinance and shall be included in site design illustrating access linkage to existing sidewalks,



adjacent parcels, and within the Development area. At-grade and grade-separated pedestrian walkways shall provide direct connections from the street to the main entrance and to abutting properties. Pedestrian walkways shall be designed and located in a manner that does not require pedestrians to walk through parking lots or within driveways and shall be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area

2. *Maybank Highway Sidewalk Requirements.* When properties are developed or redeveloped in accordance with Sec. 3.7.1 of this Ordinance, a 10-foot sidewalk shall be constructed in accordance with the Right-of-Way buffer requirements of this Article and shall be separated from parking and other vehicular use area by a minimum five-foot landscaped or sodded area. If the appropriate authority denies a request to construct a sidewalk in the public Right-of-Way, if the required sidewalk will not fit within the existing Right-of-Way, or if the location of a sidewalk within the public Right-of-Way would threaten the health of a Grand Tree or is compromised by the location of utilities or other necessary infrastructure, sidewalks shall be placed on private property and the Property Owner shall record an Easement for the safe movement of pedestrians and the maintenance of the sidewalk. The following shall apply:
  - a. Ten-foot sidewalks located as shown in Figure 1 shall extend the length of the entire Maybank Highway Frontage and shall be separated from parking and other vehicular use areas by a minimum five-foot landscaped or sodded area;;
  - b. The Property Owner shall obtain and submit all required Encroachment permits as part of the Site Plan Review application;
  - c. The Property Owner shall provide written documentation from the City of Charleston that the City will maintain the sidewalk(s) upon approval of Certificate(s) of Occupancy. This requirement is applicable regardless of whether the sidewalk is located in a Right-of-Way or within an Easement. Such documentation shall be submitted as part of the Site Plan Review application; and
  - d. Sidewalks shall be installed and inspected prior to issuance of Certificate(s) of Occupancy.
3. *All Other Roads.* Sidewalk requirements for all roads in the Overlay Zoning District other than Maybank Highway shall comply with the sidewalk and pedestrian access requirements contained in this Ordinance.

**E. Right-of-Way Buffer Requirements.**

1. *Maybank Highway Right-of-Way Buffer.*
  - a. **Buffer Requirement.** For properties with Frontage on Maybank Highway, the right-of-way buffer shown in Figure 1 shall be required when such properties are developed or redeveloped in accordance with Sec. 3.7.1 of this Ordinance.
  - b. **Buffer Description.** The Maybank Highway Right-of-Way buffer shall be a minimum of 15 feet in depth, and include the following:



- i. A five-foot planting strip including:
  1. Two Canopy Trees or three Understory Trees per 100 linear feet compliant with the minimum standards of Sec. 9.4.6, *Landscape Material Standards*; and
  2. All required Encroachment permits from the SC Department of Transportation shall be included as part of the Site Plan Review application;
  3. Property owners/applicants shall provide written documentation stating that they shall be responsible for bearing the costs of the conduit(s) for the required street light(s) and coordinating with Dominion Energy to erect the lights prior to the issuance of Certificate(s) of Occupancy;
  4. Street lights shall have octagonal heads as defined by the Dominion Energy's light palette and shall be placed on seventeen-foot tall fluted poles. Should these designs/light types no longer be in existence at the time of Land Development application, the Zoning and Planning Director shall determine the appropriate pedestrian scale fixture to be used;
  5. Street lights shall be installed prior to issuance of Certificate(s) of Occupancy; and
  6. The Property Owner shall provide written documentation that the Development/redevelopment will comply with the above-stated requirements. Such documentation shall be submitted as part of the Site Plan Review application.
- ii. A 10-foot sidewalk shall be installed subject to the requirements of Sec. 5.14.5.D.2, *Sidewalk Requirements*.

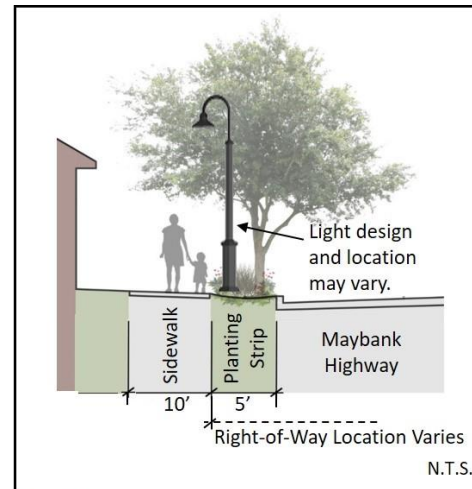


FIGURE 1  
RIGHT-OF-WAY BUFFER, MAYBANK HIGHWAY

2. *Other Right-of-Way Buffer and Sidewalk Requirements.* Right-of-way buffer and sidewalk requirements for all roads in the Overlay Zoning District other than Maybank Highway shall comply with CHAPTER 9, *Development Standards*, of this Ordinance.

F. **Signs.** All signage must comply with the requirements of this Section in addition to the applicable requirements of Art. 9.6, *Signs*, of this Ordinance.

1. *Free-standing Signs.*

- a. All new Free-Standing Signs must be designed as Monument Signs.
- b. All Sign illumination:
  - i. Illuminated Signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas.
  - ii. Electronic Copy Readerboard signs and Billboards are prohibited.
  - iii. No illumination that simulates traffic control devices or emergency vehicles shall be used.
  - iv. All illumination must be from a steady, stationary light source.
  - v. Internal illumination:
    1. Internally Illuminated Signs must be constructed of routed aluminum or similar opaque material so that only letters, numbers, and/or logos are illuminated.
    2. Signs shall not have light reflecting backgrounds or letters.



3. Only matte finishes shall be used.
- vi. External Illumination:
  1. Illumination shall be from a steady stationary light source, shielded and directed solely at the Sign.
  2. Light sources to illuminate Signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
  3. The intensity of light shall not exceed 20 footcandles at any point on the Sign face.
  4. The color of the light sources to illuminate signs shall be white.
  5. Signs shall not have light-reflecting backgrounds or letters.
- c. Nonconforming Signs.
  - i. All Signs made nonconforming by the adoption of this Article on November 19, 2020 pursuant to Art. 10.5, *Nonconforming Signs*, of this Ordinance, must come into compliance with the requirements of this Article prior to the issuance of a Zoning Permit for: (1) a new business on the property; and/or (2) all changes other than re-facing and/or the required addition of Pole Covers as described in subsection ii below.
  - ii. A Nonconforming Sign may be re-faced without complying with the Sign requirements of this Article provided a Pole Cover is added to the existing poles in compliance with the following requirements:
    1. The Pole Cover shall be at least one-third the width of the sign cabinet; and
    2. The Pole Cover shall be at least one-third the overall height of the Pole Sign, provided the Pole Cover shall not exceed 8 feet in height.
2. *Wall Signs.*
  - a. The maximum size of a Wall Sign shall be in accordance with Table 9.11.4, *Wall/Façade Signs*, of this Ordinance.
  - b. In new multi-tenant Developments, such as shopping centers and office parks, all tenant Signs are to be similar in type, color, font size, font style, and method of illumination.
  - c. New tenant Signs in existing multi-tenant Developments shall be consistent with the type and method of illumination of existing tenant Signs.

G. **Density, Intensity, and Dimensional Standards.** The following Density/Intensity and Dimensional Standards shall apply to properties in the JA-MHC-O:

Table 5.16-2	
Density/Intensity and Dimensional Standards	
MAXIMUM RESIDENTIAL DENSITY	8 Dwelling Units per acre [1]
MINIMUM LOT WIDTH	12 feet
MINIMUM SETBACKS	Equivalent to required buffers
OCRM CRITICAL LINE	50 feet
MAXIMUM BUILDING COVER	30% [2]
MAXIMUM INDIVIDUAL BUILDING FOOTPRINT	7,500 square feet
MAXIMUM BUILDING HEIGHT	35 feet and 2-1/2 stories



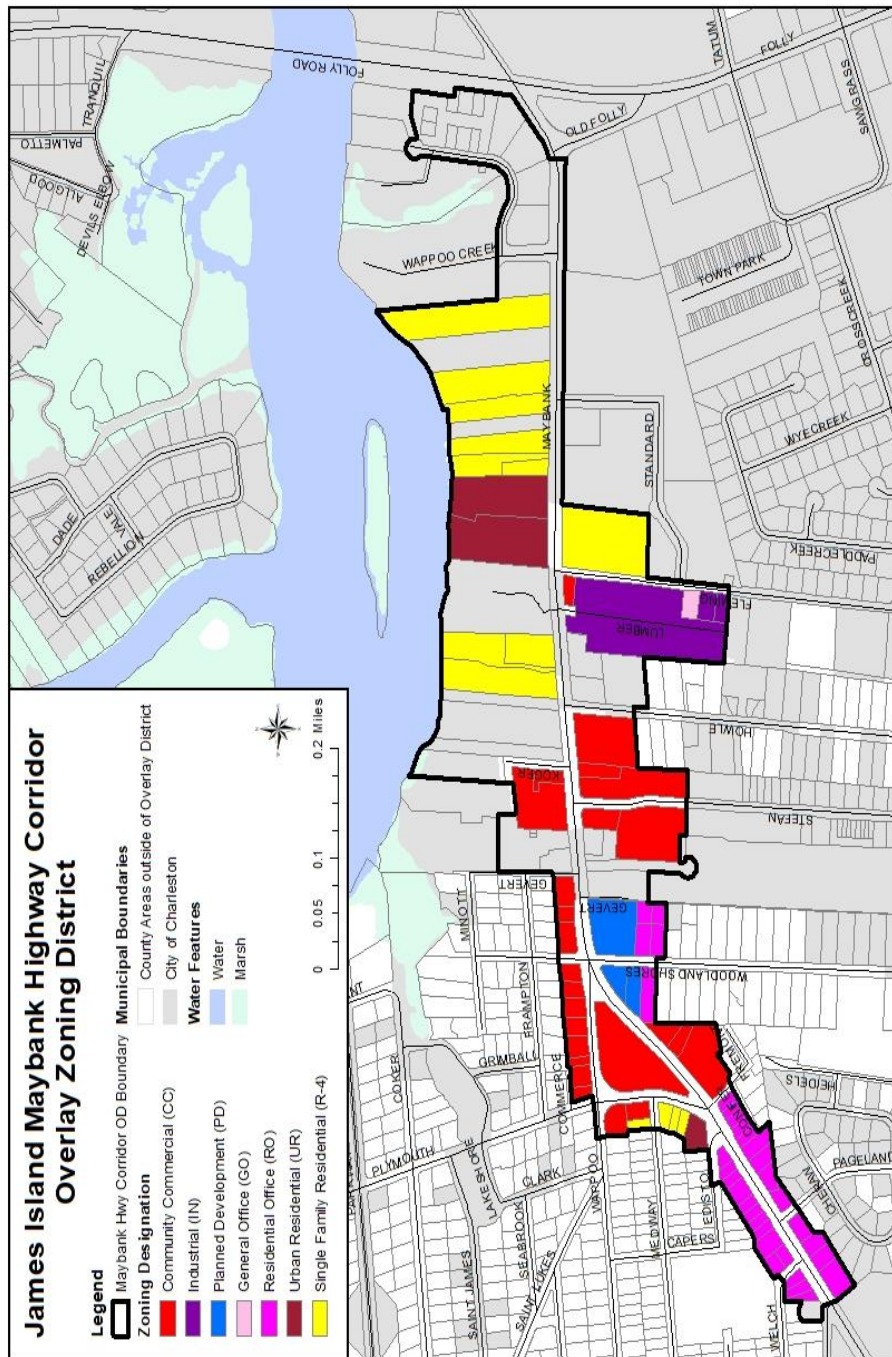
- [1] Increased Densities may be allowed pursuant to the requirements of Article 6.4.19 of this Ordinance.
- [2] Parcels involved in shared access agreements are allowed a maximum Building Coverage of 40 percent, per Sec. 5.14.5.B, *Vehicle Access*.
- [3] No individual Building footprint shall exceed 7,500 square feet unless approved pursuant to the Special Exception procedures of this Ordinance.

H. **Special Stormwater Requirements.** Construction activities occurring on properties within the JA-MHC-O may be subject to Special Protection Area stormwater design criteria as described in the most recent edition of the Charleston County Stormwater Program Permitting Standards and Procedures Manual.





Map 5.14





## ARTICLE 5.15 MRC-O, MAIN ROAD CORRIDOR OVERLAY ZONING DISTRICT

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### Sec. 5.15.1 Statement of Findings

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Main Road is a major thoroughfare on Johns Island and carries a large number of vehicles each day. Development along Main Road lacks a cohesive land use pattern, varying from rural and agricultural residential uses to intensive commercial and industrial Development. Moreover, the corridor has minimal Infrastructure supporting safe bicycle and pedestrian circulation. In 2015, as part of the adoption of the Comprehensive Plan Five-Year Review, County Council included the priority recommendation to work with the public and the City of Charleston to create an overlay zoning district along Road from its intersection with River Road southward to Maybank Highway, including Kitford Road. The MRC-O, Main Road Corridor Overlay Zoning District implements that recommendation. While some of the properties within the Main Road corridor are located within the jurisdictional limits of the City of Charleston, the MRC-O Overlay Zoning District regulations only apply to unincorporated Parcels that either front on, or are in close proximity to, Main Road from the Stono River southward to the intersection of Main Road and Humbert Road, and Parcels fronting on Kitford Road, as shown on the map titled “Main Road Corridor Overlay Zoning District.”

The MRC-O is comprised of four districts: the Belvedere-Main Commercial (BMC) District, the Rural Commercial (RC) District, the Kitford Community Industrial (KCI) District, and the Kitford Community Residential (KCR) District. The BMC and RC Districts have been established to strike a balance between the ongoing development pressure that exists along the corridor and the need for future development and redevelopment to remain compatible with the existing community. The KCI and KCR Districts have been established to preserve and protect the Kitford Road rural residential community. The KCI District both acknowledges the few existing industrial developments and prohibits an expansion in use that would be incompatible with the community. The remaining Kitford Road properties are within the KCR District and subject to rural residential Densities, and limited to uses compatible with the rural residential community.

### Sec. 5.15.2 Purpose and Intent

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The primary purpose of the MRC-O is to create a corridor that is well-planned, attractive, and preserves and improves existing development patterns where appropriate through the implementation of traffic safety measures and land use and design standards. A secondary purpose of the MRC-O is to preserve and protect the unique residential area identified as the Kitford Road Community.

A separate regional planning effort involving numerous public and private stakeholders was conducted concurrent with the preparation of this Overlay Zoning District. This planning effort, named Dutch Dialogues Charleston, culminated in a final report released in September 2019. The report addresses “long-term planning to manage the risks and the opportunities provided by the Lowcountry’s dynamic water systems.” It should be noted that implementation of recommendations included in the Dutch Dialogues Charleston Final Report may result in future amendments to the MRC-O.

### Sec. 5.15.3 Applicability of the Overlay Zoning District

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- A. **Standards.** The standards of this Article shall apply to all development of unincorporated properties within the MRC-O Overlay Zoning District, as shown on the map titled “Main Road Corridor Overlay Zoning District,” except Single-Family Detached Dwellings. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control.
- B. **Variiances.** The following requirements are ineligible for Zoning Variances in addition to those listed in Sec. 3.10.1, *Applicability; Limitations*, of this Ordinance:
  1. Sec. 5.15.7.B, *Vehicle Access*;
  2. Sec. 5.15.7.D, *Pedestrian Access and Multi-Use Path*; and
  3. Sec. 5.15.8.A.2, *Right-of-Way Buffers*.



### Sec. 5.15.4 Coordination with Adjacent Jurisdictions

A letter of coordination from the City of Charleston shall be required as part of all land development applications in the MRC-O that are located adjacent to properties in the City of Charleston. Applications for single-family detached residential uses are exempt from this requirement.

### Sec. 5.15.5 Use Regulations

- A. **Use Table.** Table 5.17.5, *Main Road Corridor Overlay Zoning District Use Table*, lists the Principal Uses permitted in the four districts included in this Overlay Zoning District and as shown in the map entitled “Main Road Corridor Overlay Zoning District.” The following is a description of the codes used in the table:
1. *Uses Allowed by Right.* “A” indicates uses allowed by right.
  2. *Uses Subject to Conditions.* “C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
  3. *Uses Subject to Special Exception.* “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
  4. *Prohibited Uses.* Blank cells indicate uses that are not permitted.
- B. **New or Unlisted Uses and Interpretation.** The Zoning and 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, *Definitions*.
- C. **Nonconforming Uses.** The requirements of Art. 10.2, *Nonconforming Uses*, of this Ordinance apply to all development subject to the MRC-O, provided, however, that the following requirements shall apply in place of those contained in Sec. 10.2.4, *Loss of Legal Nonconformity Status*, subsection A:
1. *Abandonment.* If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 36 consecutive months, the use shall be considered abandoned. Once abandoned, the legal nonconforming status of the use shall be lost and re-establishment of a Nonconforming Use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the MRC-O.
- D. **Accessory Uses.** Accessory Uses shall be allowed pursuant to Art. 6.5, *Accessory Uses*, of this Ordinance.

Table 5.17.5, Main Road Corridor Overlay Zoning District Use Table					
Uses	Belvedere- Main Commercial (BMC) District	Rural Commercial (RC) District	Kitford Community Industrial (KCI) District	Kitford Community Residential (KCR) District	Conditions
<b>AGRICULTURAL</b>					
<b>AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING, AND SUPPORT</b>					
Aquaculture					
Mariculture					
Apiculture (Bee Keeping)					
Animal and Insect Production					
Concentrated Animal Feeding Operations					
Horticultural, Greenhouse, Nursery, Crop and Floriculture Production	A	A		A	
Hemp Crop Production and/or Processing	C	C	C		§5.15.6.A



<b>Winery</b>					
Agricultural Processing	A	S	S		
Agricultural Sales or Service	C	C	C		§5.15.6.B
Roadside Stand	A	A	A		
Farmers Market	A	A	A		
Roadside Stand; Sweetgrass Basket Stand	A	A	A	A	
Community Garden	A	A	A	A	
<b>FORESTRY AND LOGGING</b>					
Bona Fide Forestry Operation				C	§5.15.6.C
Lumber Mill, Planing, or Saw Mill					
<b>RESIDENTIAL</b>					
<b>ASSISTED LIVING</b>					
Assisted Living	S				
<b>MANUFACTURED HOUSING</b>					
Manufactured Housing Unit	C	C	C	C	§5.15.6.D
Manufactured Housing Park					
<b>MULTI-FAMILY DWELLING</b>					
Dwelling Unit, Multi-Family					
Triplex and Fourplex					
Duplex					
Dwelling Group					
Dwelling Unit, Single-Family, Attached					
<b>SHORT-TERM RENTAL</b>					
Short-Term Rental Property, Limited Home Rental (LHR) (LHR)	C	C	C	C	Art. 6.8
Short-Term Rental Property, Extended Home Rental (EHR) (EHR)	S	S	S		Art. 6.8
<b>SINGLE-FAMILY DWELLING</b>					
Dwelling, Single-Family Detached					
<b>OTHER RESIDENTIAL USES</b>					
Transitional Housing					
Child Caring Institution					
Emergency Shelter	A	A	A		
Affordable and Workforce Dwelling Unit	C	C	C	C	§5.15.6.E
Group Residential					
Farm Labor Housing					
<b>CIVIC/INSTITUTIONAL</b>					
<b>COURTS AND PUBLIC SAFETY</b>					
Court of Law	A	A	A		
Correctional Institutions					
Parole Office or Probation Office					
Safety Service	A	A	A	A	
<b>DAY CARE SERVICES</b>					
Adult Day Care Service	A	A	A	A	
Family Home	C	C	C	C	§5.15.6.F
Group Home	A				
Child Care Center	A	A	A		



Day Camp	A	A	A		
<b>DEATH CARE SERVICES</b>					
Cemetery	A	A			
Funeral Services	A				
<b>EDUCATIONAL SERVICES</b>					
Pre-School or Educational Nursery	A	A	A		
School, Primary	A	A	A		
School, Secondary	A	A	A		
Higher Education Facility	S	S	S		
Personal Improvement Education	A	A	A		
<b>HEALTH CARE SERVICES</b>					
Medical Office	A	S	S		
Community Residential Care Facility	S	S	S		§5.15.6.G
Counseling Service	A	S	S		
Intermediate Care Facility for Individuals with Intellectual Disabilities	S	S	S		
Health Care Laboratory	A	A	A		
Home Health Agency	A	S	S		
Hospital; Hospice Facility	S	S	S		
Outpatient Facility for Chemically Dependent or Addicted Persons	S				
Rehabilitation Facility	A				
Residential Treatment Facility for Children or Adolescents (mental health treatment)	S	S	S		
<b>MUSEUM, HISTORIC SITE, AND SIMILIAR INSTITUTIONS</b>					
Historic Site	A	A			
Library or Archives	A	A			
Museum	A	A			
Nature Exhibition	A	A			
Botanical Garden	A	A			
Zoo					
<b>POSTAL SERVICE</b>					
Postal Service, United States	A	A			
<b>RECREATION AND ENTERTAINMENT</b>					
Community Recreation	A	A	A	A	
Fishing, Hunting, or Recreational Guide Service	A	A	A		
Golf Course or Country Club					
Parks and Recreation	A	A	A	A	
Recreation and Entertainment, Indoor	A				
Recreation and Entertainment, Outdoor	C	C	C		§5.15.6.H
Drive-In Theater					
Golf Driving Range					
Outdoor Shooting Range					
Special Events	C	C	C		§5.15.6.I
<b>RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILIAR ORGANIZATIONS</b>					



Business, Professional, Labor, Political Organizations; Social or Civic Organization; Social Club or Lodge	A	A			
Religious Assembly	A	A		A	
<b>UTILITIES AND WASTE-RELATED USE</b>					
Utility Service, Major	C	C	C		§5.15.6.J
Utility Service, Minor	A	A	A	A	
Waste-Related Use					
Septic Tank Installation, Cleaning, or Related Services					
Solid Waste Disposal Facility (Public or Private)					
<b>COMMERCIAL</b>					
<b>ACCOMODATIONS</b>					
Short-Term Rental Property, Commercial Guest House (CGH) (CGH)					
Hotel or Motel					
RV (Recreational Vehicle) Park					
Campground					
<b>ANIMAL SERVICES</b>					
Stable, Commercial	A	C	C		§5.15.6.K
Stable, Private	A	A	A		
Kennel	A	C	C		§5.15.6.L
Pet Store or Grooming Salon	A	A	A		
Small Animal Boarding	A	A	A		
Veterinary Service	A	A	A		
<b>FINANCIAL SERVICES</b>					
Bank and Financial Services	A				
Short-Term Lender					
<b>FOOD SERVICES AND DRINKING PLACES</b>					
Bar or Lounge	S				
Catering Service	A	A	A		
Restaurant, Fast Food					
Restaurant, General	C	C			§5.15.6.M
Sexually-Oriented Business					
<b>INFORMATION INDUSTRIES</b>					
Communication Service; Data Processing Service; and Publishing Industry	A				
Communications Tower	C	C			§6.4.5
<b>OFFICES</b>					
Administrative or Business Office; Government Office; Professional Office	A	A	A		
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>					
Convention Center or Visitors Bureau	A				
Heavy Construction Service or General Contractor	A	C	C		§5.15.6.N
Billboard					
Special Trade Contractor (Offices/Storage)	A	C	C		§5.15.6.N



PARKING, COMMERCIAL					
Parking Lot	A				
Parking Garage					
RENTAL AND LEASING SERVICES					
Charter Boat or other Recreational Watercraft Rental Service					
Commercial or Industrial Machinery or Equipment, Construction Tools or Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing	A				
Consumer Goods Rental Center	A	A	A		
Self-Service Storage	C	C	C		\$5.15.6.O
Vehicle Rental or Leasing	A				
REPAIR AND MAINTENANCE SERVICES					
Boat Yard	A				
Repair Service, Consumer	A	C	C		\$5.15.6.N
Repair Service, Commercial	A				
Vehicle and Boat Repair or Service	A	S	S		\$5.15.6.N
RETAIL SALES					
Non-store Retailer	A				
Fuel Dealer; Heating Oil Dealer; Liquefied Petroleum Gas (Bottled Gas) Dealer	A				
Home Improvement Center					
Food Sales	A	A	A		
Food Truck	A	A	A		
Liquor, Beer, or Wine Sales	S				
Building Materials or Garden Equipment and Supplies Retailer	A				
Retail Sales or Services, General	A	A	A		
Convenience Store	A				
Duplicating or Quick Printing Service; Private Postal or Mailing Service	A	A	A		
Pawn Shop					
Warehouse Club or Superstore					
Service Station, Gasoline	C				\$5.15.6.Q
Truck Stop					
Vehicle Sales	A				
Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer					
Vehicle Parts, Accessories or Tire Store	A	A	A		
RETAIL OR PERSONAL SERVICES					
Consumer Convenience Service	A				
Hair, Nail, or Skin Care Service	A	A	A	C	\$6.4.3
Job Training or Placement Service	A	A	A		
Personal Improvement Service	A	A	A		
Physical Fitness or Health Club	A	A	A		
Tattoo Facility					
Services to Buildings or Dwellings	A				



Landscaping and Horticultural Service	A	A	A		
<b>VEHICLE AND WATERCRAFT STORAGE</b>					
Vehicle Storage	A	C	C		\$5.15.6.P
Impound Yard					
Towing Facility					
Boat Ramp		A			Art. 5.2
Community Dock		A			Art. 5.2
Commercial Dock					
Marina					
<b>WHOLESALE SALES</b>					
Wholesale Sales	A		A		
Clay or Related Products, Construction Material Wholesaler	A		A		
Flower, Nursery Stock or Florists' Supplies Wholesaler	A		A		
Petroleum Wholesaler					
<b>INDUSTRIAL</b>					
<b>INDUSTRIAL SERVICES</b>					
Laundry, Dry Cleaning, or Carpet Cleaning Plant	A				
Photo Finishing Laboratory	A				
Research and Development Laboratory	A	A	A		
Scrap and Salvage Service					
<b>MANUFACTURING AND PRODUCTION, GENERAL</b>					
Artisan and Craftsman	A	A	A		
Manufacturing and Production	A		A		
Microbrewery and Distillery	S	S	S		
Pulp Mill or Paper Mill, Rendering Plant					
Slaughter House and Meat Packing					
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>					
Warehouse and Distribution Facility	A				
Container Storage Facility					
Freight Forwarding Facility	A				
Fuel Storage Facility					
Grain Terminal and Elevator	A				
Stockpiling of Sand, Gravel, or other Aggregate Materials	A				
Storage or Manufacturing of Weapons or Ammunition					
<b>OTHER USES</b>					
<b>RECYCLING SERVICES</b>					
Recycling Center					
Recycling Collection Facility	A	A			
<b>RESOURCE EXTRACTION/MINING</b>					
Resource Extraction/Mining					
<b>TRANSPORTATION</b>					
Aviation					





Private Air Strip					
Railroad Facility					
Sightseeing Transportation, Land or Water	A				
Taxi or Limousine Service	A				
Urban Transit Systems	A				
Water Transportation					

**Sec. 5.15.6 Use Conditions**

- A. **Hemp Production and Processing.**
  - 1. *Industrial Hemp License.* Evidence of the appropriate South Carolina Department of Agriculture Industrial Hemp License (Grower or Processor) shall be submitted with all Site Plan Review applications.
  - 2. *Approval from South Carolina Department of Agriculture.* Evidence of the appropriate South Carolina Department of Agriculture Hemp Grower or Processor application approval shall be submitted with all Site Plan Review applications.
- B. **Agricultural Sales or Service, Retail Sales or Service, General, and Building Materials or Garden Equipment and Supplies Retailer.** Tractor-trailer containers are prohibited in outside storage areas.
- C. **Bona Fide Forestry Operations.** Charleston County hereby adopts the processes and procedures outlined in S.C Code Sec. 48-23-205 et. seq. (1976, as amended).
- D. **Manufactured Housing Units.** A Manufactured Housing Unit placed in the BMC, RC, KCI and KCR 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.
- E. **Affordable Dwelling Units.** Affordable Dwelling Units in the BMC, RC, KCI and KCR Districts shall comply with the requirements of Sec. 6.4.19 of this Ordinance as regulated for the Agriculture/Residential (AGR) Zoning District.
- F. **Family Home.** A Family Home, as defined in this Ordinance, does not require compliance with the Site Plan Review procedures contained within this Ordinance.
- G. **Community Residential Care Facility.** A Community Residential Care Facility that provides care for nine or less persons shall be considered a Family and is an allowed use in all Zoning Districts pursuant to the Fair Housing Act, Sec. 800. [42 U.S.C. 3601].
- H. **Outdoor Recreation and Entertainment.** Any structure or activity use area established in connection with Outdoor Recreation and Entertainment uses shall have a vegetated land use buffer of not less than 50 feet from any property that contains a residential use and 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 Zoning District shall apply.
- I. **Special Events.** Special Events established as a principle use in the Belvedere-Main Commercial (BMC) and Rural Commercial (RC) Districts shall comply with the requirements of ARTICLE 6.7 of this Ordinance as regulated for the Rural Commercial (CR) Zoning District.
- J. **Utility Service, Major.**
  - 1. *Sewage Disposal Facility, Water and Sewage Treatment Facility, Water Storage Tank, and Electric or Gas Power Generation Facility.* Any structure established in connection with a Water Storage Tank, Water and Sewage Treatment Facility, Sewage Disposal Facility, or Electric or Gas Power



Generation Facility shall have a vegetated buffer of not less than 50 feet from any property line, in compliance with the CHAPTER 9 buffer standards of this Ordinance.

2. *Utility Substation, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Line, Utility Pumping Station, and Water Main.*
  - a. *Vegetated Buffers for Structures Less than 120 Square Feet.* Above ground structures that have a cumulative area of 120 square feet or less, associated with underground utilities such as meters, which are necessary for maintenance and monitoring, shall have a vegetated buffer of 10 feet from all property boundaries, in compliance with Chapter 9 buffer standards of this Ordinance;
  - b. *Vegetated Buffers for Structures Greater than 120 Square Feet.* Above ground structures that have a cumulative area of greater than 120 square feet established in connection with a Utility Substation, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Line, or Utility Pumping Station shall have a vegetated buffer of 25 feet from all property boundaries, or the minimum setback of the overlay district, whichever is greater.
  - c. *Storage of Vehicles and Equipment.* The accessory storage of vehicles and equipment on the premises shall be prohibited in the RC District.
- K. **Stable, Commercial.** Commercial Stables may be established as primary or accessory uses provided they meet all applicable standards of this Ordinance and the following requirements.
  1. *Riding Areas and Trails.* 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.
  2. *Vegetated Buffers for Lots Less than Five Acres.* If the subject site is less than five acres, a 25-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 25-foot vegetated buffer, a 75-foot setback to equestrian activity areas from the side and rear property boundaries shall be provided.
  3. *Vegetated Buffers for Lots Five Acres or Greater.* If the subject site is five acres or greater, a 50-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 50-foot vegetated buffer, a 150-foot setback to equestrian activity areas from the side and rear property boundaries shall be provided.
- L.  **kennel.** Kennels shall be subject to the following standards:
  1. *Required Screening and Landscape Buffer.*
    - a. *Vegetated Buffer.* A minimum 100-foot landscaped buffer is required from all adjacent properties in agricultural, residential or office Zoning Districts, and from adjacent properties containing residential uses.
    - b. *Outdoor Activities.* Outdoor activities shall not be located within or have access to the required landscaped buffers.
- M. **Restaurants.** All proposed 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.
- N. **Heavy Construction Service or General Contractor, Special Trade Contractor, Consumer and Commercial Repair Service.** All materials and equipment shall be entirely screened from view of adjacent properties, and public or private Rights-of-Way, by the use of solid fencing or appropriate landscaping.
- O. **Self-Service Storage Facility.**
  1. *Performance Standards.*



- a. *Front Setback.* All structures, including the accessory manager's office/residence shall be set back a minimum of 75 feet in compliance with the Main Road Right-of-Way buffer requirement contained in this Article.
  - b. *Side and Rear Buffers/Screening.*
    - i. Where projects abut Lots in office, commercial, or industrial Zoning Districts, no Side or Rear Setbacks are required.
    - ii. Where sites abut Lots containing residential uses or are located in residential or agricultural Zoning Districts, Buildings adjacent to the perimeter must face inward with their doors away from such areas.
  - c. *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.
  - d. *Accessory Office/Apartment.* One management office and/or Accessory Dwelling Unit shall be permitted.
  - e. *Parking and Circulation.*
    - i. *Entrance.* Project entrances shall be 30 feet in width.
    - ii. *Roadway Widths.* 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.
    - iii. *Turning Radii.* 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.
  - f. *Signs.* Signs shall comply with the requirements contained in this Article and CHAPTER 9 of this Ordinance.
2. *Operating Conditions.*
- a. *Commercial Activities.* The manufacture or sale of any commercial commodity or the provision of any service from the premises is prohibited.
  - b. *Commercial Repair Activities.* Commercial repairs of vehicles autos, boats, motors, furniture, or other items on the premises are prohibited.
  - c. *Storage of Flammable Substances.* Storage of flammable chemical substances within the complex is prohibited.
  - d. *Open Storage.* Open storage of vehicles 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.
- P. **Vehicle Storage.** Open storage of vehicles and boats shall be entirely screened from view of adjacent properties, and public or private Rights-of-Way, by the use of solid fencing or appropriate landscaping.
- Q. **Gasoline Service Stations.** Gasoline Service Stations shall have a maximum of four fuel dispensing stations and a maximum of eight vehicle fueling positions (VFP). VFP's are the number of vehicles that can be fueled simultaneously at a gasoline service station.

### **Sec. 5.15.7 General Development Standards and Requirements (All Districts)**

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#### **A. Residential Density.**

1. *Maximum Residential Density.*
  - a. The Density/Intensity and Dimensional Standards listed in Table 5.17-2 of this Article shall apply to all properties in the BMC and RC Districts.
  - b. The Kitford Community Industrial (KCI) District shall be subject to the Density/Intensity and Dimensional Standards of the Industrial (IN) Zoning District; and



- c. The Kitford Community Residential (KCR) District shall be subject to the Density/Intensity and Dimensional Standards of the Rural Residential (RR-3) Zoning District.
  2. *Calculation of Residential Density.* Residential density shall be calculated by dividing the number of Lots/Dwelling Units on a site by the net area (in acres) of Highland of the site on which the Lots/Dwelling Units are located. Net Highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as Freshwater Wetlands. Site Plan Review and Subdivision applications shall include all freshwater wetland metes and bounds, and total Freshwater Wetland acreage based on a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.
- B. **Vehicle Access.** All Site Plan Review and Subdivision applications shall include suitable access management plans demonstrating compliance with the driveway separation requirements described below:
1. *Driveway Width.* Vehicular access from Main Road and side (secondary) streets to properties shall be confined to access drives not exceeding 30 feet in width at the street line. Driveways which include a median strip to separate traffic flow in opposite directions shall not exceed 60 feet in width at the street line.
  2. *Driveway Separation.* Driveway separation shall be a minimum distance of 150 feet from the intersection of the Right-of-Way lines to the closest edge of driveways.
  3. *Distance between Driveways.* The distance between the proposed driveway and an existing adjacent driveway shall be the greatest distance feasible.
  4. *Limitation to Number of Driveways.* For Parcels with a Right-of-Way Frontage equal to or less than 150 feet in length, the Development is limited to one driveway, unless single lane driveways are provided in accordance with Sec. 5.15.7.B.6; for Parcels with a Frontage greater than 150 feet and less than 300 feet in length, the Development is limited to two driveways; for Parcels with a Frontage equal to or greater than 300 feet, the Development may have up to three driveways.
  5. *Single Lane Driveways.* For Parcels with a Right-of-Way Frontage equal to or less than 150 feet in length, two single lane driveways may be allowed. Each single lane drive shall not exceed 15 feet in width at the street line and the single lane driveway separation shall be a minimum distance of 100 feet from the intersection of the Right-of-Way lines to the closest edge of driveways.
  6. *Corner Lots.* Notwithstanding the above stated requirements, access drives on Corner Lots shall be located only on the side (secondary) street and such driveways shall be a minimum distance of 50 feet from the Street intersection as measured from the edge of the intersecting Roadway to the beginning of the driveway radius. However, the Zoning and Planning Director may require the access to be located on the primary Street to avoid undue interference with, or hazard to, traffic on the Roadways.
  7. *Shared Access Requirements.* Shared access is encouraged between adjoining Parcels. Driveways for all uses except Single-Family Detached Dwellings shall be located in a manner where they can be shared between adjacent Parcels as described below:
    - a. The applicant must request a shared access with the adjacent property if the adjacent property does not contain a Single-Family Detached Dwelling Unit.
    - b. Shared access should be located along a common property boundary, if feasible.
    - c. If the owner of the adjacent parcel does not agree to share access, the applicant shall provide one of the following to the Zoning and Planning Department:
      - i. A letter from the adjacent property owner denying access; or





- i. Signs shall have a maximum height of 8 feet and a maximum size of 40 square feet.
      - ii. Shared Freestanding Signs shall be allowed with a maximum height of 10 feet and a maximum size of 60 square feet.
    - b. All Sign illumination:
      - i. Illuminated Signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas.
      - ii. Electronic Copy Readerboard signs and Billboards are prohibited.
      - iii. No illumination that simulates traffic control devices or emergency vehicles shall be used.
      - iv. All illumination must be from a steady, stationary light source.
      - v. Internally Illuminated signs are prohibited.
      - vi. External Illumination:
        - a. Illumination shall be from a steady stationary light source, shielded and directed solely at the Sign.
        - b. Light sources to illuminate Signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
        - c. The intensity of light shall not exceed 20 footcandles at any point on the Sign face.
        - d. The color of light sources to illuminate Signs shall be white.
        - e. Signs shall not have light-reflecting backgrounds or letters.
    - c. Nonconforming Signs.
      - i. All Signs made nonconforming by the adoption of this Article on December 17, 2020 pursuant to Art. 10.5, *Nonconforming Signs*, of this Ordinance must come into compliance with the requirements of this Article prior to the issuance of a Zoning Permit for: (1) a new business on the property; and/or (2) all changes other than re-facing and/or the required addition of Pole Covers as described in subsection ii below.
      - ii. A Nonconforming Sign may be re-faced without complying with the Sign requirements of this Article provided a Pole Cover is added to the existing poles in compliance with the following requirements:
        1. The Pole Cover shall be at least one-third the width of the Sign cabinet; and
        2. The Pole Cover shall be at least one-third the overall height of the Pole Sign, provided the Pole Cover shall not exceed 8 feet in height.
  2. *Wall Signs.*
    - a. The maximum size of a Wall Sign shall be in accordance with Table 9.8.5, *Wall/Façade Signs*, of this Ordinance.
    - b. In new multi-tenant Developments, such as shopping centers and office parks, all tenant signs are to be similar in type, color, font size, font style, and method of illumination.
    - c. New tenant Signs in existing multi-tenant Developments shall be consistent with the type and method of illumination of existing tenant Signs.
- F. **Special Stormwater Requirements.** All construction activities occurring on properties within the MRC-O may be subject to Special Protection Area stormwater design criteria as described in the most recent edition of the Charleston County Stormwater Program Permitting Standards and Procedures Manual.

## Sec. 5.15.8 Belvedere-Main Commercial (BMC) and Rural Commercial (RC) Districts

The BMC and RC Districts primarily consist of properties with Frontage on, or within close proximity to, Main Road north of Herbert Road, as shown on the map titled “Main Road Corridor Overlay Zoning District.” All of these properties are within the Rural Area, defined by the Charleston County Comprehensive Plan as the area located outside of Charleston County’s Urban Growth Boundary. The Comprehensive Plan states that the Rural Area is characterized by low levels of infrastructure and services and low intensity development. Strategies in the Comprehensive Plan designed to foster the character of Rural Areas include encouraging the continuation of low-density development, and maintaining rural and agriculturally-oriented commercial uses in a dispersed pattern to support and contribute to the rural quality of life.

The BMC and RC Districts are intended to provide opportunities for rural economic development through the designation of limited areas of more intense development where infill development, expansion, or redevelopment of existing commercial and industrial uses may occur. New commercial businesses, or the expansion of existing commercial businesses, can occur within the BMC and RC Districts if the uses are compatible with the existing community, can be served by existing infrastructure, and are principally designed to serve the surrounding rural area. The following regulations apply in addition to the requirements of Sec. 5.15.7, *General Development Standards and Requirements (All Areas)*, of this Article to unincorporated Parcels within the BMC and RC Districts as indicated on the map titled “Main Road Corridor Overlay Zoning District”:

### A. Buffers.

1. *Land Use Buffer.* The land use buffer and landscape requirements of CHAPTER 9, *Development Standards*, shall apply.
2. *Right-of-Way Buffer.*

#### a. *Main Road Right-of-Way Buffer.*

- i. *Buffer Requirement.* For properties with frontage on Main Road, the Right-of-Way buffer shown in Figure 1 shall be required when such properties are developed or redeveloped in accordance with Section 3.7.1 of this Ordinance.

- ii. *Buffer Description.* The Main Road right-of-way buffer shall be 75 feet in depth and include the following:

1. 0 – 25 feet from the property line at the Right-of-Way: A minimum 10-foot multi-use path meeting the requirements of Sec. 5.15.7.D.2. This area is also reserved for future road widening.

2. 25 – 75 feet from the property line at the Right-of-Way: Street Trees and additional required plantings per Table 5.17-2. All Required Trees and plantings shall be installed and inspected prior to the issuance of Certificate(s) of Occupancy.

- iii. Property Owners shall be responsible for the long-term maintenance of all buffer requirements.

- iv. Right-of-Way Buffers shall be provided in accordance with the following minimum standards:

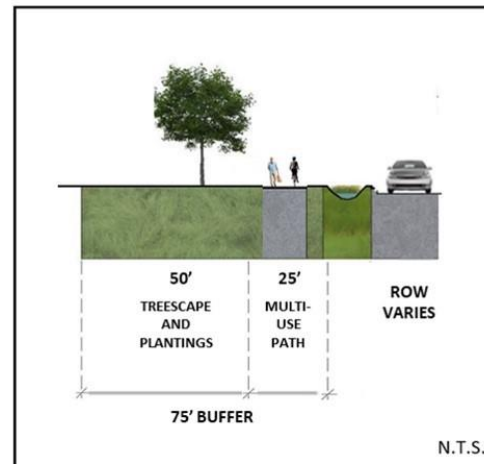


FIGURE 1  
RIGHT-OF-WAY BUFFER, MAYBANK HIGHWAY



Table 5.17-2, Main Road ROW Buffer Depth and Planting Schedule [1]	
STANDARD	MAIN ROAD
MIN. BUFFER DEPTH [2]	75 feet [3]
<b>MINIMUM BUFFER LANDSCAPING</b> (Plants per 100 linear feet) [4]	
Canopy Trees [5][6]	6
Understory Trees (at least 50 percent evergreen)	9
Shrubs	50
Street Trees (may be counted toward canopy tree req.)	2
All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.	
[1] All landscape and plant material shall comply with the minimum standards of Section 9.5.6 of this Ordinance.	
[2] Buffers may be traversed by permitted driveways and pedestrian ways.	
[3] Consisting of a minimum ten-foot multi-use path as illustrated in Figure 1.	
[4] The Zoning and Planning Director may waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.	
[5] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Planning Director.	
[6] Only Live Oak trees may be used to fulfill the canopy tree requirements.	

- b. Right-of-Way buffer requirements for all roads in the BMC and RC Districts other than Main Road shall comply with the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.

A. **Density, Intensity, Dimensional, and Design Standards.** The following Density/Intensity and Dimensional Standards shall apply to properties in the BMC and RC Districts:

Table 5.17-2 Density/Intensity and Dimensional Standards	
MAXIMUM RESIDENTIAL DENSITY	1 Dwelling Unit per acre [1]
MINIMUM LOT AREA	40,000 square feet
MINIMUM LOT WIDTH	125 feet
MINIMUM SETBACKS	Equivalent to required buffers [2]
OCRM CRITICAL LINE	50 feet
MAXIMUM BUILDING COVERAGE	30% [3]
MAXIMUM BUILDING HEIGHT	35 feet and 2-1/2 stories [4]





- [1] To promote ownership or occupancy of affordable, quality housing, increased densities may be allowed pursuant to Sec. 5.15.6.F.
- [2] No Building Setback shall be less than eight feet.
- [3] Parcels involved in a shared access agreement are allowed a maximum Building cover of 40 percent, per Sec. 5.15.7.B, *Vehicle Access*.
- [4] Building height may be a maximum of 50 feet and 3 stories when the Building meets all applicable Setback and buffer requirements, and the following conditions:
- a. The entire Building, or the portion of the Building exceeding 35 feet in height, is set back at least 300 feet from the Main Road Right-of-Way; and
  - b. The entire Building, or the portion of the Building exceeding 35 feet in height is set back at least 50 feet from any adjacent Parcel which contains or is zoned for Single-Family Detached Dwelling Units.

### **Sec. 5.15.9 Kitford Community (KC) Districts**

The Kitford Community consists of properties on or adjacent to Kitford Road as shown on the map titled “Main Road Corridor Overlay Zoning District.” When County Council adopted the first zoning map on January 19, 1970, many of these properties were placed in the Light Industrial Zoning District due to the mixture of commercial and industrial uses occurring nearby along Main Road and the potential for tomato packing sheds to expand in the area. While the expansion of tomato packing sheds did not occur over time, the industrial zoning remained, resulting in land uses that conflicted with the existing rural residential community. The MRC-O creates two Kitford Community Districts to address issues related to expansion of incompatible land uses and the resulting negative impacts of traffic and noise.

The KCI District is designated for the properties that were in the Industrial Zoning District at the time of adoption of this Article, with the exception of split-zoned properties. Table 5.15.5, *Main Road Corridor Overlay Zoning District Use Table*, identifies the permitted uses within the KCI District, allowing Rural Commercial District uses instead of Industrial uses along with some manufacturing/production and wholesale sales uses on these properties.

The KCR District is designated for the remaining Kitford Community properties identified in the MRC-O, the majority of which were previously located in the RR Zoning District. These properties contain Single-Family Detached Dwelling Units or are vacant. Two of the properties contain commercial Developments. Table 5.15.5, *Main Road Corridor Overlay Zoning District Use Table*, identifies the permitted uses within the KCR District. These uses are compatible with the intent of the MRC-O to preserve and protect this rural residential community.

The following regulations apply in addition to the requirements of Sec. 5.15.7, *General Development Standards and Requirements (All Areas)*, of this Article to Parcels within the KCI and KCR Districts as indicated on the map titled “Main Road Corridor Overlay Zoning District”:

#### **A. Buffers.**

1. *Land Use Buffers.* The land use buffer and landscape material requirements of CHAPTER 9, *Development Standards*, shall apply.
2. *Right-of-Way Buffer Requirements.*
  - a. *Main Road Right-of-way Buffer Requirements.* Right-of-Way buffer requirements for all properties with frontage on Main Road in the KCI and KCR Districts shall be subject to the requirements of Sec. 5.15.8.A.2.a of this Article.
  - b. *Other Right-of-way Buffer Requirements.* Right-of-Way buffer requirements for all roads in the KCI and KCR Districts other than Main Road shall comply with the requirements of CHAPTER 9, *Development Standards*, of this Ordinance.

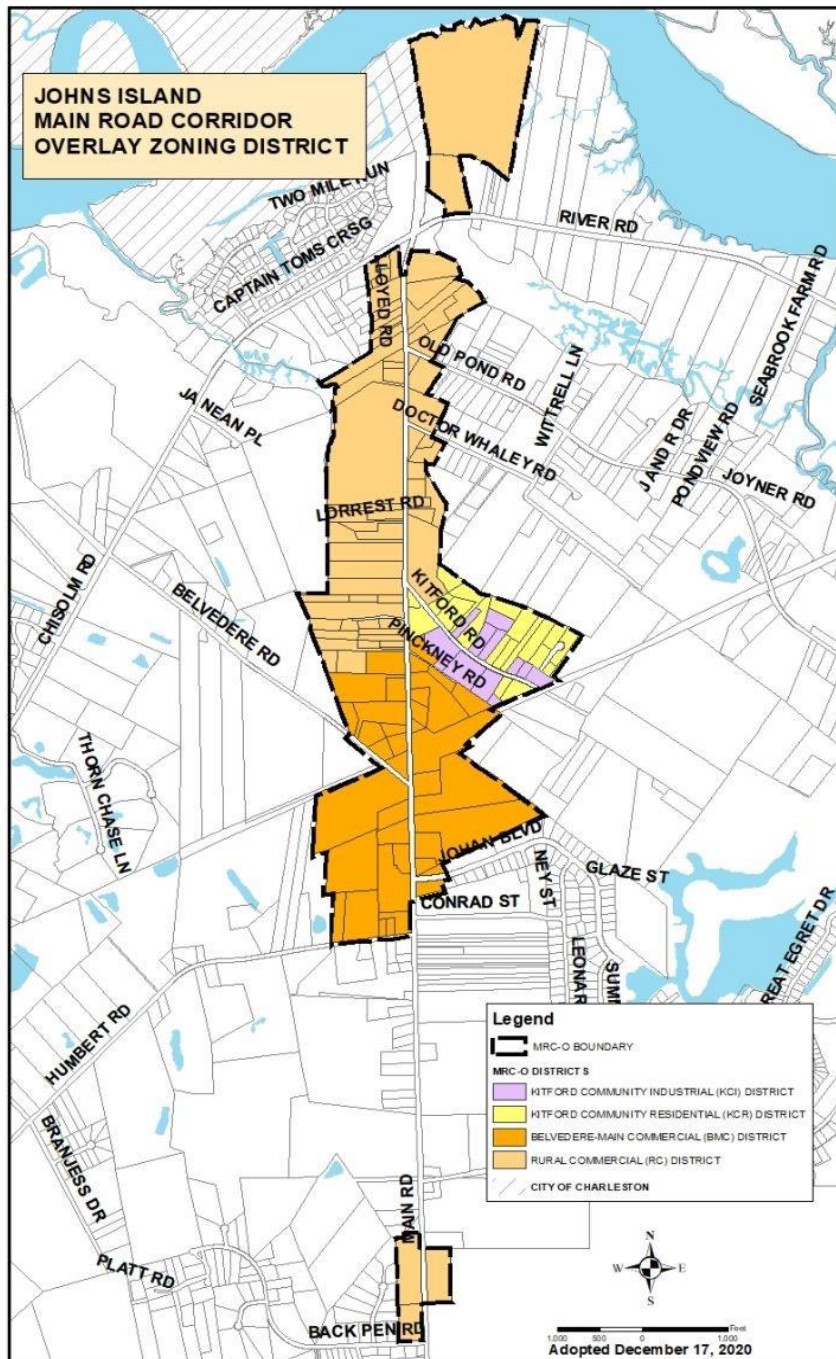
#### **B. Density, Intensity, Dimensional, and Design Standards.**



1. All properties within the KCI District shall be subject to the Density/Intensity and Dimensional Standards of the Industrial (IN) Zoning District.
2. All properties within the KCR District shall be subject to the Density/Intensity and Dimensional Standards of the RR Zoning District.



Map 5.15





## CHAPTER 6 | USE REGULATIONS

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### Contents:

- ARTICLE 6.1 USE TYPES AND USE TABLE**
- ARTICLE 6.2 DEFINITIONS**
- ARTICLE 6.3 RESERVED**
- ARTICLE 6.4 USE CONDITIONS**
- ARTICLE 6.5 ACCESSORY USES AND STRUCTURES**
- ARTICLE 6.6 TEMPORARY USES AND STRUCTURES**
- ARTICLE 6.7 SPECIAL EVENTS USE**
- ARTICLE 6.8 SHORT-TERM RENTALS**

### **ARTICLE 6.1 USE TYPES AND USE TABLE**

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This Article explains how to interpret Table 6.1-1, *Use Table*. The top of Table 6.1-1, *Use Table*, contains the Zoning Districts and left side of the table contains the use types. Under the hierarchy established by this Ordinance, the NR district is the least intensive base Zoning District, while the IN Zoning District is the most intensive base Zoning District. The uses listed in Table 6.1-1, *Use Table*, are permitted or not permitted in each Zoning District according to the letter coding described in Sections 6.1.1 through 6.1.5 below.

#### **Sec. 6.1.1 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, *Definitions*, of this Ordinance as a Principal Use allowed without the requirement of a Special Exception.

#### **Sec. 6.1.2 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, *Use Table*. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

#### **Sec. 6.1.3 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, *Use Table*. 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, *Definitions*, 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, *Definitions*, of this Ordinance.

#### **Sec. 6.1.4 Uses Not Allowed**

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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.

#### **Sec. 6.1.5 New or Unlisted Uses and Use Interpretation**

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



**Sec. 6.1.6 Table 6.1-1, Use Table**

Principal uses shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1-1, Use Table.

Table 6.1-1 Use Table																						
A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses																						
Land Uses	ZONING DISTRICTS																				Condition	
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN
<b>AGRICULTURAL</b>																						
<b>AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING, AND SUPPORT</b>																						
Aquaculture			A	A	A	A	C	C														Sec. 6.4.1
Mariculture			C	C	C	C	C	C														Sec. 6.4.1
Apiculture (Bee Keeping)			A	A	A	A	A	A														
Animal and Insect Production			A	A	A	A	C	C	C													Sec. 6.4.1
Concentrated Animal Feeding Operation			S	S	S	S																
Horticultural Production			A	A	A	A	A	A	A	C				A			C	A	A	A	A	Sec. 6.4.1
Hemp Crop Production and/or Processing			S	S	S	S	S															Sec. 6.4.1
Winery			C	C	C	C	C	C										C	A	C	A	Sec. 6.4.21
Agricultural Processing			C	C	C	C	C	C	S									A	A	A	A	Sec. 6.4.1
Agricultural Sales or Service			A	A	A	A	C											A	A	A	A	Sec. 6.4.44
Roadside Stand; Sweetgrass Basket Stand		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.8
Community Garden		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Farmers Market			A	A	A	A	A	C	C	C	C	C		A	A	A	A	A	A	A	A	Sec. 6.4.47
<b>FORESTRY AND LOGGING</b>																						
Bona Fide Forestry Operation		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.23
Lumber Mill, Planing, or Saw Mill			A	A	A	A	S													A	A	
<b>RESIDENTIAL</b>																						
<b>ASSISTED LIVING</b>																						
Assisted Living			S	S	S	S	S	S	S	S	A	S		S	S	A	A	S	A	S	A	
<b>MANUFACTURED HOUSING</b>																						
Manufactured Housing Unit			A	A	A	A	A	C	C	C	C	A	A									Sec. 6.4.24
Manufactured Housing Park													A									



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses	ZONING DISTRICTS																				Condition	
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN
<b>MULTI-FAMILY DWELLING</b>																						
Dwelling, Multi-Family											A								C		C	Sec. 6.4.31
Triplex and Fourplex									S	S	C	C		C	C	C	C		C		C	Sec. 6.4.35
Duplex									S	S	C	C		C	C	C	C		C		C	Sec. 6.4.35
Dwelling Group			C	C	C	C	C	C	C	C	C	C										Sec. 6.4.7
Dwelling, Single-Family Attached									S	S	C	C		C	C	C	C		C		C	Sec. 6.4.2 Sec. 6.4.31
<b>SHORT-TERM RENTAL</b>																						
Short-Term Rental Property: Limited Home Rental (LHR)			C	C	C	C	C	C	C	C	C	C										Art. 6.8
Short-Term Rental Property: Extended Home Rental (EHR)						S	S		S	S	S	S										Art. 6.8
<b>SINGLE-FAMILY DWELLING</b>																						
Dwelling Unit, Single-Family Detached	C	A	A	A	A	A	A	A	A	A	A	A	C		C	C	C	C	C	C	C	Sec. 6.4.25
<b>OTHER RESIDENTIAL USES</b>																						
Transitional Housing											S			A	S	S	S		A			
Child Caring Intuition			S	S	S	S	S	S	S	S	S	S										
Emergency Shelter										C	A	C			C	A	A		A	C	A	Sec. 6.4.38
Affordable and Workforce Dwelling Unit					C	C	C	C	C	C	C	C		C	C	C	C	C	C		C	Sec. 6.4.19
Group Residential			S	S	S	S	S	S		S	S											
Farm Labor Housing			S	S	S	S	S															Sec. 6.4.9
<b>CIVIC/INSTITUTIONAL</b>																						
<b>COURTS AND PUBLIC SAFETY</b>																						
Courts of Law			A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	
Correctional Institution																					A	
Parole Office or Probation Office														A							A	
Safety Service			A	A	A	A	A	A	A	A	A	S	A	A	A	A	A	A	A	A	A	
<b>DAY CARE SERVICES</b>																						
Adult Day Care Services				S	S	S	S	S	S	S	S	S		A	S	S	A	A	A	A	A	



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses	ZONING DISTRICTS																				Condition	
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN
Family Home				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.29
Group Home				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Child Care Center									S	S	S	S		A	A	A	A	A	A	A	A	
Day Camp														A		A	A	A	A	A	A	
<b>DEATH CARE SERVICES</b>																						
Cemetery		A	A	A	A	A	C	C	C	C	C	S		A	A	A	A	A	A	A	A	Sec. 6.4.53
Funeral Services														A	A	A	A	A	A	A	A	
<b>EDUCATIONAL SERVICES</b>																						
Pre-school or Educational Nursery				S	S	S	S	S	S	S	S	S		A	A	A	A	A	A	A	A	
School, Primary				S	S	S	A	A	A	A	A	S		A	A	A	A	A	A	A	A	
School, Secondary				S	S	S	A	A	A	A	A	S		A	A	A	A	A	A	A	A	
Higher Education Facility				S	S	S	S	S	S	S	S	S		A	S	S	S	S	A	A	A	
Personal Improvement Education				S	S	S	S	S						A	C	A	A	C	A	A	A	Sec. 6.4.26
<b>HEALTH CARE SERVICES</b>																						
Medical Office							S	S	S					A	A	A	A	A	A	A	A	
Community Residential Care Facility							S	S		S	S	S		C	S	S	S	S	C	S	C	Sec. 6.4.42
Counseling Services							S	S						A	A	A	A	A	A	A	A	
Intermediate Care Facility for Individuals with Intellectual Disabilities							S	S		S	S	S		A	S	S	S	S	A	S	A	
Health Care Laboratory														A	A	A	A	A	A	A	A	
Home Health Agency							S	S						A	A	A	A	A	A	A	A	
Hospital; Hospice Facility														A		S	S	S	A	S	A	
Outpatient Facility for Chemically Dependent or Addicted Persons														A	S	S	S	S	A	S	A	
Rehabilitation Facility														A	A	A	A	A	A	A	A	
Residential Treatment Facility for Children or Adolescents (mental health treatment)							S	S			S			A	S	S	S	S	A	S	A	
<b>MUSEUM, HISTORIC SITE, AND SIMILAR INSTITUTIONS</b>																						
Historic Site		C	C	C	C	C	C	C	C	A	A	A		A	A	A	A	A	A	A	A	Sec. 6.4.27
Library or Archive				A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	





Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses	ZONING DISTRICTS																				Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN	
Museum		C	C	C	C	C	A	A	A	A	A	A		A	A	A	A	A	A	A	A	Sec. 6.4.27	
Nature Exhibition		C	C	C	C	C	C							A					A	A	A	Sec. 6.4.10	
Botanical Garden		A	A	A	A	A	A							A					A	A	A		
Zoo		S	S	S	S	S	S							S				S	S	S	S		
<b>POSTAL SERVICE</b>																							
Postal Service, United States			C	C	C	C	C	C	C	C	C	C		A	A	A	A	A	A	A	A	Sec. 6.4.26	
<b>RECREATION AND ENTERTAINMENT</b>																							
Community Recreation		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Fishing, Hunting, or Recreational Guide Service		C	A	C	C	A	A								A	A	A	C	C	C	C	Sec. 6.4.55	
Golf Course or Country Club		C			C	C	C	C	C	C			C									Sec. 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	Sec. 6.4.11	
Recreation and Entertainment, Indoor																	C	A	A	A	A	Sec. 6.4.30	
Recreation and Entertainment, Outdoor					C	C												C	C	C	C	Sec. 6.4.11	
Drive-In Theater																			C	C	C	C	Sec. 6.4.6 Sec. 6.4.11
Golf Driving Range					S	S	S	S	S										C		C	Sec. 6.4.11	
Outdoor Shooting Range		S	S	S	S	S													S		S	Sec. 6.4.11	
Special Events																	C	C	C		C	Art. 6.7	
<b>RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS</b>																							
Business, Professional, Labor, Political Organization; Social or Civic Organization; Social Club or Lodge					S	S	S	S	S	S	S			A	A	A	A	A	A	A	A	Sec. 6.4.4	
Religious Assembly		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
<b>UTILITIES AND WASTE-RELATED USES</b>																							
Utility Service, Major			S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.17	
Utility Service, Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Solar Farm		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 6.4.46	
Waste-Related Uses																					S		



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses	ZONING DISTRICTS																				Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN	
Septic Tank Installation, Cleaning, or Related Service																			S	S	S		
Solid Waste Disposal Facility (Public or Private)																						C	Sec. 6.4.51
<b>COMMERCIAL</b>																							
<b>ACCOMMODATIONS</b>																							
Short-Term Rental Property: Commercial Guest House (CGH)															C	C	C	C	C			Art. 6.8	
Hotel or Motel																S	S		C		C	Sec. 6.4.31	
RV (Recreational Vehicle) Park			S	S	S	S	S															Sec. 6.4.12	
Campground			S	S	S	S	S																
<b>ANIMAL SERVICES</b>																							
Stable, Commercial			C	C	C	C	C											C	A	A	A	Sec. 6.4.20	
Stable, Private			A	A	A	A	C	C	S									C	A	A	A	Sec. 6.4.20	
Kennel			C	C	C	C	S	S										S	A	A	A	Sec. 6.4.54	
Pet Store or Grooming Salon																	C	C	A	A	A	Sec. 6.4.32	
Small Animal Boarding			A	A	A	A	C	C	S									C	A	A	A	Sec. 6.4.32	
Veterinary Service			A	A	A	A	S	S							C	C	C	C	A	A	A	Sec. 6.4.32	
<b>FINANCIAL SERVICES</b>																							
Banks and Financial Services														C	C	C	C	C	A	A	A	Sec. 6.4.26	
Short-Term Lender																			C		C	Sec. 6.4.28 Sec. 6.4.31	
<b>FOOD SERVICES AND DRINKING PLACES</b>																							
Bar or Lounge																	S	S	S	S	S	Sec. 6.4.15	
Catering Service				S	S	S	S	S	S	S	S			C	C	C	C	A	A	A		Sec. 6.4.34	
Restaurant, Fast Food																	C	C	C		C	Sec. 6.4.15 Sec. 6.4.31	
Restaurant, General															C	C	C	C	C	C		Sec. 6.4.15	



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Land Uses	ZONING DISTRICTS																				Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN	
Sexually Oriented Business																					C	Sec. 6.4.18 Sec. 6.4.31	
<b>INFORMATION INDUSTRIES</b>																							
Communication Services; Data Processing Services; Publishing Industries																A	A	A	A	A	A		
Communications Tower			C	C	C	C							C		C	C	C	C	C	C	C	Sec. 6.4.5	
<b>OFFICES</b>																							
Administrative or Business Office; Government Office; Professional Office														C	C	C	C	C	A	A	A	Sec. 6.4.26	
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>																							
Convention Center or Visitors Bureau														S		S	S	A	C		C	Sec. 6.4.31	
Heavy Construction Services or General Contractor																			A	A	A		
Billboard																					C	Sec. 9.8.5	
Special Trade Contractor																			C	A	A	A	Sec. 6.4.36
<b>PARKING, COMMERCIAL</b>																							
Parking Lot														C		A	C	A	A	A	A	Sec. 6.4.37	
Parking Garage														A		A			C		C	Sec. 6.4.31	
<b>RENTAL AND LEASING SERVICES</b>																							
Charter Boat or other Recreational Watercraft Rental Service					C	C	C												A	A	A	A	Art. 5.2 Sec. 6.4.39
Commercial or Industrial Machinery or Equipment, Construction Tools or Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing																			A	A	A	A	
Consumer Goods Rental Center																	C	C	A	A	A	Sec. 6.4.26	
Self-Service Storage																			S	C	C	C	Sec. 6.4.16
Vehicle Rental or Leasing																			A	A	A	A	



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses	ZONING DISTRICTS																			Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC		RI	IN
<b>REPAIR AND MAINTENANCE SERVICES</b>																						
Boat Yard				C	C	C	C	S										C	C	C	C	Sec. 6.4.39 Art. 5.2
Repair Service, Consumer																		C	C	A	A	Sec. 6.4.40
Repair Service, Commercial																	S	S	A	A	A	
Vehicle and Boat Repair or Service																	C	S	A	A	A	Sec. 6.4.22
<b>RETAIL SALES</b>																						
Nonstore Retailer																			A	A	A	
Fuel Heating Oil Dealer; Liquefied Petroleum Gas (Bottled Gas) Dealer																		C	C	C	C	Sec. 6.4.41
Home Improvement Center																			A	A	A	
Food Sales																	C	C	A	A	A	Sec. 6.4.26
Food Truck															A	A	A	A	A	A	A	
Liquor, Beer, or Wine Sales																	S	S	S	S	S	
Retail Sales or Services, General; Building Materials or Garden Equipment and Supplies Retailer																	C	C	A	S	A	Sec. 6.4.26
Convenience Store																	S	S	A	A	A	
Duplicating or Quick Printing Service; Private Postal or Mailing Service																C	C	C	A	A	A	Sec. 6.4.26
Pawn Shop																			A	A	A	
Warehouse Club or Superstore																			C	C	C	Sec. 6.4.31
Service Station, Gasoline																	C	C	A	S	A	Sec. 6.4.45
Truck Stop																			A	A	A	
Vehicle Sales																			A	A	A	
Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer																		S	A	S	A	
Vehicle Parts, Accessories, or Tire Store																		S	A	A	A	
<b>RETAIL OR PERSONAL SERVICES</b>																						



Table 6.1-1 Use Table

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Land Uses	ZONING DISTRICTS																				Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN	
Consumer Convenience Services																		C	C	A		A	Sec. 6.4.26
Hair, Nail, or Skin Care Services			C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	A	Sec. 6.4.3
Job Training or Placement Services														A	A	A	A	A	A	A	A		
Personal Improvement Services															C	C	C	C	A		A		Sec. 6.4.26
Physical Fitness or Health Club																A	A	A	A		A		
Tattoo Facility																			S		C		Sec. 6.4.13
Services to Buildings or Dwellings															C	C	C	C	A	A	A		Sec. 6.4.48
Landscaping and Horticultural Services			C	C	C	C											S	C	A	A	A		Sec. 6.4.48
<b>VEHICLE AND WATERCRAFT STORAGE</b>																							
Vehicle Storage																			S	A	A	A	
Impound Yard																						A	
Towing Facility																						A	
Boat Ramp			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S	C	Art. 5.2 Sec. 5.2.4
Community Dock			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S		Art. 5.2 Sec. 5.2.3
Commercial Dock					S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Art. 5.2 Sec. 5.2.6
Marina						S	S	S	S	S	S				S	S	S	S	S	S	S	S	Art. 5.2 Sec. 5.2.5
<b>WHOLESALE SALES</b>																							
Wholesale Sales																			A	A	A		
Clay or Related Products and Construction Material Wholesaler																		S	A	A	A		
Flower, Nursery Stock, or Florists' Supplies Wholesaler			A	A	A	A												S	A	A	A		



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Land Uses	ZONING DISTRICTS																				Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN	
Petroleum Wholesaler																		S	A	A	A		
<b>INDUSTRIAL</b>																							
<b>INDUSTRIAL SERVICES</b>																							
Laundry, Dry Cleaning, or Carpet Cleaning Plant																					A	A	
Photo Finishing Laboratory																					A	A	
Research and Development Laboratory																					A	A	
Scrap and Salvage Service																					S	S	
<b>MANUFACTURING AND PRODUCTION, GENERAL</b>																							
Artisan and Craftsman					C	C	C	C								C	C	C	A	A	A	Sec. 6.4.43	
Manufacturing and Production																			C	A	A	Sec. 6.4.57	
Aircraft Manufacturing and Production, including Related Parts																						A	
Chemical Manufacturing and Production																					S	S	
Clay or Related Products, Furniture, Cabinets, or Related Products, Toy or Artwork, or Wood Products Manufacturing and Production																		C	C	A	A	Sec. 6.4.57	
Microbrewery and Distillery																			C	C	C	Sec. 6.4.33	
Pulp Mill or Paper Mill; Rendering Plant																						S	
Slaughter House and Meat Packing																					S	S	
Stone or Shell Products Manufacturing and Production																			C	S	S	Sec. 6.4.57	
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>																							
Warehouse and Distribution Facility																					A	A	
Container Storage Facility																					C	C	Sec. 6.4.52
Freight Forwarding Facility																			C	C	C	Sec. 6.4.49	
Fuel Storage Facility																					A	A	
Grain Terminals and Elevators																					A	A	



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses	ZONING DISTRICTS																				Condition		
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI		IN	
Stockpiling of Sand, Gravel, or other Aggregate Materials																					A	A	
Storage or Manufacturing of Weapons or Ammunition																					S	S	
<b>OTHER USES</b>																							
<b>RECYCLING USES</b>																							
Recycling Center																					A	A	
Recycling Collection, Drop-Off			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 6.4.58
<b>RESOURCE EXTRACTION/MINING</b>																							
Resource Extraction/Mining			S	S	S	S	S	S													S	S	Sec. 6.4.14
<b>TRANSPORTATION</b>																							
Aviation			C	C	C	C															C	C	Sec. 6.4.56
Private Air Strip			C	C	C	C																	Sec. 6.4.56
Railroad Facility																					A	A	
Sightseeing Transportation, Land or Water			S	S	S	S													A	A	A	A	Art. 5.2
Taxi or Limousine Service																		S	A	A	A		
Urban Transit System														A		A	A		C	A	C	Sec. 6.4.31	
Water Transportation					S	S	S	S										A	A	A	A	Art. 5.2	



## ARTICLE 6.2 DEFINITIONS

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

## ARTICLE 6.3 RESERVED

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## ARTICLE 6.4 USE CONDITIONS

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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, *Use Table*.

### Sec. 6.4.1 Aquaculture, Mariculture, Animal and Insect Production, Horticultural Production, Hemp Production and Processing, and Agricultural Processing Uses

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- A. Aquaculture, Mariculture, Animal and Insect Production, Horticultural Production, Hemp Production and Processing, and Agricultural Processing uses shall be subject to the following standards.
  1. Such uses must be located on a Lot with a minimum area of five highland acres. On Lots with an area of less than five highland acres, such uses are allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance.
  2. If the subject Lot is less than five acres in size, a 25-foot vegetated buffer is required to adjoining Parcels. In lieu of a planted 25-foot vegetated buffer, a 75-foot Setback to the operation, from the side and rear property boundaries shall be provided.
  3. If the subject Lot is five acres or large in size, a 50-foot vegetated buffer is required to adjoining Parcels. In lieu of a 50-foot vegetated buffer, a 150-foot Setback to the operation, from the side and rear property boundaries shall be provided.
  4. Mariculture uses shall comply with the Commercial Dock requirements of this Ordinance in addition to the requirements of this Section.
  5. Onsite sales are permitted as an Accessory Use, subject to the provisions of this Ordinance.
- B. **Hemp Production and Processing.**
  1. Evidence of the appropriate South Carolina Department of Agriculture Industrial Hemp License (Grower or Processor) shall be submitted with any Site Plan Review Application.
  2. Evidence of the appropriate South Carolina Department of Agriculture Hemp Grower or Processor application approval shall be submitted with any Site Plan Review Application.

### Sec. 6.4.2 Single-Family Attached Dwelling

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Single-Family Attached Dwellings shall be subject to the following standards.

- A. **Number of Attached Units in a Single Structure.** No single Structure may contain more than eight Single-Family Attached Dwellings.
- B. **Lot Area and Dimensional Standards.**
  1. In the S-3 Zoning District, the dimensional standards of the UR Zoning District shall apply provided:
    - a. The Density shall not exceed three Principal Dwelling Units per acre;
    - b. The Waterfront Development Standards of the S-3 Zoning District shall apply to Development abutting the OCRM Critical Line;
    - c. The Building Height requirements of the S-3 Zoning District shall apply; and
    - d. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.





2. In the RO and R-4 Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
    - a. The density shall not exceed four Principal Dwelling Units per acre;
    - b. The Waterfront Development Standards of the R-4 Zoning District shall apply to Development abutting the OCRM Critical Line;
    - c. The Building Height requirements of the R-4 Zoning District shall apply; and
    - d. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
  3. In the GO, CI, and NC Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
    - a. The Density shall not exceed four Principal Dwelling Units per acre.
    - b. The Waterfront Development Standards of the R-4 Zoning District shall apply to Development abutting the OCRM Critical Line; and
    - c. The Building Height requirements of the R-4 Zoning District shall apply.
  4. In the MHS Zoning District, the dimensional standards of the UR Zoning District shall apply provided:
    - a. The Density shall not exceed six Principal Dwelling Units per acre;
    - b. The Waterfront Development Standards of the MHS Zoning District shall apply to Development abutting the OCRM Critical Line; and
    - c. The Building Height requirements of the MHS Zoning District shall apply.
  5. In the UR Zoning District, the Density, Intensity, and Dimensional Standards of the UR Zoning District shall apply.
  6. In the CC and IN Zoning Districts located in the Urban/Suburban Area as defined in the Charleston County Comprehensive Plan, the density, intensity, and dimensional standards of the UR Zoning District shall apply.
  7. Single-Family Attached Dwellings shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.
- C. **Accessory Structures.** All Accessory Structures shall be located on the same Lot as the Principal Structure (Single-Family Attached Dwelling) and shall be 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 Principal Dwelling Unit exterior or when the Accessory Structure is the same height and materially a part of a Fence or Wall.
- D. **Design Standards.**
1. The front Facade of a Single-Family Attached Dwelling may not include more than 40 percent Garage Wall area.
  2. The roof of each Single-Family Attached Dwelling must be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
  3. At least 10 percent of the area of each Facade that faces a Street must be comprised of windows.

### **Sec. 6.4.3 Hair, Nail or Skin Care Services**

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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 Zoning Districts in which they are allowed as a use subject to conditions, otherwise this use shall comply with the Special Exception procedures of this Ordinance.
- B. Where Hair, Nail, or Skin Care Services are allowed as a use subject to conditions, this use shall have a maximum Floor Area of 5,000 square feet, otherwise this use shall comply with the Special Exception procedures of this Ordinance.
- C. Hair, Nail, or Skin Care Services are allowed as Home Occupations in all residential and agricultural Zoning Districts with a maximum of one chair.

#### **Sec. 6.4.4 Business, Professional, Labor, Political Organization, Social or Civic Organization, Social Club or Lodge**

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If accommodations are offered in conjunction with this use, the requirements of Article 6.8, *Short-Term Rentals*, of this Ordinance for the Zoning District in which the Parcel is located shall apply; otherwise, a Planned Development Zoning District application must be processed pursuant to the requirements of this Ordinance.

#### **Sec. 6.4.5 Communications Towers**

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- 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 Antennae Concealment Tower Design, as defined in Sec. 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. **Antennae Concealment Tower Provision.**
  - 1. For the purposes of this Section, the term "Antennae Concealment 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 Antennae Concealment 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 Antennae Concealment Tower designs must be approved by the Zoning and Planning Director.
  - 3. A complete Zoning Permit application for an Antennae Concealment Tower that meets all requirements of this Ordinance shall be approved.
- D. **Tower Abandonment.** A Communication 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 Communication Tower must notify the staff and remove the tower within



50 days. Communication 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 Communication 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 Communication Tower.

- E. **Pre-Application Meeting.** Prior to submitting a formal application for a Zoning Permit for a Communication 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 Zoning and 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, *Development Review Procedures*, 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 foot 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 six foot non-climbable Fence must be placed around the tower (except for those designed in a manner compatible with Sec. 6.4.5.A.2, *Antennae Concealment 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 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 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 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 Zoning and Planning Director 10 days after receipt of the Complete Application notice. The dates shall be set a minimum of 15 days prior to the Zoning and Planning Director making a final decision on the Zoning Permit. The balloons shall be flown for 10 consecutive hours between 8:00 a.m. and 6:00 p.m.
2. Once the application is deemed complete by the Zoning and Planning Director for a Communications Tower Zoning Permit, the Zoning and Planning Department shall provide Parties in Interest, Neighbor, Posted and Newspaper Notice in accordance with the requirements of Sec. 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 Zoning and 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 Zoning and Planning Director for a Communications Tower Zoning Permit, the Zoning and 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 Zoning and 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 an Antennae Concealment 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 Zoning and 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 Zoning and 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 provisions of this Ordinance. In determining whether the use shall fall under



the Special Exception provisions, the Zoning and 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.

#### **Sec. 6.4.6 Drive-In Theaters**

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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 Sec. 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.

#### **Sec. 6.4.7 Dwelling Group**

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The original purpose of Dwelling Groups was to allow Dwelling Units to be constructed on Heirs Property. The Zoning and Planning Director shall be authorized to allow the use of a Dwelling Group to facilitate random grouping of Buildings to preserve Trees and other natural features, mitigate Development constraints due to irregular shaped Parcels or for the conversion of condominium Buildings to fee simple ownership. Dwelling Groups are required to complete the Site Plan Review process and the Subdivision process for fee simple ownership as provided by S.C. Code of Laws 6-29-110.

- A. **Density/Intensity and Dimensional Standards.** Density/Intensity and Dimensional Standards of the Zoning District in which the property or properties are located shall apply including all applicable Waterfront Development Standards of this Ordinance. In each case, the distance between Structures shall not be less than the sum of the minimum Interior Setbacks required for the applicable Zoning District. This distance shall be measured from the closest protrusion of each Structure. A minimum buildable area of 1,600 square feet with a minimum width of 20 feet) shall be shown for each Dwelling Unit to indicate the area where each Dwelling Unit is to be constructed. The application shall indicate how access and parking requirements will be addressed (may be located on common area) and how Utilities such as water and Sewer will be provided (may also be located on common area). The application shall also demonstrate how the proposed Development complies with the Density/Intensity and Dimensional Standards of the applicable Zoning District and the Lot and access requirements of CHAPTER 8, *Subdivision Regulations*, of this Ordinance.
- B. **Site Plan Review.** Compliance with the Site Plan Review procedures of this Ordinance is required. In addition to any other applicable provisions of this Ordinance, the following information shall be shown on all site plans:
  1. Each Dwelling Unit shall face (front) a Street, Courtyard, or Outdoor Living Space.
  2. Building envelopes shall be depicted on site plans indicating the location of all proposed or existing Building and Dwelling Unit footprints or Building area as dashed lines.



3. Proposed Accessory Structures must be shown on the site plans and meet the Accessory Structure requirements of this Ordinance.
  4. If the Required Parking is not located within the Dwelling Unit or Building to be constructed, shared or Off-Site Parking that complies with the requirements of this Ordinance shall be provided within the common area. Each Dwelling Group shall provide an access consistent with the Road Construction Standards in Appendix A, *Road and Drainage Construction Standards*, of this Ordinance.
- C. **Subdivision.** Attached and Detached Dwelling Units or Buildings may be located on their own fee-simple Lot provided the Subdivision meets the following requirements:
1. Completion of Site Plan Review as described in Article 6.4.7.B is required prior to submitting for subdivision of a Dwelling Group.
  2. Except as described in Article 6.4.7.A. & B, Lots created in a Dwelling Group for fee simple ownership shall comply with the requirements of CHAPTER 8, *Subdivision Regulations*, and Appendix A, *Road and Drainage Construction Standards*, of this Ordinance as well as the Horizontal Property Act. S.C. Code Ann. Sec. 27-31-130 et. seq.
  3. Building envelopes shall be depicted on Subdivision Plats indicating the location of the proposed or existing Dwelling Unit footprint or Building area as a solid line.
  4. A Property Owners' association shall be created and shall own and maintain all common areas. Documentation of compliance with this requirement shall be included on all Plats and recorded deed to ensure responsibility for and maintenance of common areas and access, parking, and Utilities.
- D. **Other Zoning Requirements.** Unless specifically modified by this Section, a Dwelling Group shall comply with all other requirements of this Ordinance for the Zoning District in which located.

#### **Sec. 6.4.8 Roadside Stand; Sweetgrass Basket Stand**

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

- A. Vehicle parking shall be located entirely out of all travel lanes with a minimum of two feet of clearance between the edge of the travel lane and any parked vehicle or Roadside Stand.
- B. The following requirements shall apply to Roadside Stands in addition to all other applicable requirements of this Ordinance:
  1. Maximum covered area of 500 square feet; and
  2. Roadside Stands selling Indigenous Produce are not required to be located on the same Lot as the Farm on which the produce being sold is grown when the following requirements are met: (a) the Lot where the stand is located is owned by the Person, entity, etc. that owns the Farm on which the produce being sold is grown; and (b) the stand is located within one mile of the Farm on which the produce being sold is grown.

#### **Sec. 6.4.9 Farm Labor Housing**

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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. Farm Labor Housing shall be used on a seasonal basis only, not as year-round housing, and shall not be used for Short-Term Rental Property purposes.



### Sec. 6.4.10 Nature Exhibition

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- A. Where a Nature Exhibition use is 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 shall not exceed ten percent in size of the Principal Structures where 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, *Development Standards*, of this Ordinance.
- E. Signs advertising Accessory Uses shall be located on the premises and not visible from a public road.

### Sec. 6.4.11 Parks and Recreation, Outdoor Recreation and Entertainment; Drive-In Theaters; Golf Driving Ranges; and Outdoor Shooting Ranges

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- A. Any Structure or activity use area established in connection with Parks and Recreation, Outdoor Recreation and Entertainment, Drive-In Theaters, or Golf Driving Ranges uses shall have a vegetated land use buffer of not less than 50 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 Zoning District shall apply.
- B. Any Structure or activity use area established in connection with an Outdoor Shooting Range shall have a Setback of not less than 100 feet from any property in an agricultural, residential or Office use or Zoning District.

### Sec. 6.4.12 Recreational Vehicle Park

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- A. Recreational Vehicles shall not be used as Short-Term Rental Properties.
- B. **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.
- C. **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.
- D. **Spaces for Occupancy; Uses Permitted; Lengths Of Stay.** Spaces in a Recreational Vehicle Park 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 park for more than six 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 Zoning and Planning Director for review upon request.
- E. **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.





- F. **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.

#### **Sec. 6.4.13 Tattoo Facility**

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- 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. 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 State laws, rules, and regulations; and
- E. When the provisions of this Ordinance require that Neighbor Notice be provided, the requirements of Sec. 3.1.6.B.3 of this Ordinance shall apply with the exception that all Property Owners within 1,000 feet of the Subject Property shall be included in the Neighbor Notice.

#### **Sec. 6.4.14 Resource Extraction**

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- A. **Applications.** All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC).
- B. **Requirements.**
1. A Resource Extraction use shall not be allowed on a Lot located within 2.5 miles of another Lot for which a Site Plan Review or Zoning Permit application for a Resource Extraction use has been submitted or approved, or for which a Resource Extraction use has been permitted or is currently in operation, whether located in the unincorporated County or within a municipality. Distances shall be measured as a radius from the nearest property line of the subject Lot to the nearest property line of a Lot containing another Resource Extraction use as described above. Subdivision-related Resource Extraction uses required for compliance with Charleston County Stormwater regulations shall be exempt from this requirement provided that only the minimum amount of material required for compliance with the County's Stormwater regulations is removed. Removal of material beyond the minimum amount required for compliance with the County's Stormwater regulations shall be subject to the 2.5-mile radius requirement described above and all other applicable requirements of this Ordinance.
  2. There shall be direct access to a public Arterial Street.
  3. A sign listing the name and phone number of a local contact for the Resource Extraction use shall be posted at the haul road entrance.
  4. The Resource Extraction operation shall not be located within 50 feet of any property boundary, within 250 feet of a public Street, and/or within 250 feet of any Building intended for human occupancy existing at the time of permit application.
  5. A berm located within the required buffer may be required to mitigate noise at the discretion of the Zoning and Planning Director.



6. The hours of operation for Resource Extraction operations shall be limited to Mondays through Saturdays from 7:00 am to 6:00 pm. The Board of Zoning Appeals shall have the authority to modify the days and hours of operation to make them either more or less restrictive on a case-by-case basis.
- C. **Special Exceptions.** Resource Extraction uses that do not meet the conditions of Sec. 6.4.14.D below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-sections A and B above. 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: restricting days and hours of operation; requiring documentation from a South Carolina Registered Professional Geologist regarding potential impacts on wells, groundwater, and surface water; and 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. All owners of property located within 500 feet of the Subject Property shall be notified of Special Exception applications in accordance with the "Neighbor Notice" requirements of Sec. 3.1.6.B of this Ordinance.
- D. **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 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. No vegetated buffers are required;
  3. The Resource Extraction operation shall be two acres or less, provided that the total accumulated area(s) dedicated to Resource Extraction uses on a Parcel is less than five acres. The Special Exception procedures of this Ordinance shall apply if the total accumulated Resource Extraction area is greater than five acres; and
  4. No more than one Resource Extraction use shall be permitted on the same property within one year from the date of Zoning Permit approval for a previous Resource Extraction use.
- E. **Plat Alternative for Bona Fide Agricultural Uses.** The Zoning and 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.
- F. **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 and the requirements included in sub-section B above.

#### **Sec. 6.4.15 Restaurant; Bar or Lounge**

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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.

#### **Sec. 6.4.16 Self-Service Storage Facility**

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A. **Performance Standards.**

1. *Street Frontages and Mixed Use Development.* A Self-Service Storage Facility shall be part of a mixed-use development where the ground floor use facing street frontages (entire street frontage) are



separately leased commercial or office space independent of the Self-Service Storage Facility business, within the Urban/Suburban Areas of the County, as defined by the Charleston County Comprehensive Plan.

2. *Front Setback.* All structures, including the accessory manager's office/residence, must be set back a minimum of 25 feet from the Right-of-Way or the district minimum Setback, whichever is greater.
3. *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.
4. *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.
5. *Accessory Office/Apartment.* One management office and/or accessory residence shall be permitted.
6. *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.
7. *Signs.* Signs shall comply with the requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance. Signs shall not be attached to or displayed on walls or fences used as required screening.
8. *Street Frontages and Mixed Use Development.* Self-Service Storage Facilities shall be part of a mixed-use development where the ground floor use facing street frontages (entire street frontage) are separately leased commercial or office space independent of the Self-Storage Facility business.

**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 vehicles, 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 vehicles and boats is permitted only where such areas are screened to comply with Landscaping, Screening and Buffer requirements contained in CHAPTER 9, *Development Standards*, of this Ordinance.

**Sec. 6.4.17 Utility Service, Major**

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**A. Sewage Disposal Facilities, Water and Sewage Treatment Facilities, Water Storage Tanks, Electric or Gas Power Generation Facility.**

1. Any Structure established in connection with Water Storage Tanks, Water and Sewage Treatment Facilities, Sewage Disposal Facilities or Electric or Gas Power Generation Facilities shall have a vegetated buffer of not less than 50 feet from any property line, in compliance with Chapter 9, *Development Standards*, buffer standards.

**B. Utility Substations, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Lines, Utility Pumping Station, and Water Mains.**



1. Above ground Structures that have a cumulative area of 100 square feet or less, associated with underground Utilities such as meters, necessary for maintenance and monitoring shall have a vegetated buffer of 10 feet from all property lines, in compliance with CHAPTER 9, *Development Standards*, buffer standards;
2. Above ground Structures that have a cumulative area of greater than 100 square feet established in connection with Utility Substations, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Lines, or Utility Pumping Station shall have a vegetated buffer of 25 feet from all property lines, or the minimum Setback of the base Zoning District, whichever is greater; and
3. The accessory storage of vehicles and equipment on the premises shall be prohibited except in the Rural Commercial (RC), Community Commercial (CC), Rural Industrial (RI) or Industrial (IN) Zoning Districts.

### **Sec. 6.4.18 Sexually Oriented Businesses**

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- 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:

**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."

**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 Sec. 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.

**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."

**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.

**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.

**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."

**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."

**Certificate of Nonconformity** means a certificate issued by the Charleston County Zoning and 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.

**Dancer** means an employee of a sexually oriented business who entertains patrons through expressive forms of dance and/or movement.

**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.

**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.

**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.



**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.

**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."

**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.

**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.

**Operate or causes to be operated**, as used in the Chapter, means to cause to function or to put or keep in operation.

**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.

**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.

**Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

**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.

**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.

**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 Zoning and Planning Department.

**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.

**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.

**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.

**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 or 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.

**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 Zoning and 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 six inches.
- 4. The Applicant must be qualified according to the provisions of this Article 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 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 Zoning and Planning Director, the application will be returned to the applicant for completion or correction without further action by the Zoning and 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 Zoning and Planning Director accepts an application which is complete shall be the date the application is deemed to be filed with the Zoning and Planning Director.
  11. In the event that the Zoning and 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 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 30 days from the date of such change, by supplementing the application on file with the Zoning and Planning Director, shall be grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

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

1. The Zoning and Planning Director shall approve or deny the issuance of a Sexually Oriented Business Regulatory License to an applicant within 30 days after receipt of a completed application. The Zoning and Planning Director shall deny a license if:
  - a. The Applicant (if a natural person) is under the age of 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 Zoning and 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 Zoning and Planning Director within 10 days of the date of the denial of the license by the Zoning and Planning Director. This hearing shall be held within 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 Zoning and 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 Zoning and Planning Director's denial of the application, within five 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 Zoning and 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 days of its submittal.



5. After submittal of a Complete Application, the Zoning and Planning Director shall issue the temporary permit within five 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, Zoning and 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 Zoning and 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 Zoning and Planning Director shall suspend a Sexually Oriented Business Regulatory License for a period not to exceed 30 days if the Zoning and 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 Zoning and Planning Director shall revoke a Sexually Oriented Business Regulatory License if a cause of suspension in Sec. 6.4.18H occurs and the Sexually Oriented Business Regulatory License has previously been suspended within the preceding 12 months.
2. The Zoning and Planning Director shall revoke a Sexually Oriented Business Regulatory License if the Zoning and 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 Zoning and 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 Zoning and 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 one 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 (Sec. 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 Zoning and Planning Director, must obtain a Certificate of Nonconformity from the Zoning and Planning Department. A certified nonconforming use will be permitted to continue to operate for a period not to exceed one year before being licensed.



2. If the Sexually Oriented Business does not, within six months of notification by the Zoning and 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 six 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 two 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 one 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 Zoning and 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 Zoning and Planning Director.
  4. It is the duty of the owners and operator of the premises to ensure that at least one 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 two 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 one 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 one footcandle 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.

**Sec. 6.4.19 Affordable and Workforce Dwelling Units**

- A. To promote ownership or occupancy of affordable, quality housing, increased densities and flexible use and Lot standards are allowed pursuant to Table 6.1, Use Table, and this Section, except that increased densities for Lots on Edisto Island and Wadmalaw Island are not permitted, in accordance with the Charleston County Comprehensive Plan.
- B. The purchaser or tenant, at the time of closing or rental agreement, must meet the income requirements contained in this Ordinance for Affordable Dwelling Units or Workforce Dwelling Units, as applicable. It shall be the responsibility of the property owner(s) to ensure that prospective buyers and renters of Affordable and Workforce Dwelling Units are screened and eligible pursuant to the requirements of this Section. The income of all occupants age 18 years and older of an Affordable or Workforce Dwelling Unit who shall be included in the income calculation. All tax documentation shall be from the most recent tax year. Social security numbers and other personal identifying information not required by this Ordinance shall be redacted by the Applicant.
- C. **Applicability.**
  - 1. The standards of this Section apply to all Overlay Zoning Districts that do not specifically address Affordable and Workforce Dwelling Units. In the case of conflict between the requirements of this Section and those of an Overlay Zoning District, the Zoning and Planning Director shall determine which standards apply giving deference to the standards that will result in the creation of the most Affordable and Workforce Dwelling Units.
  - 2. The standards of this Section do not apply to Lots located on Edisto and Wadmalaw Islands.
- D. The requirements of this Section apply in addition to all other applicable requirements of the ZLDR. Development of property that contains or abuts an OCRM Critical Line shall comply with the Waterfront Development Standards for the applicable Zoning District.
  - 1. The maximum density and minimum Lot area standards listed in the table below shall apply to developments in the Rural Area, as defined in the Charleston County Comprehensive Plan, that contain the required percentages of Affordable or Workforce Dwelling Units:

Density, Intensity, and Dimensional Standards: Rural Area			
Zoning District	Maximum density when at least 50% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Maximum density when 100% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Minimum Lot Area
AG-10 (except on Edisto Island) [1][3]	1 Principal Dwelling Unit per 7 acres	1 Principal Dwelling Unit per 5 acres	1 acre
AG-8 [2][3]	1 Principal Dwelling Unit per 4 acres	1 Principal Dwelling Unit per acre	14,500 square feet
AGR and RR (except properties on Edisto and Wadmalaw Islands) [2][3]	2 Principal Dwelling Units per acre	4 Principal Dwelling Units per acre	14,500 square feet



- [1] Development shall comply with the dimensional standards of the AG-10 Zoning District, as contained in Chapter 4, *Base Zoning Districts*, where no standard is listed in the table above.
- [2] Development 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 tables above.
- [3] Only Single-Family Detached Dwelling Units shall be allowed.

Note: "AFU" = Affordable Dwelling Unit | "WDU" = Workforce Dwelling Unit

2. The maximum Density and minimum Lot Area standards listed in the table below shall apply to Developments in the Urban/Suburban Area, as defined in the Charleston County Comprehensive Plan, that contain the required percentages of Affordable or Workforce Dwelling Units:

Density, Intensity, and Dimensional Standards: Urban/ Suburban Area				
Zoning District	Maximum Density when at least 25% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Maximum Density when at least 50% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Maximum Density when 100% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Minimum Lot Area
S-3 [1][2]	4 Principal Dwelling Units per acre	5 Principal Dwelling Units per acre	7 Principal Dwelling Units per acre	8,000 square feet
R-4, MHS, CI, RO, GO, NC [1][2]	8 Principal Dwelling Units per acre	12 Principal Dwelling Units per acre	18 Principal Dwelling Units per acre	4,000 square feet
UR, CC, IN [1][3]	20 Principal Dwelling Units per acre	24 Principal Dwelling Units per acre	28 Principal Dwelling Units per acre	No minimum lot size

[1] Development shall comply with the dimensional standards of the UR Zoning District where no standard is listed in the table above provided that the Waterfront Development Standards of the Zoning District in which the property is located apply to development abutting the OCRM Critical Line and the Building Height requirements of the Zoning District in which the property is located apply. The R- 4 Waterfront Development Standards and Building Height Requirements shall apply to development in the CI, RO, GO, and NC Zoning Districts.

[2] Single-Family Detached Dwelling Units, Single-Family Attached Dwelling Units, Duplexes, Triplexes, and Fourplexes shall be allowed provided that in the S-3 and R-4 Zoning Districts, Special Exception approval from the Board of Zoning Appeals shall be required for Single-Family Attached Dwelling Units, Duplexes, Triplexes, and Fourplexes.

[3] Single-Family Detached Dwelling Units, Single-Family Attached Dwelling Units, Duplexes, Triplexes, Fourplexes, and Multi-Family Dwelling Units shall be allowed.

Note: "AFU" = Affordable Dwelling Unit | "WDU" = Workforce Dwelling Unit

- E. **Off-Street Parking Requirements.** Off-street parking spaces shall be provided for Affordable and Workforce Dwelling Units in accordance with Table 9.2.2, *Off-Street Parking Schedule*.
- F. **General Development and Design Requirements.**
  1. Affordable and Workforce Dwelling Units shall be provided within each phase of the development. Subdivision plats and Site Plan Review applications shall include an accounting of the total number and type of Affordable, Workforce, and Market-Rate Dwelling Units included in the current phase as well as the total number and type of those approved in previous phases to ensure compliance with the approved Affordable/Workforce Dwelling Unit Plan.
  2. Affordable and Workforce Dwelling Units shall be integrated throughout the development and not located in a single area of the development.
  3. Any Studio Dwelling Unit provided under this Section must be a minimum of 500 square feet in floor area. In no instance shall more than 50 percent of the Affordable or Workforce Dwelling Units be provided in the form of Studio Dwelling Units.





4. In terms of exterior appearance, Affordable and Workforce Dwelling Units shall be indistinguishable from Market- Rate Dwelling Units. External building materials and finishes for Affordable and Workforce Dwelling Units shall be the same in type and quality as the Market-Rate Dwelling Units.
5. Interior features of Affordable and Workforce Dwelling Units shall be functionally equivalent to the Market-Rate Dwelling Units, though the finishes and materials need not be identical.
6. Affordable and Workforce Dwelling Units shall be comparable to the Market-Rate Dwelling Units in terms of improvements related to energy efficiency, which include but are not limited to mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

**G. Zoning Permit Fees and Application Review.**

1. Zoning Permit, Site Plan Review, and Subdivision Plat application fees for Affordable and Workforce Dwelling Units shall be waived by the Zoning and Planning Director at the request of the developer and provision of certification that the Dwelling Units meet the requirements of this Ordinance.
2. Site Plan Review and Subdivision Plat applications for developments that contain Affordable and/or Workforce Dwelling Units shall be expedited and receive priority over reviews of other applications. Issuance of Zoning Permits for Affordable and/or Workforce Dwelling Units shall also be expedited and receive priority over other applications.
3. The following requirements apply only to developments containing Market-Rate Dwelling Units. An Affordable/Workforce Dwelling Unit Plan must be submitted as part of all Site Plan Review and Subdivision Plat applications. The Affordable/Workforce Dwelling Unit Plan shall, at a minimum, contain the following information:
  - a. The total number and type of Market-Rate Dwelling Units, Affordable Dwelling Units, and Workforce Dwelling Units, as applicable, in the development, including the total number of owner-occupied and renter-occupied Affordable and Workforce Dwelling Units.
  - b. The number of bedrooms in each Market-Rate Dwelling Unit, each Affordable Dwelling Unit, and each Workforce Dwelling Unit.
  - c. The square footage of each Market-Rate Dwelling Unit, each Affordable Dwelling Unit, and each Workforce Dwelling Unit.
  - d. The location of each Affordable Dwelling Unit and Workforce Dwelling Unit within each development including within Duplexes, Triplexes, Fourplexes, and Multi-Family Dwelling Units. The location of each Affordable, Workforce, and Market-Rate Dwelling Unit above any non-residential use shall also be identified.
  - e. A detailed description of how the developer will ensure compliance with the provisions of this section throughout the required term of affordability and how the development complies with Sec. 6.4.19(F), General Development and Design Requirements. Developers who partner with other organizations for monitoring and compliance purposes shall designate the organization in the Affordable/Workforce Dwelling Unit Plan.
4. Affordable and Workforce Dwelling Units shall be limited by deed restriction to remain within the parameters of the applicable definition contained in this Ordinance, for a period of not less than 20 years after the issuance of the Certificate of Occupancy. Funding sources and other factors may require a longer term of affordability. A copy of the recorded deed restrictions required by this Section shall be submitted to the Zoning and Planning Department prior to the final Site Plan Review approval or recording of the Final Plat, as applicable.
  - a. Resale of Affordable and Workforce Dwelling Units shall be limited by deed restriction to the original sales price, adjusted for inflation, and to a purchaser eligible, as described in this Section, for a period of not less than 20 years after issuance of the Certificate of Occupancy. The increase permitted for inflation shall be based upon the increase in the Consumer Price Index (CPI).



- b. If, while occupying an Affordable or Workforce Dwelling Unit, a household's income increases to an amount beyond that permitted in the definition of "Affordable Dwelling Unit" or "Workforce Dwelling Unit", as applicable, as contained in this Ordinance, the household shall not be required to vacate the unit. Upon vacating the premises, the unit shall be sold to a qualifying household, pursuant to the requirements of this Ordinance, for the period the unit is deed restricted as an Affordable or Workforce Dwelling Unit.
5. The owner(s) of properties containing Affordable and Workforce Dwelling Units must sign and submit the completed Affordable and Workforce Dwelling Unit Affidavit as part of Site Plan Review and Subdivision Plat applications and at the following times:
  - a. On an annual basis, by June 30th of each calendar year;
  - b. At least 30 days prior to closing on an Affordable or Workforce Dwelling Unit;
  - c. At least 30 days prior to a new tenant occupying an Affordable or Workforce Dwelling Unit; and
  - d. Anytime a lease for an Affordable or Workforce Dwelling Unit is renewed.

#### H. **Rent Levels/Fair Market Rents.**

1. The maximum rent level for Affordable and Workforce Dwelling Units shall be based on the schedule of Fair Market Rents for the Charleston-North Charleston MSA, as published annually by the U.S. Department of Housing and Urban Development (HUD).
2. Fair Market Rents include a utility allowance for electricity, gas, water, and sewer, based on a schedule published by the South Carolina State Housing Authority.
- I. A minimum lease term of 31 days is required for all Affordable and Workforce Dwelling Units. Any sublease shall comply with the requirements of this section.
- J. No Affordable or Workforce Dwelling Unit may be used for Short-Term Rentals, as defined by this Ordinance.
- K. Any violation of the requirements of this Section, including, but not limited to, sale or rental of Affordable or Workforce Dwelling Units during the term of affordability to persons that do not meet the eligibility requirements described in this Ordinance, failure to submit changes in ownership and/or tenants, or failure to file the Affordable and Workforce Dwelling Unit affidavit as required by this Section, shall constitute a violation and the provisions of Chapter 11, Violations, Penalties, and Enforcement, of this Ordinance shall apply.

### **Sec. 6.4.20 Stable, Commercial; Stable, Private**

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Stables (Commercial or Private) may be established as primary or accessory uses provided they meet all applicable standards of this Ordinance and the following requirements.

- A. Commercial Stables:
  1. A minimum Lot Area of five acres shall be required; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
  2. 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.
  3. If the subject site is less than or equal to five acres, a 25-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 25-foot vegetated buffer, a 75-foot Setback to equestrian activity areas from the side and rear property boundaries shall be provided.
  4. If the subject site is greater than five acres, a 50-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 50-foot vegetated buffer, a 150-foot Setback to equestrian activity areas from the side and rear property boundaries shall be provided.



- B. Private Stables in the AGR and RR-3 Zoning Districts shall require a minimum Lot Area of one acre; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.

#### **Sec. 6.4.21 Winery**

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- A. Special Exception procedures shall apply for Parcel(s) totaling less than five acres in size.
- B. 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.
- C. The following uses and activities are allowed pursuant to the requirements of this Section and all other applicable requirements of this Ordinance, including the requirements of Article 3.7, Site Plan Review:
  - 1. On-premise sale of wine and related promotional items as well as 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 through Saturday from 10:00 a.m. to 7:00 p.m.; and
  - 3. Special Events must comply with the Special Events Use requirements of this Ordinance.

#### **Sec. 6.4.22 Vehicle and Boat Repair or Service**

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Vehicle and Boat Repair or Service shall be subject to the following standards:

- A. No outdoor storage of boats or vehicles shall be permitted; and
- B. This use shall have a maximum Floor Area of 5,000 square feet, otherwise this use shall comply with the Special Exception procedures of this Ordinance.

#### **Sec. 6.4.23 Bona Fide Forestry Operations**

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Charleston County hereby adopts the processes and procedures outlined in S.C Code Sec. 48-23-205 et. seq. (1976, as amended).

#### **Sec. 6.4.24 Manufactured Housing Units**

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- A. **Replacement in R-4 and UR Zoning Districts.** The replacement of a Manufactured Housing Unit shall be allowed by right in the R-4 and UR Districts if the Manufactured Housing Unit has been removed within 60 days of the receipt of the application by the Zoning and 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 6.4.25B and C of this Section.
- B. **Requirements in RR-3, S-3, R-4, and UR Zoning Districts.** A Manufactured Housing Units placed in the RR S-3, R-4, and UR 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, and UR Zoning Districts.** Placement of a Manufactured Housing Unit within the R-4 and UR Zoning Districts is conditional upon determination by the Zoning and Planning Director that:
  - 1. The area within 300 feet of the Parcel proposed for Manufactured Housing Unit placement is characterized either entirely of Manufactured Housing Units or a mix of site built and Manufactured Housing Units. (The mix shall contain a minimum number of Manufactured Housing Units equivalent to 25 percent of the number of existing Principal Dwelling Units located on Parcels within 300 feet of the Subject Property); and



2. If the Zoning and Planning Director determines that the area is not characterized either entirely of Manufactured Housing Units or by a mix of site built and Manufactured Housing Units, the use shall comply with the Special Exception procedures of this Ordinance.

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#### **Sec. 6.4.25 Single Family Detached Dwelling Unit**

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- A. Single-Family Detached Dwelling Units in the NR Zoning District are subject to the requirements of Article 4.3, *NR, Natural Resource Management District*, of this Ordinance.
- B. Single-Family Detached Dwelling Units in the MHP, RO, GO, NC, and IN Zoning Districts in the Urban/Suburban Area, as defined in the Comprehensive Plan, shall comply with the Density/Intensity and Dimensional Standards of the R-4 Zoning District. Single-Family Detached Dwelling Units in the CC and IN Zoning Districts in the Urban/Suburban Area, as defined in the Comprehensive Plan, shall comply with the Density/Intensity and Dimensional Standards of the UR Zoning District.
- C. Single-Family Detached Dwelling Units in the MHP, RO, GO, NC, RC, RI and IN Zoning Districts in the Rural Area, as defined in the Comprehensive Plan, shall comply with the Density/Intensity and Dimensional Standards of the AGR Zoning District.

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#### **Sec. 6.4.26 Square Foot Limitation**

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In Zoning Districts subject to which this condition applies, uses shall have a maximum Floor Area of 5,000 square feet or less; otherwise, this use shall comply with the Special Exception procedures of this Ordinance.

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#### **Sec. 6.4.27 Historic Site or Museum**

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The operation of Historic Site or Museum shall be restricted to the hours between 7:00 a.m. and 8:00 p.m., otherwise this use shall comply with the Special Exception procedures of this Ordinance.

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#### **Sec. 6.4.28 Short-Term Lender**

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- A. The proposed use shall be at least 3,000 feet, measured from Lot Line to Lot Line, from another Short-Term Lender in the unincorporated area or incorporated area of Charleston County;
- B. The proposed use shall be at least 300 feet, measured Lot Line to Lot Line, from any church, school, or Lot in a residential Zoning District or containing a residential use, whether located in the unincorporated area or incorporated area of Charleston County;
- C. The proposed use shall be housed within a nonresidential Building having at least 30,000 square feet.
- D. Short-Term Lenders shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.

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#### **Sec. 6.4.29 Family Home**

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A Family Home, as defined by this Ordinance, does not require compliance Site Plan Review procedures contained within this Ordinance.

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#### **Sec. 6.4.30 Recreation or Entertainment, Indoor**

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Indoor Shooting Ranges shall not be allowed in the Neighborhood Commercial (NC) Zoning District.

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#### **Sec. 6.4.31 Land Uses in the Rural Area**

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Uses to which this condition applies shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.



### **Sec. 6.4.32 Pet Store or Grooming Salon, Small Animal Boarding, and Veterinary Services**

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- A. 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 comply with the Special Exception procedures of this Ordinance
- B. 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 comply with the Special Exception procedures of this Ordinance.
- C. Small Animal Boarding Outdoor Areas.
  - 1. No more than five animals shall be allowed outdoors at any one time.
  - 2. Outdoor runs/open areas shall be restricted to the hours of 9.00am to 5.00pm .
  - 3. Outdoor areas shall be restricted to a maximum size of 1,000 square feet.
  - 4. Play equipment shall not be provided outdoors.
  - 5. An opaque privacy fence a minimum of six feet in height shall be placed around outdoor play areas.

### **Sec. 6.4.33 Microbrewery and Distillery**

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- A. Microbreweries located in the Community Commercial (CC) or Rural Industrial (RI) Zoning Districts shall have a maximum capacity of 5,000 barrels per year; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
- B. Microbreweries and Distilleries located in the Community Commercial (CC) or Rural Industrial (RI) Zoning District shall require review and approval in accordance with the Special Exception procedures of this Ordinance if: (1) they allow on-site consumption of beer or alcoholic beverages in conjunction with the Microbrewery or Distillery use or an Accessory Use; and (2) they are located within 500 feet of the property line of a Lot in a residential Zoning District or a Lot containing a residential use. 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.
- C. All Accessory Uses and Structures shall comply with the requirements of Article 6.5 of this Ordinance.
- D. All Special Events uses shall comply with the requirements of Article 6.7 of this Ordinance.
- E. The Site Plan shall demonstrate that all required parking is maintained and remains unencumbered when third party vendors or Structures are onsite.

### **Sec. 6.4.34 Catering Service**

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- A. In Zoning Districts subject to conditions (C), a Structure or Structures used for a Catering Service 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 a Catering Service shall have a maximum Floor Area of 2, 000 square feet.
- C. On-site retail sales are prohibited.

### **Sec. 6.4.35 Duplex, Triplex, Fourplex**

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- A. In the S-3 Zoning District, the dimensional standards of the UR Zoning District shall apply provided:
  - 1. The density shall not exceed three Principal Dwelling Units per acre;



2. The Waterfront Development Standards of the S-3 Zoning District shall apply to development abutting the OCRM Critical Line;
  3. The Building Height requirements of the S-3 Zoning District shall apply; and
  4. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
- B. In the RO and R-4 Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
1. The density shall not exceed four Principal Dwelling Units per acre;
  2. The Waterfront Development Standards of the R-4 Zoning District shall apply to development abutting the OCRM Critical Line;
  3. The Building Height requirements of the R-4 Zoning District shall apply; and
  4. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
- C. In the GO, CI and NC Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
1. The density shall not exceed four Principal Dwelling Units per acre.
  2. The Waterfront Development Standards of the R-4 Zoning District shall apply to development abutting the OCRM Critical Line; and
  3. The Building Height requirements of the R-4 Zoning District shall apply.
- D. In the MHS Zoning District, the dimensional standards of the UR Zoning District shall apply provided the density does not exceed six Principal Dwelling Units per acre.
1. The density shall not exceed six Principal Dwelling Units per acre;
  2. The Waterfront Development Standards of the MHS Zoning District shall apply to development abutting the OCRM Critical Line; and
  3. The Building Height requirements of the MHS Zoning District shall apply.
- E. In the UR Zoning District, the density, intensity, and dimensional standards of the UR Zoning District shall apply.
- F. In the CC and IN Zoning Districts located in the Urban/Suburban Area, as defined in the Charleston County Comprehensive Plan, the Density/Intensity and Dimensional Standards of the UR Zoning District shall apply.
- G. Such uses shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.

### **Sec. 6.4.36 Special Trade Contractor**

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Special Trade Contractors shall be subject to the following standards:

- A. Tractor trailer containers are prohibited 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 comply with the Special Exception procedures of this Ordinance.

### **Sec. 6.4.37 Parking Lot**

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In the Civic/Institutional (CI) and Neighborhood Commercial (NC) Zoning Districts, all Parking Lots shall have one Canopy Tree per six parking spaces and a maximum of 15 spaces in a row between Trees.

### **Sec. 6.4.38 Emergency Shelter**

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Emergency Shelters shall comply with the following standards:

- A. The maximum occupancy is six unrelated persons; otherwise, this use shall comply with the Special Exception requirements of this Ordinance.
- B. If located in a Residential Zoning District or the Residential Office (RO) Zoning District, Structures shall be residential in character.

### **Sec. 6.4.39 Boat Yard, Charter Boat, or other Recreational Watercraft Rental Service**

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If a Boat Yard, Charter Boat, or Recreational Watercraft Rental Service 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, *Overlay and Special Purpose Zoning Districts*, of this Ordinance.

### **Sec. 6.4.40 Repair Service, Consumer**

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

- A. In Zoning Districts subject to conditions (C), Repair Service, Consumer shall have a maximum Floor Area of 5,000 square feet or less; otherwise, this use shall comply with the Special Exception procedures of this Ordinance.
- B. In the Neighborhood Commercial (NC) Zoning District, no outside storage will be allowed.

### **Sec. 6.4.41 Liquified Petroleum Gas Dealer**

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The amount of storage for a Liquid Petroleum Gas Dealer shall be limited to 40,000 gallons per site.

### **Sec. 6.4.42 Community Residential Care Facility**

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A Community Residential Care Facility that provides care for nine or fewer Persons is considered a Family and is an allowed use in all Zoning Districts pursuant to the Fair Housing Act, Sec. 800. [42 U.S.C. 3601].

### **Sec. 6.4.43 Artisan and Craftsman**

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- A. Such use shall not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, radiation, or other conditions harmful or objectionable to adjacent or nearby properties.
- B. All truck parking or loading facilities shall be located to the side or rear of the Building housing the use and outside required landscaped yards, and shall be screened from Rights-of-Way, Easements, and/or adjacent property zoned or used for residential or agricultural purposes.
- C. Outdoor storage of materials is prohibited.
- D. Operation of this use shall not create noise in excess of 80 dB as measured at the property boundary of the noise source using the fast meter response of a sound level meter, reduced to 70 dB maximum between the hours of 7 p.m. and 7 a.m.
- E. Structures associated with this use shall be limited to a maximum Floor Area of 2,000 square feet.
- F. No more than five non-resident employees shall be allowed.



- G. All activities related to the Artisan and Craftsman use shall be confined to a Structure that is entirely enclosed.
- H. Onsite retail sales are prohibited.

**Sec. 6.4.44 Agricultural Sales or Service; Retail Sales or Service, General; and Building Materials or Garden Equipment and Supplies Retailer**

- A. Such uses shall have a maximum Floor Area of 5,000 square feet or less; otherwise, the use shall comply with the Special Exception procedures of this Ordinance.
- B. Tractor-trailer containers are prohibited in outside storage areas.

**Sec. 6.4.45 Service Station, Gasoline**

In the NC and CR Zoning Districts, accessory gasoline pumps shall be limited to a maximum of four nozzles, provided that five to eight nozzles may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the number of gasoline nozzles exceed eight.

**Sec. 6.4.46 Solar Farms**

The requirements of this Section shall apply to Solar Farms in addition to all other applicable sections of this Ordinance. These requirements do not apply to accessory Solar Collectors that provide energy to a single Dwelling, Building, or Structure.

- A. The Lot proposed for the location of the Solar Farm must be a minimum of five acres in size. A Solar Farm may be located on multiple Lots if they are contiguous and in the same ownership. In such cases, the buffers and setbacks shall be established around the exterior perimeter of the Solar Farm.
- B. Any portion of a Solar Farm must be located within two miles of an existing electrical transmission line. The Site Plan Review application must reflect all off-site infrastructure required to connect to the power grid.
- C. Setbacks shall be equal to the required buffer.
- D. The Solar Farm shall not exceed 16 feet in height, as measured from the ground to the foremost tip of the Solar Collector, provided there is a demonstration that the screening prevents the Solar Farm from being visible from the exterior of the property. Structures that are accessory to the system must comply with the Building Height requirements of the Zoning District in which the property is located provided that such Structures are not visible from the exterior of the property.
- E. Documentation that all Solar Panels have the capacity to withstand a maximum coastal windspeed of 150 mph shall be submitted.
- F. A security fence shall be required that is a minimum of six feet in height and designed to secure the facility from the public. The security fence shall be located at or near the inside line of the buffer.
- G. The table below establishes the buffer requirements. Unless otherwise stated, the buffer is to be located along all Lot Lines. The buffer shall utilize native vegetation if available and shall not be cleared or trees cut as the intention is to completely screen the Solar Farm from view off-site. Buffers may be reduced by half if the site is certified through the South Carolina Department of Natural Resources as a South Carolina Certified Solar Habitat.

Existing Use or Zoning of Adjacent Property	Minimum Buffer Depth	Buffer Type
Agricultural	75 feet	Type I
Single-Family Dwelling	200 feet	Type I
Other Residential	75 feet	Type I
Commercial/Office	50 feet	Type G
Industrial	50 feet	Type G





Churches/Nonprofits	50 feet	Type G
Public Facilities	50 feet	Type G

- H. Any disturbed soil on site shall be revegetated with native groundcover vegetation, including areas in the buffers and among the solar panels. Revegetation with plants from the lists of recommended native plants from the South Carolina Department of Natural Resources is strongly encouraged.
- I. Gravel shall be limited to access roads only.
- J. Solar Collectors shall be designed with anti-reflective coating to minimize glare. Provisions for the use of adequate technology and construction methods such as anti-reflective coating or textured glass used as panel materials shall be required to prevent and deflect bird deaths. Mirrors shall be prohibited.
- K. On-site Electrical interconnections and powerlines shall be installed underground. Existing above ground Utility lines shall be allowed to remain in their current location.
- L. All components servicing the collector panels shall be concealed, including mechanical piping and conduits.
- M. All exposed metal shall be of a color that will blend into its surroundings.
- N. A warning sign concerning voltage shall be placed at the main entrance that includes the name of the facility operator and a local telephone number.
- O. The entrance Roadway shall include a dogleg or meander to obscure vision from the Street.
- P. Access to the site shall be controlled by a security gate.
- Q. If lighting is provided at the site, such lighting shall be installed so that light does not shine toward adjacent parcels.
- R. The solar panels shall be designed and installed such that glare is not directed toward a Street in order not to create a traffic hazard. Additionally, glare shall not be created that is directed toward adjacent Lots.
- S. The applicant shall provide a decommissioning plan signed by both the owner/operator of the facility and the Lot owner, if different. Such plan shall describe the expected life of the Solar Farm and the estimated cost to decommission the site, in current dollars, including restoration of the site to its original condition, and shall identify the party responsible for decommissioning. Decommissioning shall be required following a continuous period of 12 months in which no electricity is generated by the facility other than for mechanical, repair, replacement and/or maintenance purposes. Decommissioning plans shall be recorded in the Charleston County Register of Deeds Office and shall run with the land to successor owners/Operators. Decommissioning shall be completed within 12 months of the recording of the decommissioning plan. The requirements of the Zoning District in which the property is located shall apply following decommissioning.

The owners of Solar Farms shall be required to post and maintain a Financial Guarantee for the decommissioning plan in the form of a no-contest, irrevocable bank letter of credit or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, subject to County attorney approval of the guarantee to determine that the interests of Charleston County are fully protected. The applicant shall submit to the County a detailed itemized unit cost estimate for the Financial Guarantee. The amount of the Financial Guarantee shall be sufficient to guarantee completion of the decommissioning plan (150 percent of the actual cost of the decommissioning plan) within the time period specified in this Section. The amount of the Financial Guarantee shall be verified by the County.



Upon completion of the decommissioning plan as required by this Section, Written Notice thereof shall be given by the applicant to the bond holder, who shall cause an inspection of the site to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided the decommissioning plan has been completed in accordance with the required specifications. Should the decommissioning plan not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the decommissioning plan according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required decommissioning plan after the Applicant has defaulted, County Council will assess the individual Applicant the cost of the decommissioning plan over and above the surety amount.

In no instance will the bond issuer or bond holder be authorized to extend for the applicant the completion date originally stipulated. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.

### **Sec. 6.4.47 Farmers Market**

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Farmers Markets in Residential Zoning Districts are subject to the following conditions:

- A. The Lot must be a minimum of three Highland acres in size.
- B. Hours of operation must be between 9:00am and 6:00pm.
- C. Farmers Markets can operate a maximum of 120 days per calendar year.

### **Sec. 6.4.48 Services to Building or Dwellings; Landscaping and Horticultural Services**

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- 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 comply with the Special Exception procedures of this Ordinance.
- B. **Landscaping and Horticultural Services.**
  - 1. Landscaping and Horticultural Services located in the NC Zoning District shall, in addition to the requirement to comply with the Special Exception (S) provisions contained in the Ordinance, comply with the following conditions:
    - a. Any Structure or Structures used for a Landscaping and Horticultural Service use shall have a maximum Floor Area of 5,000 square feet;
    - b. The maximum number of employees shall be limited to 15, including employees dispatched from the site and seasonal employees;
    - c. The hours of operation shall not exceed Monday through Friday, 7:00am to 7:00pm;
    - d. The subject property shall be a minimum of three acres in size;
    - e. There shall be direct access to a public Arterial Street;
    - f. A minimum 25-foot Landscape Buffer and a minimum six-foot high opaque wooden fence within the Landscape Buffer shall be required adjacent to residential uses and Zoning Districts; and
    - g. The number of parking spaces required shall include the number of employees and the number of company vehicles and trailers to be utilized in conjunction with this use.
  - 2. Landscaping and Horticultural Services located in the RM, AG-15, AG-10, AG-8, and RC Zoning Districts shall comply with the following conditions:
    - a. Any Structure or Structures used for landscaping services shall have a maximum Floor Area of 5,000 square feet; otherwise, this use shall comply with the Special Exception provisions of this Ordinance.



- b. The Subject Property shall be a minimum of five acres in size if zoned RM, AG-15, AG-10, or AG-8 or a minimum of three acres in size if zoned RC;
- c. There shall be direct access to a public Arterial Street;
- d. A minimum 25 foot Landscape Buffer and a minimum six foot high opaque wooden fence within the Landscape Buffer shall be required adjacent to residential uses and Zoning Districts; and
- e. The number of parking spaces required shall include the number of employees and the number of company vehicles and trailers to be utilized in conjunction with this use.

#### **Sec. 6.4.49 Freight Forwarding Facilities**

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Freight Forwarding Facilities shall have a maximum Floor Area of 10,000 square feet or less; otherwise, this use shall comply with the Special Exception procedures of this Ordinance.

#### **Sec. 6.4.50 Golf Course and Country Club**

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Golf Courses and Country Clubs 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 or County Club membership, a traffic impact analysis and a complete site analysis as detailed below:
  1. *Required Site Analysis.* The layout of any Golf Course or Country Club 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. 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. Historic 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. 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. 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. 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 OS, RM, AG, AGR, RR, S-3, R-4, and MHS Zoning Districts, only Audubon International "Signature Program" Golf Courses will be allowed.
- C. Potential sites should be selected which allow the Golf Course or Country Club 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 or Country Club 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 or Country Club 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 Zoning and 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 grated 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 ensure 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 historic 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 or Country Club 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 or Country Club, the Zoning and Planning Department shall notify neighbors within a 300-foot radius, Parties in Interest and place notification in the newspaper within 10 days. All notifications shall be done in accordance with the provisions contained in Chapter 3, Development Review Procedures, of this Ordinance.

#### **Sec. 6.4.51 Solid Waste Disposal Facility**

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- 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 Rural Industrial (RI) and Industrial (IN) Zoning Districts:
  - 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, *Definitions*, of this Ordinance.
  - 2. Any proposed Solid Waste Disposal Facilities, except existing Solid Waste Disposal Facilities, shall comply with 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.

#### **Sec. 6.4.52 Container Storage Facility**

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- A. A Container Storage Facility (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 feet in height above finished Grade; or
    - b. A solid concrete, brick, or masonry wall of not less than 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 200 feet along the boundaries adjacent to any property zoned Residential and a minimum vegetative buffer depth of 50 feet otherwise. This buffer shall be located within the required Setback as described in Sec. 6.4.52.3.b.
  - 2. Container Storage Facility light fixtures installed after January 1, 2005, shall be a type that minimizes fugitive light scatter and shall be directed into the Container Storage Facility 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 Storage Facility 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 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 350 feet of the boundary adjacent to any property zoned Residential and within 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 a proposed Container Storage Facility is viewed by the Zoning and 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 Zoning and 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 of this Ordinance.
- B. Any facility involved in, or location used for, the purposes provided within Sec. 6.4.52 and not zoned Industrial (IN) 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 Sec. 6.4.52 by November 20, 2004, and shall be bound by the three year general amortization schedule provided for herein above.

#### **Sec. 6.4.53 Cemetery**

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Cemetery uses 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 as a use by right and shall not require Site Plan Review approval or a Zoning Permit. A Cemetery use on the same Lot as or on a Lot adjacent to a religious facility shall be allowed as a use by right.

#### **Sec. 6.4.54 Kennel**

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Kennels shall be subject to the following standards:

- A. **Minimum Lot Size.** The Lot size shall contain a minimum of five acres.
- B. **Exception to Minimum Lot Size.** This use may be approved for a Lot that is at least two acres in size in accordance with the Special Exception procedures contained in this Ordinance.
- C. **Required Screening and Landscaped Buffer.**
  1. A minimum 100-foot Landscaped Buffer from all adjacent properties is required.
  2. Outdoor activities shall not be located within or have access to the required Landscaped Buffers.

#### **Sec. 6.4.55 Fishing, Hunting, or Recreational Guide Service**

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If accommodations are offered in conjunction with a Fishing, Hunting, or Recreational Guide Service use, the requirements of Article 6.8, *Short-Term Rentals*, of this Ordinance for the Zoning District in which the Parcel is located shall apply; otherwise, a Planned Development Zoning District application must be processed pursuant to the requirements of this Ordinance.

#### **Sec. 6.4.56 Aviation and Private Air Strip**

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- A. A Private Air Strip, as defined in this Ordinance, must comply with the Special Exception procedures of this Ordinance.
- B. 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, with the exception of a Private Air Strip (as defined in this Ordinance), must comply with the Planned Development Procedures contained within this Ordinance.

#### **Sec. 6.4.57 Manufacturing and Production**

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- A. The following requirements shall apply to all Zoning Districts subject to conditions (C):



1. All activities related to the specialized manufacturing use shall be confined to a Structure that is entirely enclosed.
  2. If the Zoning and Planning Director finds a proposed Manufacturing and Production use will have a substantially negative impact on a surrounding area or adjoining property, the use shall comply with the Special Exception procedures of this Ordinance.
- A. The following additional conditions shall only apply to the RR,, and CC Zoning Districts:
1. A structure or structures used for specialized manufacturing shall have a maximum Floor Area of 5,000 square feet; otherwise, this use shall comply with the Special Exception provisions of this Ordinance;
  2. Specialized manufacturing shall have no more than ten employees, otherwise this use shall comply with the Special Exception provisions of this Ordinance; and
  3. On-site retail sales are limited to 25 percent of the gross receipts and 15 percent of the floor area.

#### **Sec. 6.4.58 Recycling Collection, Drop-off**

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Such uses shall not be allowed in areas where curbside pickup is provided.

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

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#### **Sec. 6.5.1 Purpose and General Provisions**

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- A. **Purpose.** The purpose of this Article is to establish minimum standards for Accessory Uses, Buildings, and Structures. For the purposes of this Article, the term “Accessory Structures” shall include “Accessory Buildings,” the term “Principal Structures” shall include “Principal Buildings,” and the term “Structures” shall include “Buildings” unless the Zoning and Planning Director determines otherwise. 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.
- B. **General Provisions.**
1. An Accessory Use is a use customarily incidental and subordinate to the Principal Use of a Zoning Lot or of a Structure. Accessory Uses shall be subject to the same regulations as apply to Principal Uses in each zoning district, unless otherwise expressly stated.
  2. An Accessory Structure is a Structure that is detached from a Principal Structure and customarily incidental and subordinate to the Principal Structure. Accessory Structures include, but are not limited to, Swimming Pools, Fences, Barns, Garages, sheds, gazebos, and detached Accessory Dwelling Units. If any Accessory Building is attached to a Principal Building with a roof supported by columns or walls, it shall be deemed part of the Principal Building provided the attachment is a minimum of four feet in width with a minimum length to width ratio of four to one. In such cases, the Building shall comply with the Setback requirements of the applicable Zoning District.
  3. Accessory Uses and Accessory Structures shall be subordinate to and serve a Principal Use or Principal Structure.
  4. Non-Agricultural Accessory Structures shall be subordinate to the Principal Structure in terms of height and gross Floor Area.
  5. Accessory Structure footprints shall be included in the calculation of Building Coverage.
  6. Accessory Uses and Accessory Structures shall be located on the same Lot as the Principal Use or Principal Structure served unless otherwise specified in this Ordinance.





## Sec. 6.5.2 Establishment

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### A. Establishment.

1. Unless otherwise expressly permitted in this Ordinance, no Accessory Uses shall be established and no Accessory Structures shall be allowed on the subject Parcel until 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.
2. Zoning Permits are required for the establishment of Accessory Uses and the construction of Accessory Structures and when any of the following apply:
  - a. A legally permitted Accessory Use is expanded to or within an existing Structure or in an outdoor area devoted to the use;
  - b. The use of a legally permitted Accessory Structure is changed;
  - c. The size of a legally permitted Accessory Structure is expanded; and/or
  - d. The impervious surface area related to a legally permitted Accessory Use or Accessory Structure is increased by more than 120 square feet in cumulative total on properties located in the Urban/Suburban Area with the exception of properties located in the S-3 Zoning District.

- B. **Unlisted Accessory Uses.** The provisions of Sec. 6.3.5, *New or Unlisted Uses and Use Interpretation*, of this Ordinance shall apply whenever there is a question regarding the category of Accessory Use pursuant to this Ordinance.

## Sec. 6.5.3 Residential Accessory Uses and Accessory Structures

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The following are allowed as Accessory Uses and Accessory Structures to legally permitted Residential Uses provided they comply with all applicable requirements of this Ordinance:

- A. Fences and Walls;
- B. Garages, and carports;
- C. Gate houses and guard houses;
- D. Home Occupations;
- E. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- F. Radio and television receiving antennas or dishes;
- G. Recreational and play facilities for the use of residents;
- H. Solar Collectors;
- I. Tennis courts, Swimming Pools, hot tubs, and related mechanical equipment;
- J. Accessory Dwelling Units;
- K. Manufactured Housing Units;
- L. Barns and farming-related Structures even if the subject Parcel does not contain a Principal Use or Principal Structure;
- M. The selling of Sweetgrass Baskets; and
- N. Other necessary and customary uses determined by the Zoning and Planning Director to be appropriate, incidental and subordinate to the Principal Use of the Lot, subject to compliance with any standards contained within this Ordinance.

## Sec. 6.5.4 Agricultural Accessory Uses and Accessory Structures

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Allowed Agricultural Accessory Uses shall include all residential Accessory Uses and those Accessory Uses and activities customarily associated with agricultural operations, as determined by the Zoning and Planning Director. Barns and Farm-related Structures, including Roadside Stands shall be allowed on all Parcels in the Agricultural Zoning Districts, even if the Subject Parcel does not contain a Principal Structure provided that Roadside Stands comply with the requirements of Sec. 6.6.3, *Roadside Stands*.

Manufactured Housing Units, Modular Building Units, and Pre-Manufactured Container Units may be allowed as Accessory Structures for the purposes of Permanent Storage Units in the AGR, AG-8, AG-10, AG-15, RM, CC, RI, and IN Zoning Districts provided they comply with the provisions of Sec. 6.5.17.B, 6.5.17.E, 6.5.17.H, and 6.5.17.I of this Ordinance.

### **Sec. 6.5.5 Commercial and Industrial Accessory Uses and Accessory Structures**

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The following shall be allowed as Accessory Uses and Accessory Structures to legally permitted Commercial and Industrial uses provided they comply with all applicable requirements of this Ordinance:

- A. One Dwelling Unit for security or maintenance personnel;
- B. Fences and Walls;
- C. Gates and guard houses;
- D. Off-street parking;
- E. Radio and television receiving antennas or dishes and support structures;
- F. Recreation areas and facilities for the use of employees;
- G. Cafeterias, dining halls and similar food services when operated exclusively for the convenience of employees, clients, or visitors to the Principal Use;
- H. Day care facilities when operated exclusively for the convenience of employees of the Principal Use;
- I. Gift shops, newsstands and similar commercial activities operated exclusively for the convenience of employees, clients, or visitors to the Principal Use;
- J. Solar Collectors;
- K. Recycling Collection, Drop-Off;
- L. Permanent Storage Units;
- M. Personal Services and Retail Sales;
- N. The selling of Sweetgrass Baskets; and
- O. Other necessary and customary uses determined by the Zoning and Planning Director to be appropriate, incidental and subordinate to the Principal Use of the Lot, subject to compliance with any standards contained within this Ordinance.

### **Sec. 6.5.6 Accessory Retail Sales and Personal Services**

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Personal Services and Retail Sales established with the express purpose of providing a convenience for tenants of residential 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.

### **Sec. 6.5.7 Civic and Institutional Accessory Uses and Accessory Structures**

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The following shall be allowed as Accessory Uses and Accessory Structures to legally permitted Civic and Institutional uses provided they comply with all applicable requirements of this Ordinance:

- A. Refreshment stands and food and beverage sales located in uses involving public assembly;



- B. Cafeterias, dining halls, and similar food services when operated primarily for the convenience of employees, residents, clients, patients, or visitors to the Principal Use;
- C. Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients, or visitors to the Principal Use;
- D. Recreation areas and facilities for the use of employees;
- E. The selling of Sweetgrass Baskets;
- F. Recycling Collection, Drop-off;
- G. Manufactured or Modular Structures;
- H. Solar Collectors; and
- I. Other necessary and customary uses determined by the Zoning and Planning Director to be appropriate, incidental, and subordinate to the Principal Use of the Lot, subject to compliance with any standards contained within this Ordinance.

### **Sec. 6.5.8 Accessory Structures in Residential and Residential Office (RO) Zoning Districts**

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Unless otherwise expressly stated and in addition to any other applicable provisions of this Ordinance, Accessory Structures in Residential and Residential Office (RO) Zoning Districts shall be subject to the following requirements:

- 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. Wholly to the rear of the Principal Structure, provided that this limitation shall not apply to carports or Garages;
  - 2. At least six feet from any other Dwelling, including those under construction;
  - 3. At least three feet from any interior Lot line in a Residential Zoning District if in an RO Zoning District that abuts a Residential Zoning District, the Accessory Structure in the RO Zoning District shall be located at least 10 feet from the abutting interior Lot line. When an RO Zoning District abuts another Office or Nonresidential Zoning District, setbacks for Accessory Structures are not required;
  - 4. To meet the Principal Structure Front Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, Base Zoning Districts, of this Ordinance.
  - 5. If on a corner Lot, the detached 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, unless otherwise allowed to be established on a separate Lot pursuant to this Ordinance.
- D. Accessory Structures shall be included in Building Coverage.
- E. The Accessory Dwelling Unit provisions of this Ordinance apply in addition to the requirements of this Section; and
- F. An Accessory Structure that is attached to the Principal Structure pursuant to this Ordinance shall comply with the Principal Structure Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, *Base Zoning Districts*, of this Ordinance.

### **Sec. 6.5.9 Accessory Dwelling Units**

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In Agricultural and Residential Zoning Districts, one Accessory Dwelling Unit may be established on an existing Lot subject to the following standards:



- A. If located in the Rural Area, the Lot must have a minimum area at least 50 percent larger than the minimum area required for a Principal Structure and the heated gross floor area of the Accessory Dwelling Unit shall not exceed 1,500 square feet.
- B. Only one Accessory Dwelling Unit shall be permitted per Lot.
- C. Accessory Dwelling Units placement shall comply with all dimensional standards of the applicable Zoning District, as contained in CHAPTER 4, *Base Zoning Districts*, of this Ordinance, including all Setback, buffer, Building Coverage, height requirements, and waterfront development standards.
- D. Accessory Dwelling Units placed on Parcels that contain or abut an OCRM Critical Line shall comply with the requirements of Article 4.22.2, *Minimum Lot Standards for Accessory Dwelling Units on Parcels which Contain or Abut an OCRM Critical Line*.
- E. Separate electrical meters shall not be allowed for attached Accessory Dwellings Units.

### **Sec. 6.5.10 Manufactured Housing Units**

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- 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 while construction is in progress on a permanent Structure shall be submitted to the Zoning and Planning Director for a Zoning Permit in accordance with the 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 uses 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 or Accessory Structures for purposes of Permanent Storage Units unless they are located in an AGR, AG-8, AG-10, AG-15, RM, CC, or RI Zoning District and comply with the provisions of Section 6.5.17.B, 6.5.17.E, 6.5.17.H, and 6.5.17.I of this Ordinance.

### **Sec. 6.5.11 Home Occupations**

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- A. **General.** The 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. Home Occupations must remain subordinate to the principal residential use of the property and the viability of the residential use must be maintained. Zoning Permits shall be required for all Home Occupations.
- B. **Where Allowed.** A Home Occupation that complies with the regulations of this Section shall be allowed as an Accessory Use to legally permitted 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.** The following are prohibited as Home Occupations unless expressly authorized elsewhere in this Ordinance.
  - 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 RR, S-3, R-4, MHS, UR, 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, with the exception of Catering uses, are not allowed as Home Occupations.
  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 S-3, R-4, MHS, UR, and MHP Zoning Districts.
  5. *Medical Offices or Clinics.* Medical Offices and medical clinics are not allowed as Home Occupations in the R-4, MHS, UR, and MHP 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. Limited Prosthetic Manufacturing as defined in Chapter 12, *Definitions*, of this Ordinance shall be allowed.
  6. *Funeral Homes.* Funeral Services, including Funeral Homes, are not allowed as Home Occupations.
  7. *Barber Shops, Beauty Shops, and Nail Salons.* Hair, Nail, and Skin Care Services, including barber shops, beauty shops, nail salons, and similar personal services, with more than one chair, are not allowed as Home Occupations.
  8. *Dancing Schools.* Dancing schools are not allowed as Home Occupations.
  9. *Short-Term Rental Properties (STRP).* STRPs are not allowed as Home Occupations.
  10. *Special Trade Contractors (Offices/Storage).* Special Trade Contractors (Offices/Storage) are prohibited as Home Occupations.
  11. *Firearm Sales and Repair.* Firearm Sales and Repair are prohibited as Home Occupations.
- E. **Employees.** A maximum of two full-time or two part-time employees, who are not full-time residents of the home where the Home Occupation is located, are 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. Up to 1,000 square feet of a legally permitted 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, with the exception of Crop Production.
- J. **Exterior Appearance.** There shall be no visible evidence of the conduct of a Home Occupation when viewed from the Street or from an adjacent Lot. There shall 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 prohibited alterations include construction of Parking Lots, paving of required Setbacks, adding entrances to the Dwelling Unit, erecting signage, and adding commercial-like exterior lighting. The use of Snipe Signs is prohibited.



- 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. **Vehicles.** Not more than one pick-up truck, car, sports utility vehicle, or van used in conjunction with a Home Occupation may be parked at the site of the Home Occupation in any RR, S-3, R-4, MHS, UR, or MHP Zoning District. The Heavy Commercial Vehicle requirements of Section 6.5.15, *Storage and Parking of Heavy Commercial Vehicles in Residential Zoning Districts*, shall apply to Home Occupations.
- M. **Deliveries.** Deliveries and pick-ups of supplies or products associated with Home Occupations are only 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, provided that online sales are allowed if there are no in-person or walk-in purchases.

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### **Sec. 6.5.12 Animals**

- A. The keeping of Household Pets shall be allowed as an Accessory Use in all Zoning Districts in which Dwelling Units are allowed.
- B. The keeping of Exotic Animals shall not be allowed as an Accessory Uses unless approved as a Special Exception in accordance with the procedures contained in this Ordinance.

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### **Sec. 6.5.13 Accessory Storage of Major Recreational Equipment**

Major Recreational Equipment shall not be used for living, sleeping, or housekeeping purposes.

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### **Sec. 6.5.14 Storage and Repair of Inoperable Motor Vehicles**

- A. The open storage and/ or repair of Inoperable Motor Vehicles is not permitted within the required Front Setback.
- B. Inoperable Motor Vehicles must be screened by a Fence, Wall, Building, or vegetative buffer that completely shields the vehicles from view off-site.
- C. The storage and/or repair of more than two 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 legally permitted for use as a salvage yard pursuant to this Ordinance.
- D. In all Suburban Residential Zoning Districts, storage of Motor Vehicle parts is allowed only within a completely enclosed Accessory Structure located on the same Lot as the Principal Dwelling Unit.

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### **Sec. 6.5.15 Storage and Parking of Heavy Commercial Vehicles**

For the purposes of neighborhood preservation, public safety, and public Right-of-Way maintenance considerations, storage or parking of Heavy Commercial Vehicles, upon any Lot, land, Street, or Right-of-Way in the S-3, R-4, MHS, and UR Zoning Districts is prohibited. This prohibition shall not apply to Heavy Commercial Vehicles that are actively being loaded, unloaded, or used in the process of pick-up or delivery of products, materials, or passengers at a residential location.

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### **Sec. 6.5.16 Vehicle Sales**

Not more than two operable or Inoperable Motor Vehicles may be offered for sale upon any Lot unless such sales activities are legally permitted pursuant to 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 6.5.14, *Storage and Repair of Inoperable Motor Vehicles*.



### Sec. 6.5.17 Temporary Portable Storage Units

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Temporary Portable Storage Units are permitted if located on the same Lot as the Principal Structure subject to the following conditions:

- A. If the Temporary Portable Storage Unit is located on a Lot with a Nonresidential or Office use or Zoning District designation for a period exceeding 15 days, the requirements of Sec. 3.7.3, *Limited Site Plan Review*, 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 Lot in Residential Zoning Districts;
- D. Temporary Portable Storage Units are allowed for a period not to exceed a total of 60 days in one calendar year. Zoning Permits shall be required for Temporary Portable Storage Units that remain on a property for a time period exceeding 15 consecutive days;
- E. Temporary Portable Storage Units shall not be placed in any Right-of-Way, Street, 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 Temporary Portable Storage Units 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 Units is equal to the minimum amount required by the Public Service Commission shall be required at the time of permitting; and
- K. The regulations of this Section shall not apply to Temporary Portable 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.

### Sec. 6.5.18 Permanent Storage Units

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Permanent Storage Units are permitted subject to the following conditions:

- A. **Applicability.** The requirements of this Section apply to any Permanent Storage Unit, as defined in subsection C.
- B. **Location.**
  - 1. Permanent Storage Units may be established as an Accessory Use to any Principal Use in an RR, AGR, AG-8, AG-10, AG-15, RM, CC, or RI Zoning District. Permanent Storage Units are not permitted in any other Zoning District.
  - 2. Permanent Storage Units are permitted only in the rear yard, as defined in subsection C.



- C. **Definitions.** For the purposes of this Section, the following definitions apply:
1. "Manufactured Housing Unit", "Modular Building Unit", and "Pre-Manufactured Container Units" are as defined in Chapter 12, Definitions.
  2. "Rear Yard" means the area between the rear of the Principal Structure and the Rear Lot Line.
  3. "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 Nonresidential or Office purposes.
- D. **Permitting.** Permanent Storage Units shall not be established or placed on Lots or Parcels unless the Zoning and Planning Director has issued a Zoning Permit authorizing the Permanent Storage Unit pursuant to this Ordinance.
- E. **Screening.**
1. Permanent Storage Units shall be completely screened from view from adjacent properties and the Street, all Lot Lines except the Rear Lot Line, and along all Lot Lines abutting a waterway. The screening must conform to subsection 2, below.
  2. Screening shall include at least one of the following:
    - a. The Principal Structure and any required buffering or screening on the Lot; or
    - b. If the methods in subsection a, above, are not sufficient to provide complete screening, a minimum Type A Land Use Buffer pursuant to Sec. 9.4.4, *Landscape Buffers*, or a minimum six foot masonry wall must be provided between the Permanent Storage Unit and the required Lot Lines.
- F. **Building Design.** The requirements contained in subsections 1 through 5, below, apply to all Permanent Storage Units, regardless of screening:
1. The Building footprint of the Permanent Storage Unit shall not occupy more than 500 square feet;
  2. The Building Height of the Permanent Storage Unit shall not exceed 12 feet.;
  3. Permanent Storage Units must be installed, underskirted, and anchored in the same manner as the Principal Building;
  4. All moving or towing apparatus must be removed or concealed with skirting, including hitch, wheels and axles.; and
  5. Bare, unfinished metal is prohibited as an exterior building material.
- G. **Existing Permanent Storage Units.** Permanent Storage Units in existence prior to July 19, 2006 shall be considered to be existing legal Nonconforming Structures pursuant to the requirements of Art. 10.3, *Nonconforming Structures*, of this Ordinance.

### Sec. 6.5.19 Solar Collectors

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Solar Collectors may be established as Accessory Uses in all Zoning Districts pursuant to the requirements listed below. Solar Farms are not allowed as Accessory Uses or Structures.

- A. **General Requirements.**
1. Solar Collectors incorporated into Nonresidential Structures shall be integrated into the basic form and main body of the Structure. If roof-mounted, all collector panels shall fit into the form of the roof; if the roof of the Structure 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 Structure shall not be allowed;
  2. All components servicing the collector panels shall be concealed, including mechanical piping and conduits; and
  3. All exposed metal shall be of a color that will blend into its surroundings.





4. Solar Collectors shall be designed with anti-reflective coating to minimize glare. Provisions for the use of adequate technology and construction methods such as anti-reflective coating or textured glass used as panel materials shall be required to prevent and deflect bird deaths. Mirrors shall be prohibited.

**B. Roof-Mounted Solar Collectors.**

1. Roof-mounted Solar Collectors located on the front or side of Residential Structure 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.
2. Roof-mounted Solar Collectors located on the rear or interior side of Residential Structure 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.
3. Roof-mounted Solar Collectors are exempt from Building Height requirements.

**C. Ground-Mounted Solar Collectors.** The requirements listed below shall apply to ground-mounted Solar Collectors in addition to the applicable requirements of this Article.

1. All utility service lines serving a ground-mounted Solar Collector shall be located underground;
2. Ground-mounted Solar Collectors shall not exceed 16 feet in height as measured from the ground to the foremost tip of the Solar Collector;
3. Ground-mounted Solar Collectors shall not exceed 5,000 square feet in Residential and Agricultural Zoning Districts; otherwise, the Special Exception procedures of this Ordinance shall apply;
4. Ground-mounted Solar Collectors shall be located to meet all setback requirements of the Principal Structure; and
5. Ground-mounted Solar Collectors shall be screened in a manner that completely shields the Solar Collectors from view off-site.

## **ARTICLE 6.6 TEMPORARY USES AND STRUCTURES**

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### **Sec. 6.6.1 Manufactured Housing Units**

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The Zoning and Planning Director shall be authorized to approve a Zoning Permit for the temporary placement and use of a Manufactured Housing Unit as an Accessory Dwelling Unit in accordance with the following standards:

- A. The Manufactured Housing Unit shall be restricted to residential purposes and shall be located on the same Lot with a Single-Family Detached Dwelling or a Manufactured Housing Unit or on an individual abutting Lot. The following criteria shall be utilized to determine the need for the temporary use:
  1. The Person who will occupy the Manufactured Housing Unit is a relative by blood or marriage;
  2. The Manufactured Housing Unit proposed is of a temporary nature which can be easily removed after expiration of the Zoning 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; and
  5. The proposed Manufactured Housing Unit installation shall meet South Carolina Department of Health and Environmental Control (DHEC) standards and have their written approval.



- B. The Zoning and Planning Director may revoke or terminate the Zoning Permit at the request of the initiating applicant or upon finding that Zoning 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.
- C. Zoning Permits for such use shall be valid for a maximum of one year, and upon written request of the initiating applicant and Lot owner including demonstration of compliance with the requirements of this Ordinance, the Zoning and Planning Director may approve annual extensions.

#### **Sec. 6.6.2 Temporary Sales**

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- A. Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a Lot where permitted as an Accessory Use pursuant to this Ordinance. Such sales may be conducted only once in a calendar year from the same Lot .
- B. Turkey shoots and the sale of Christmas trees and, fireworks are authorized where allowed as an Accessory Use and shall not exceed a total time period of 60 days during a one-year period.
- C. Other temporary sales of merchandise shall be permitted as an Accessory Use to legally permitted Principal Use, provided that the maximum term for such Zoning Permit shall not exceed ten consecutive days, and no more than four such Zoning Permits may be issued per Lot, per calendar year.

#### **Sec. 6.6.3 Roadside Stands**

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- A. Zoning Permits are not required for Sweetgrass Basket Stands.
- B. Sale of Indigenous Produce:
  - 1. Stands are not required to be located on the same Lot on which the produce being sold is grown when the Lot where the stand is located: (1) is owned by the Person or entity that owns the Lot on which the produce being sold is grown; and (2) is within one mile of the Lot on which the produce being sold is grown. This distance shall be the shortest route of the ordinary pedestrian or vehicular travel along the public Thoroughfare from the nearest point of the Lot on which the produce being sold is grown to the nearest point of the Lot on which the stand is located;
  - 2. The sale of Indigenous Produce shall not occur within the Right-of-Way;
  - 3. The sale shall not cause traffic safety problems;
  - 4. At least two cars can be parked safely by the vendor; and
  - 5. The permission of the Property Owner has been obtained in writing.

#### **Sec. 6.6.4 Construction Facilities**

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- A. Accessory construction facilities may be allowed in order to establish an operations base in any Zoning District upon obtaining Special Exception approval pursuant to the requirements of Art. 3.6, *Special Exceptions*, of this Ordinance. Included in accessory construction facilities are temporary batching plants for asphaltic or Portland cement concrete, temporary Buildings, field storage of materials and/or equipment.
- B. Such construction facilities must be located on the project site or within a three-mile radius of the project site.
- C. Each Zoning Permit shall specify the location of the proposed facility and define the area and boundaries to be served.
- D. The Zoning Permit shall be granted of a maximum of one year and upon written request of the Property Owner, may be extended for up to one year. Upon termination of the Zoning Permit, all materials used in the construction or installation shall be removed from the premises.



- E. Ingress and egress from such facilities shall be only from major arterials which give rise to the least traffic through residential areas.

## **ARTICLE 6.7 SPECIAL EVENTS USE**

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### **Sec. 6.7.1 Purpose**

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The intent of this Article is to provide regulations that guide the use of unincorporated properties for the purpose of hosting Special Events of varying sizes and functions, while protecting the surrounding community. The regulations of this Article shall apply in conjunction with any other standards contained within this Ordinance.

### **Sec. 6.7.2 Private Special Events**

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The following are exempt from the requirements of this Article and shall not require the issuance of a Zoning Permit:

- A. Private parties and gatherings that do not meet the definition of Special Event included in this Ordinance;
- B. Auctions of private real estate;
- C. Estate auctions;
- D. Neighborhood gatherings only for the residents of the applicable neighborhood;
- E. Temporary Uses pursuant to Article 6.6, Temporary Uses and Structures, of this Ordinance;
- F. Outdoor Special Events which the Zoning and Planning Director determines are accessory uses to legally established businesses in Commercial and Industrial Zoning Districts or legally established public or civic facilities, and for which the entire event, including vendors, patrons, and all parking can be contained onsite. In such cases, the requirements of Sec. 6.7.5.B and Sec. 6.7.5.C apply; and
- G. Indoor Special Events held in legally established businesses in Commercial and Industrial Zoning Districts or legally established public facilities or civic facilities.

The Zoning and Planning Director may exempt other organized activities from the requirements of this Article on a case-by-case basis, if the criteria listed below are met:

- A. The activity has less than 100 people in attendance;
- B. There are no impacts on public Streets, Rights-of-Way, and/or County owned or managed parks or facilities; and
- C. There are no impacts on normal vehicular and pedestrian traffic requiring the use of County services.

### **Sec. 6.7.3 Temporary Special Events**

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Temporary public assembly use and Special Events, such as cultural events, outdoor concerts and parking for Special Events, shall require a Temporary Special Events Permit from the Zoning and Planning Director. Such permit shall not be issued for periods in excess of ten consecutive days, and no more than five such permits may be issued per lot, per calendar year, except as otherwise limited by this Article. The requirements of Sec. 6.7.5, *Outdoor Special Events (Principal Uses and Temporary Special Events)*, shall apply in addition to the requirements of this Section. Any Temporary Special Event utilizing 25 acres of land area or more shall require Special Exception approval in accordance with the procedures contained in CHAPTER 3, *Development Review Procedures*, of this Ordinance.

Temporary Special Events Permits may be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity and the site can safely support the proposed activity. The following information is required to be submitted with applications for Temporary Special Events Permits (in addition to the required fee):



- A. A detailed Letter of Intent describing the purpose of the event indicating date(s) and time(s), anticipated number of participants, and whether alcohol will be served and if amplified sound (music or other amplified noise) will be utilized;
- B. A legible site plan drawn to scale indicating vehicular traffic areas (parking, driveways, circulation etc.), gathering areas, restroom and vendor locations, and locations of existing and planned structures to be used as part of the event;
- C. Letters of coordination from Fire, Police, and Emergency Medical Services and Building Inspection Services if applicable;
- D. Documentation of Charleston County Business license issuance for the host and participating vendors and copy of valid Department of Revenue license if alcohol will be sold;
- E. Documentation from pertinent service providers for restroom facilities and garbage collection; and
- F. Other pertinent information as deemed necessary by the Zoning and Planning Director

The following requirements shall, in addition to all other applicable requirements of this Ordinance, apply to property located in the Agricultural and Residential Zoning Districts:

- A. A maximum of five Temporary Special Events Permits may be issued per Lot, per calendar year, and each permit shall be valid for a maximum of three consecutive days;
- B. Each Temporary Special Events Permit shall only be valid for a single Special Event. Multiple Special Events within the same three day time period shall require separate Temporary Special Events Permits;
- C. Daily event attendance in the AG-15, AGR, RR, S-3, R-4, UR, MHS, and MHP Zoning Districts shall be limited to 500;
- D. Daily event attendance in the RM, AG-10, and AG-8 Zoning Districts shall be limited to 2,000; and
- E. The maximum number of Temporary Special Events Permits allowed per calendar year and/or maximum daily attendance may only be increased if the requirements listed below, as well as all other applicable requirements of this Ordinance, are met and the request is approved in accordance with the Special Exception Procedures contained in this Ordinance. If approved by the Board of Zoning Appeals, the approval is only valid for one calendar year from the date of Zoning Permit issuance.
  - 1. *Application.*
    - a. Compliance with Article 3.7, *Site Plan Review*, and Article 3.6, *Special Exceptions*, of this Ordinance is required, provided, however, that the approval criteria contained in this Article shall apply instead of the approval criteria contained in Sec. 3.6.5.
    - b. All applications must be signed by the Property Owner or designated agent.
    - c. Letters of coordination from the following agencies shall be submitted during Site Plan Review: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), the appropriate Fire Service provider for the subject property, and a designated solid waste collection/disposal company or a letter indicating a private method of waste collection/disposal.
  - 2. *Requirements.*
    - a. The Subject Property or properties shall contain a minimum of ten combined acres of Highland area and must border a public Arterial Street, as defined in this Ordinance;
    - b. There shall be direct access to a public Arterial Street, as defined in this Ordinance;
    - c. No more than 25 events shall be allowed per calendar year;
    - d. Daily attendance shall not exceed 5,000;
    - e. All Structures shall comply with the requirements of this Ordinance, including but not limited to, the Density, Intensity, and Dimensional Standards and Accessory Structure requirements;



- f. All parking shall be contained on the Subject Property or on a contiguous property. A recorded, parking agreement shall be required if temporary off-street parking is provided on a parcel other than the Subject Property. At no time shall associated event parking be allowed in a public or private Right-of-Way or access Easement;
  - g. The maximum occupancy of an individual permanent Structure shall comply with the occupancy standards of the Charleston County Building Code;
  - h. All events shall adhere to the Charleston County Noise Regulations and all other applicable Charleston County ordinances;
  - i. All existing or proposed Structures shall retain a residential or agricultural character;
  - j. A 100-foot Type F Buffer shall be required around the perimeter of the property;
  - k. Special Events shall not begin before 10 am and shall end by 10 pm; and
  - l. The Applicant must hold at least one community workshop prior to the submittal of the Special Exception application and written documentation of the community workshop(s) must be submitted. Written documentation may include, but is not limited to, sign-in sheets, meeting summaries, memos and/or letters from the Applicant describing the meeting(s), etc. The purpose of the workshop(s) is to ensure early citizen participation in an informal forum, in conjunction with the Development applications and to provide an Applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.
3. *Special Exception Approval Criteria.* The approval criteria contained in this Article shall apply instead of the approval criteria contained in Sec. 3.6.5 of this Ordinance. Applications may be approved only if the Board of Zoning Appeals finds that the proposed use:
- a. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
  - b. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads;
  - c. Includes adequate provisions for items such as: Setbacks and buffering (including Fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, Vibration, dust glare, odor, traffic congestion, and similar factors;
  - d. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
  - e. The setup and disassembly of Special Events will not be detrimental to the surrounding community;
  - f. Includes sufficient safeguards for the use of temporary structures, if applicable;
  - g. Complies with all applicable rules, regulations, laws, and standards of this Ordinance, including but not limited to any use conditions, Zoning District standards, or Site Plan Review requirements of this Ordinance; and
  - h. Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the Zoning District's "Purpose and Intent".

If approved by the Board of Zoning Appeals, the approval is only valid for one calendar year from the date of Zoning Permit issuance. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.



If the proposed use is approved by the BZA, the Zoning and Planning Department shall provide written notification to the following agencies, as applicable: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), and the appropriate Fire Service provider for the subject property.

#### **Sec. 6.7.4 Special Events Established as Principal Uses in Commercial and Industrial Zoning Districts**

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Special Events in Commercial and Industrial Zoning Districts shall comply with the requirements of Sec. 6.7.5, Outdoor Special Events (Principal Uses and Temporary Special Events), and the following:

- A. The establishment of a new Special Events principal use in the NC, RC, CC, and IN Zoning Districts shall comply with the requirements of Article 3.7, *Site Plan Review*, of this Ordinance.

#### **Sec. 6.7.5 Outdoor Special Events (Principal Uses and Temporary Special Events)**

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- A. With the exception of Special Events at federal, state, and county parks and legally established fairgrounds, any accessory, outdoor Special Event consistent with the definition of "Special Event," as defined in this Ordinance, must comply with Sec. 6.7.3, *Temporary Special Events*, and a Zoning Permit shall be required.
- B. Any outdoor Special Event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within 500 feet of the property line of a residentially developed Parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with this Article. Distances shall be measured from the site of the Special Event activity on the Subject Property to the nearest property line of a Lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.
- C. All outdoor Special Event activities will be subject to the County's livability and/or noise ordinance.

#### **Sec. 6.7.6 Indoor Special Events**

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A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial Zoning Districts and public facilities or civic facilities such as: Hotels/Motels, convention centers; Social Lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold Special Events.

#### **Sec. 6.7.7 Zoning Permit**

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A Zoning Permit shall be required prior to commencing Special Events and shall be maintained for the duration of the Special Events use, following Site Plan Review and Special Exception approval, as applicable. Additionally, a valid, Charleston County Business License is required following Zoning Permit approval.

#### **Sec. 6.7.8 Lapse of Approval**

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A valid Charleston County Business License must be maintained for a principal Special Events use. If this Business License is not renewed annually or is discontinued, for any reason, for a period of at least six consecutive months, then the use shall be considered abandoned. Once abandoned, the Special Exception approval and the Zoning Permit for the Special Events use shall be deemed null and void. Renewal of the Special Events use shall require the approval of the Board of Zoning Appeals (BZA) and compliance with the regulations of this Ordinance.

### **ARTICLE 6.8 SHORT-TERM RENTALS**

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### Sec. 6.8.1 Purpose and Applicability

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- A. **Purpose.** The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted Short-Term Rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated Charleston County.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of Dwellings as STRPs by:

1. Providing for an annual permitting process to regulate STRPs;
2. Balancing the interests of properties that are frequently used in whole or in part by Short-Term Rental Tenants;
3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular Dwelling is located;
4. Providing alternative accommodation options for lodging in residential Dwelling Units; and
5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

B. **Applicability.**

1. *Short-Term Rental Types.* The following Short-Term Rentals shall be authorized pursuant to this Article:
  - a. STRP, *Limited Home Rental (LHR)*;
  - b. STRP, *Extended Home Rental (EHR)*; and
  - c. STRP, *Commercial Guest House (CGH)*.
2. *Applicable Zoning Districts.* STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, *Use Table*, applicable Overlay Zoning District Regulations, and as approved in Planned Development Zoning Districts. Planned Development Zoning Districts that do not specify STRPs as an allowed use must be amended to allow STRPs.
3. *Application.* Applications for STRPs shall be made in compliance with this Article.
4. *Variances.* Variances from the requirements of Sec. 6.8.3.A, *Use Limitations and Standards*, are prohibited.

- C. **Registration.** All STRPs require a Zoning Permit and Business License, which must be renewed annually pursuant to this Article.

- D. **Compliance with Other Regulations.** All STRPs, including Nonconforming Uses as allowed for in this Article, shall comply with all applicable local, state, and federal rules and regulations.

### Sec. 6.8.2 Permitting Processes

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- A. **Zoning Permit Application.** No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.
1. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).



2. Completed STRP application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
  3. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
  4. Address and Property Identification Number of the property on which the STRP is located.
  5. The type of STRP that is the subject of the application (LHR, EHR, or CGH);
  6. Owner-Occupied STRP affidavit, as applicable;
  7. The type of Dwelling(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, 6.5.9, Single Family Detached, Duplex, Single Family Attached, Manufactured Housing Unit not located in a Manufactured Housing Park, Triplex, and/or Fourplex, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable. Tents, RVs, boats, sheds, garages, and similar structures shall not be used as STRPs; and
  8. The maximum number of bedrooms available at the STRP.
- B. **Short-Term Rental Property Site Plan Review Categories.** Notwithstanding the provisions of Art. 3.7, *Site Plan Review*, or this Ordinance, STRPs must complete Site Plan Review as prescribed in this Section based on the Permitting Process provided in Table 6.8.2 prior to obtaining a STRP Zoning Permit. The Building Inspection Services Department may require a building safety inspection and/or Building Permit as a condition of the STRP Site Plan Review approval.
1. *STRP, Administrative Site Plan Review.* Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
  2. *STRP, Limited Site Plan Review.* Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
  3. *STRP, Full Site Plan Review.* Requires compliance with the requirements of Art. 3.7, *Site Plan Review*, of this Ordinance.
- C. **Special Exception.** Notwithstanding the provisions of Art. 3.6, *Special Exceptions*, of this Ordinance, the following approval criteria shall apply to STRPs in place of those contained in Sec. 3.6.5 of this Ordinance if a Special Exception is required to obtain a STRP Zoning Permit based on the Permitting Process provided in Table 6.8.2 of this Article:
1. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
  2. Adequate provision is made and/or exists for such items as: Setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
  3. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.
- All other provisions and requirements of Art. 3.6, *Special Exceptions*, shall apply.
- D. **Zoning Permit Issuance and Business Licenses.** After a STRP Application has been approved, a STRP Zoning Permit and a Business License must be obtained prior to a property owner offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.





**E. Annual Zoning Permit Renewal.**

1. All STRP Zoning Permits must be renewed annually in compliance with this Article. An application for annual renewal of the Zoning Permit must include:
  - a. The application fee;
  - b. A notarized affidavit signed by the Property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit provided by the County); and
  - c. Owner-Occupied STRP affidavit, as applicable.
2. The Zoning and Planning Director may request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts. The records shall be provided to the Zoning and Planning Director within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.
3. The applicant shall file an application for a new STRP Zoning Permit if the aforementioned requirements are not met.
4. If the Zoning and Planning Director determines that the STRP use is not consistent with the Special Exception approval that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new STRP Zoning Permit, including applicable Special Exception and/or Site Plan Review applications and fees, and all requirements in effect at the time of STRP Zoning Permit application submittal shall apply.
5. The owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director.

<b>Table 6.8.2, Permitting Process for STRPs [1]</b>			
	<b>Limited Home Rental (LHR) [1]</b>	<b>Extended Home Rental (EHR) [2]</b>	<b>Commercial Guest House (CGH) [1][2]</b>
<b>Applicable Zoning Districts</b>	RM, AG-15, AG-10, AG-8, AGR, RR, S-3, R-4, MHS, and UR (including Goat Island)	AG-8 [3], AGR [3], S-3, R-4, and MHS (including Goat Island)	RO, GO, NC, RC, and CC
<b>Owner-Occupancy Requirements</b>	Must comply with the Owner-Occupied Short-Term Rental Property definition contained in this Ordinance.	None	None
<b>Maximum Number of Days STRPs May be Rented (note: days apply per Lot and not per Dwelling)</b>	72 days in the aggregate per calendar year	144 days in the aggregate per calendar year	No Limit
<b>Zoning Review Type</b>	STRP, Administrative Site Plan Review	STRP, Limited Site Plan Review, and Special Exception	STRP, Full Site Plan Review [2]



**Table Notes:**

1. The following shall apply to all STRP types:
  - a. A STRP Zoning Permit is required and the STRP Zoning Permit Number for the current year must be visible on all advertisements. Zoning Permits must be renewed annually pursuant to this Article.
  - b. A Business License is required and the Business License Number for the current year must be visible on all advertisements. Business Licenses must be renewed annually.
  - c. Building safety inspection or Building Permit may be required, as determined by the Charleston County Building Inspection Services Department.
2. If a proposed STRP is located in an Office or Commercial Zoning District and contains a Residential use, STRP, Limited Site Plan Review shall apply instead of STRP, Full Site Plan Review.
3. EHRs shall be allowed in the AGR and AG-8 Zoning Districts subject to Special Exception approval if they are Bona Fide Agricultural Uses and the owner of record: (1) has designated the subject property as his/her legal voting address; or (2) has designated the subject property as the address on his/her driver's license or other government issued identification.

### **Sec. 6.8.3 General Standards**

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**A. Use Limitations and Standards.**

1. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
2. Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.2.2, *Off-Street Parking Schedule A*, of this Ordinance.
3. Signage advertising STRPs is prohibited in Residential Zoning Districts.
4. Dwellings located in Dwelling Groups shall not be used as Short-Term Rental Properties, regardless of the Zoning District in which the Subject Property is located.

**B. Advertising.** Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued STRP Zoning Permit Number and Business License Number for the current year.

**C. Special Events.** The applicable requirements of Article 6.7, *Special Event Use*, of this Ordinance apply.

**D. Short-Term Rental Property Tenant Notices.** Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:

1. Contact information for the owner of the STRP;
2. STRP Zoning Permit and Business License Numbers for the current year;
3. Trash collection location and schedules, if applicable; and
4. Fire and Emergency evacuation routes.

### **Sec. 6.8.4 Enforcement and Violations**

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**A.** Notwithstanding the provisions of CHAPTER 11, *Violations, Penalties, and Enforcement*, of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. However, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no current Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued STRP Zoning Permit Number and Business License Number for the current year.



- B. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Zoning and Planning Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of CHAPTER 3, Article 3.13, of this Ordinance.
- C. Once a County-issued STRP Zoning Permit and/or a Business License has been revoked, no new STRP Zoning Permit and/or Business License shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new STRP Zoning Permit application may be filed and all requirements, processes, and fees in effect at the time of the STRP Zoning Permit application submittal shall apply.

### **Sec. 6.8.5 Amortization of Nonconforming STRPs**

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The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to terminate a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into compliance pursuant to S.C. Code Ann. Section 6-29-730 (2007).

Therefore, if a Dwelling was legally used as a STRP prior to July 24, 2018, the Dwelling may continue as a Nonconforming Use pursuant to CHAPTER 10, Nonconformities, of this Ordinance until July 24, 2023 to allow for the recovery or amortization of the investment in the Nonconforming Use, after which the Nonconforming Use as a STRP shall terminate.

During the amortization period, all Nonconforming STRPs must comply with all other requirements of this Article as is reasonably possible, including but not limited to, making an application for a Short-Term Rental Permit. Exceptions will be made for restrictions on maximum number of rental days, special exceptions use conditions, owner occupancy status, or use subject to conditions.

Not less than 60 days before the end of the amortization period, the owner of the Dwelling may request a special exception to the amortization period. All requests shall be made to Board of Zoning Appeals in writing, and all decisions shall be subject to the provisions of Art. 3.6 of the ZLDR except for Art. 3.6.1 and Art. 3.6.5.

The Board of Zoning Appeals may grant an extension of the time of the amortization period if the owner of the Nonconforming STRP proves that he is unable to recoup his investment in such property by the conclusion of the amortization period.

**Criteria and Findings.** In determining whether to grant an extension of the amortization period for a Nonconforming STRP, and in determining the appropriate length of such an extension, the Board of Zoning Appeals shall consider the following factors:

- A. The gross income and expenses from the Nonconforming STRP since the use began;
- B. The amount of the property owner's investment in the Nonconforming STRP prior to July 24, 2018;
- C. The amount of such investment that has been or will have been realized at the conclusion of the five-year amortization period;
- D. The present actual and depreciated value of the property and improvements;
- E. The applicable Internal Revenue Service depreciation schedule;
- F. The total length of time the Nonconforming Use has existed;
- G. The existence or nonexistence of lease obligations, as well as any contingency clauses permitting termination of such lease;
- H. The remaining value and allowed uses of the property after discontinuing the Nonconforming Use;
- I. The ability of the property owner to change the use to a conforming use;
- J. The effects of the Nonconforming Use on the surrounding area;
- K. The extent to which the Nonconforming Use is incompatible with surrounding uses and properties;



- L. The interference with or threat to the public health, safety, and welfare of the community; and
- M. Any other factor the Board of Zoning Appeals reasonably determines is related to determining whether the investment in the Nonconforming Use has been recovered.

The Board of Zoning Appeals shall receive and consider evidence presented by the Applicant, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.



## CHAPTER 7 | FORM-BASED ZONING DISTRICT

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### **ARTICLE 7.1. INTRODUCTION**

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#### **§7.1.1 Authority**

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The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to utilize zoning and planning techniques (not limited to those found in the Planning Act) for implementation of the goals specified in S.C. Code Ann. Section 6-29-720 (2007). Charleston County Council hereby establishes a zoning and planning technique called a Form-Based Zoning District (FBZD). A FBZD is a zoning district which allows development of lands containing mixed residential, civic, institutional, commercial, and/or industrial uses in development patterns similar to those present in Charleston County and the Lowcountry. Use of the FBZD requires the applicant to submit form-based zoning regulations in the form of a Form District Master Plan that is structured on a Rural to Urban Transect.

Effective on: 11/20/2001, as amended

#### **§7.1.2 Applicability**

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Land may be zoned FBZD only if the definition and requirements of Article 3.17, Developments of County Significance, are met. Developments of County Significance (DCS) allow for the submittal of FBZD applications when such applications are accompanied by applications for Comprehensive Plan Amendments (pursuant to [ARTICLE 3.2](#) of this Ordinance) and Development Agreements (pursuant to [ARTICLE 3.16](#) of this Ordinance).

With its unique transect patterns, the FBZD facilitates the development of compact communities and at the same time allows the preservation of agricultural patterns and activities, and the maintenance of the character of the Rural Area.

Effective on: 11/20/2001, as amended

#### **§7.1.3 Purpose and Intent**

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The Charleston County Comprehensive Plan contains six overarching themes that serve as the primary guidance for the implementation of recommended strategies. One such theme is the creation of Sustainable Communities through a balancing of social, economic, and environmental considerations such as provision of affordable housing, mixing of uses, and preservation of natural resources. The Comprehensive Plan also emphasizes the form and quality of development in the County and includes guidelines for the character of development in both the Rural Area and the Urban/Suburban Area.

The purpose and intent of this Chapter is to implement the Comprehensive Plan's emphasis on Sustainable Development and development form and quality through the FBZD. As described in Section 3.1.7(D) of the Comprehensive Plan (2008, as amended), the FBZD is a zoning district category and a planning tool that guides form and character to create development patterns that coordinate the location of a variety of land uses with a connected transportation network in a manner that accommodates pedestrian mobility and controls sprawl.

The FBZD enables the development of communities in rural areas in a manner that emphasizes their form and development pattern rather than emphasizing a discrete set of land uses. It facilitates planned, sustainable growth patterns, and enables the coordination of transportation, housing, employment, and services to provide communities and neighborhoods where people can live and work.



The Comprehensive Plan recognizes that the projected build-out of any parcel zoned FBZD may far exceed the time frame of the current Comprehensive Plan and that any long-term community planning process may require the consideration of land use planning strategies not currently envisioned. The FBZD enables predictability in the planning process by directing the intended form and character of a place, while allowing it to naturally grow and evolve over time in response to market conditions.

More specifically, the FBZD addresses a variety of planning and development scales, including Sectors, Settlements, Communities, Blocks, Lots and Buildings, as described below:

A. Within Developments of County Significance in the Rural Area, the FBZD:

1. Encourages the Development of Settlements and Communities which provide a range of complementary land uses, including but not limited to residential, non-residential, and mixed uses.
2. Promotes flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems, and preservation of natural and scenic features, resulting in diversity of scale, style, and details that foster a strong sense of community.
3. Encourages a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.
4. Promotes growth patterns that accommodate various types of protected open space, rural development, and planned growth, and that provide a tool to proactively manage long-term, planned growth while encouraging long-term land use planning by facilitating predictability and flexibility in the approvals process.
5. Promotes connectivity of preserved/protected land and Civic Space.

B. Within Town, Village, Corner, and Crossroad Settlements, the FBZD:

1. Promotes, preserves, and enhances community design that reflects the distinct character of Charleston County and supports a range of vibrant human habitats.
2. Promotes compact development patterns that consolidate open space, preserve natural and scenic features, and provide access to trails and natural areas.
3. Promotes development patterns that support safe, walkable, pedestrian-oriented, mixed-use places.
4. Promotes development patterns that support safe, effective, and multimodal transportation options, including but not limited to auto, pedestrian, and bicycle, minimizing vehicle traffic by providing a mix of land uses, walkability, and compact community form.
5. Promotes development patterns that facilitate the provision and use of efficient circulation and utility systems.
6. Promotes the health benefits of pedestrian-oriented places, including safe routes for walking, bicycling and other exercise.

C. Within New Communities, the FBZD:

1. Encourages walkable neighborhoods through networks of well-designed streets that are safe and secure for pedestrians and bicycles.
2. Encourages appropriately scaled development that places services within a safe, comfortable walking distance of homes.
3. Encourages and incubates local business activity and economic sustainability through community design.
4. Promotes neighborhoods with quality housing that encourage a diversity of housing choices and accommodate diverse ages and incomes.
5. Promotes neighborhood form that facilitates the provision and use of efficient circulation and utility systems.
6. Integrates civic, institutional, and other services into the fabric of communities. In areas designated for the location of schools, schools should be encouraged to be of size and location to enable children to walk or bicycle to them.

D. Within Blocks and Buildings:

1. Encourages that each building plays a role in creating a better whole, not just a good building.
2. Encourages buildings and environments that can adapt to changing economics and demographics.
3. Encourages that architecture and landscape grow from local climate, history, and building practice.



4. Promote the placement of civic buildings in important locations and promote a form that reflects their civic stature.
5. Promote building form that facilitates the provision and use of efficient utility systems.

The FBZD enables the applicant to propose a Form-Based Code unique to the development. Form-Based Codes are an alternative approach to zoning that reinforces walkable, sustainable, mixed-use environments and development, and builds upon the character of a place. The Form-Based Codes Institute defines Form-Based Codes as follows:

*“Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than the separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning.”*

The FBZD enables property owners to designate a set of zones utilizing the Rural-to-Urban Transect. The Transect is a tool that considers development character, scale, and intensity, rather than a Euclidean zoning framework in which use, rather than form, is the primary focus. The Form-Based Codes Institute describes the Rural to Urban Transect as follows:

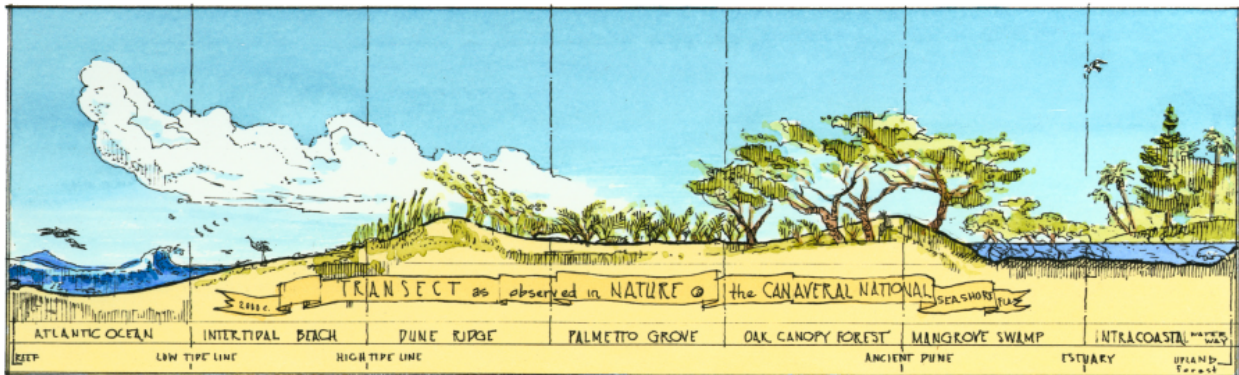
*“The Rural-to-Urban Transect is a means for considering and organizing the human habitat in a continuum of intensity that ranges from the most rural condition to the most urban. It provides a standardized method for differentiating between the intentions for urban form in various areas using gradual transitions rather than harsh distinctions. The zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone.”*

The model transect for American cities is divided into six transect zones or T-Zones: Natural (T1), Rural (T2), Sub-urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6), together with a Special District (SD) designation for areas with specialized purpose (e.g., heavy industrial, transportation, entertainment, or university districts, among other possibilities).

Because the Charleston County FBZD only applies to rural areas of the County, this Ordinance allows the use of T-Zones T1 through T5 as well as Special Districts.

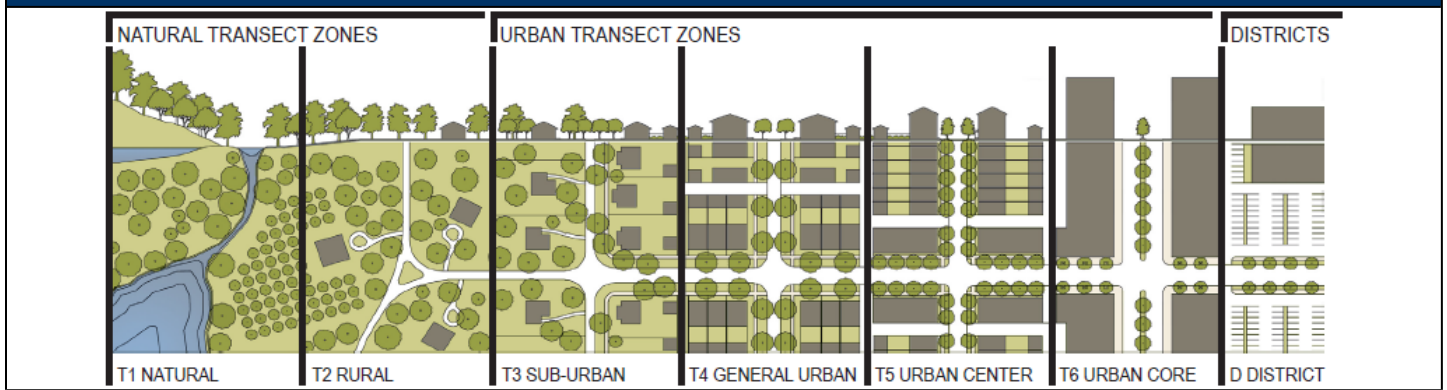
**FIGURE 7.1.A: Rural-to-Urban Transect.**

The transect is a geological cross-section which reveals a sequence of environments. This range of human environments, from rural to urban, provides a rational basis for organizing the components of the built environment including buildings, lots, land use, civic space, streets, and other elements. (Figure not subject to change by applicant)



RURAL ||||| TRANSECT ||||| URBAN

FIGURE 7.1.A: Rural-to-Urban Transect.



E. **Incentives for Utilizing the Form-Based District.** The Form-Based Zoning

District provides the following incentives:

1. **Timely Submittal Requirements.** The initial application in the form of a Form District Master Plan requires limited basic information. However, more information must be submitted before each step of the plan is undertaken, as described in [ARTICLE 7.2](#), FBZD Procedures.
2. **Density in the Rural Area.** The FBZD designation provides the opportunity for the applicant to cluster density in rural areas utilizing development patterns appropriate to DCS.
3. **Consolidated Review Process.** The applicant is required to establish a local review board (Master Plan Review Board) in compliance with this Chapter to assist with the review and make recommendations to the County regarding compliance of FBZD applications with private covenants and restrictions. Plans for the development, initially and as it progresses, will be reviewed and processed administratively by the County Planning Department when in compliance with the provisions of this Chapter.

Effective on: 11/20/2001, as amended

**§7.1.4 Relationship to Charleston County Ordinances**

- A. FBZD Applications shall not propose variations from: the *Building Code of the County of Charleston*, the *Charleston County Stormwater Management Ordinance*, and the *Charleston County 208 Water Quality Management Plan*.
- B. FBZD Applications shall comply with all requirements of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)* with the following exceptions:
  1. **CHAPTER 6 (Use Regulations).** The FBZD generally emphasizes form over land use, allowing applicants to identify a broad range of land uses that promote mixed-use environments, utilizing the principal land use categories and related use definitions of the ZLDR.
  2. **CHAPTER 9 (Development Standards).** The FBZD provides a mechanism for the applicant to develop site-specific development standards through the creation of a Form District Master Plan that supplements the standards found in [CHAPTER 9](#) of the ZLDR. In the event of any conflict between the standards of this chapter and/or the approved Form District Master Plan and the standards in [CHAPTER 9](#), the standards in this Chapter and/or the approved Form District Master Plan shall govern, provided, however, that the Form District Master Plan shall comply with the requirements contained in the following Articles/Sections of the ZLDR: [ARTICLE 9.4](#), Tree Protection and Preservation; the architectural design requirements contained in [ARTICLE 9.6](#), Architectural and Landscape Design Standards; Section [9.6.4.C](#), Site Lighting; and [ARTICLE 9.11](#), Signs.
  3. **CHAPTER 12 (Definitions).** [ARTICLE 7.6](#) of the FBZD supplements the County definitions found in [CHAPTER 12](#) of the ZLDR. The definitions found in [ARTICLE 7.6](#) shall only apply to the terms utilized in this [CHAPTER 7](#).
  4. **APPENDIX A (Road Code).** This Chapter 7 establishes standards for Thoroughfares and complete streets conducive to mixed-use, pedestrian friendly environments. In the event of any conflict between (a) the standards for Thoroughfares of this Chapter 7 and/or the standards in the approved Form District Master Plan and (b) the standards found in Appendix A, Road Code, of the ZLDR, the standards in this Chapter 7 and/or the approved Form District Master Plan shall govern.





- C. The standards and procedures of an approved Form District Master Plan by Charleston County Council shall supersede the provisions of the following otherwise applicable ZLDR sections: Section 7.4.2.B.2.c FBZD Application - Standards (suggesting the organization of the 75% Acreage), Section 7.4.4.B.1 Regional Traffic Impact Study Required, Section 8.4.2.A.3 and A.5.c. Application, Section 8.4.3.B Planning Director - Review and Report, Section 8.4.4 Planning Commission - Review and Decision, and Section 8.4.6 Lapse of Preliminary Plat Approval, but only if the above-referenced ZLDR provisions are identified in the approved Form District Master Plan and the Development Agreement adopted by Charleston County Council and that Council determines the provisions to be not applicable, required, or as being inconsistent with the approved Form District Master Plan.

Any condition of approval imposed by a Decision-Making or Appeal Body under the ZLDR shall be derived from and limited to conditions authorized by the applicable Form District Master Plan.

Effective on: 11/20/2001, as amended

### **§7.1.5 Relationship to Future Restrictive Covenants**

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- A. The applicant shall record Restrictive Covenants against such portions of the Property (when owned by the applicant). The applicant shall establish a Master Plan Review Board (MPRB) in compliance with Section 7.2.7.A(1) of this Ordinance as part of the Restrictive Covenants. At a minimum, all areas outside of the 75% Acreage shall be included within the authority of the MPRB; the authority of the MPRB may include the 75% Acreage. These provisions may be stricter than the FBZD standards in this Chapter or those created by the applicant as part of the Form District Master Plan. The provisions of any such Restrictive Covenants will govern if they are more restrictive.

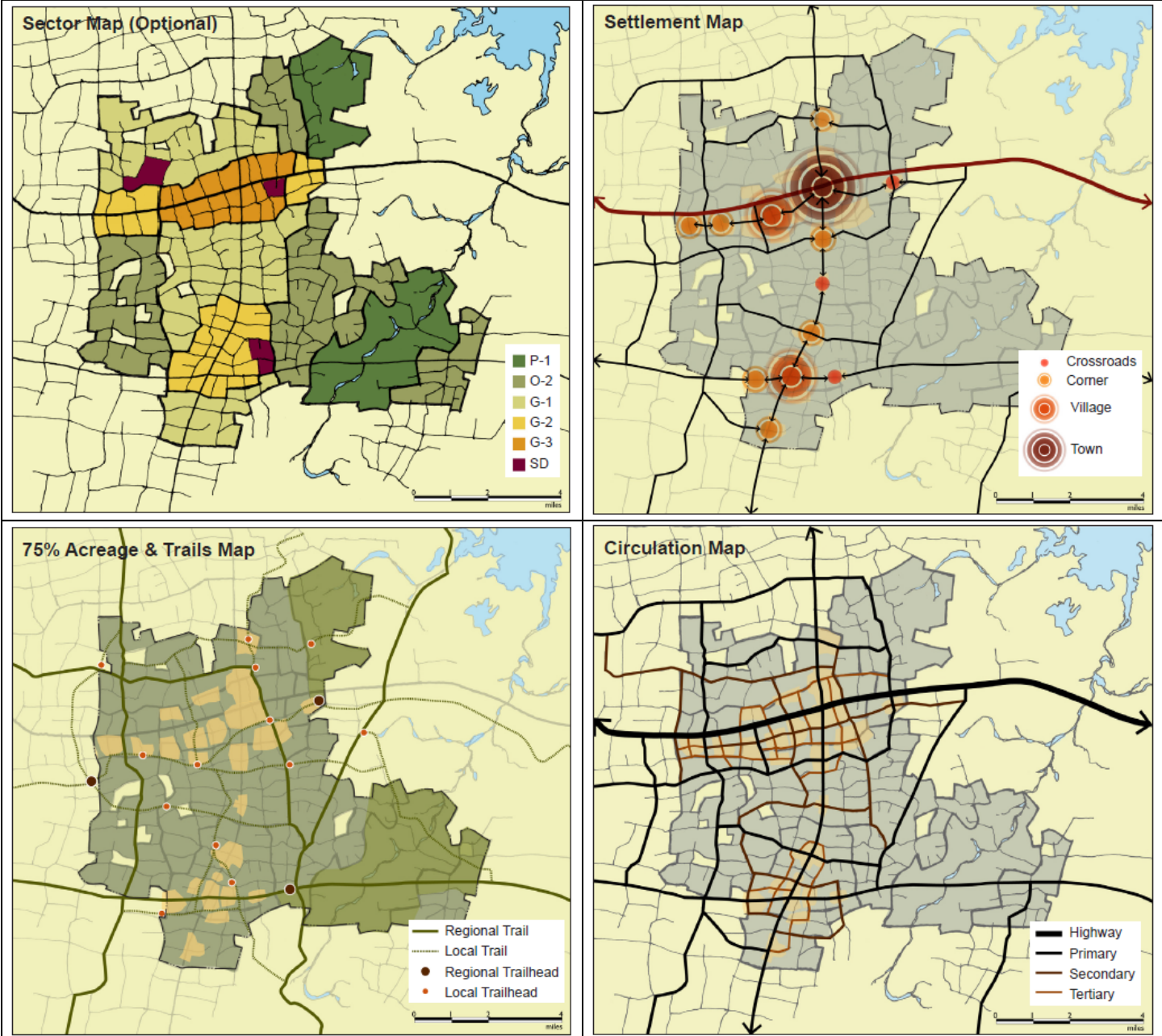
Effective on: 11/20/2001, as amended

### **§7.1.6 FBZD and Land Development Review Process Overview**

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- A. **Rezoning.** Applications for the FBZD require a rezoning following the procedures described in Section 7.2.2, FBZD Application [Rezoning].
- B. **Subsequent Land Developments.** Following a rezoning to FBZD, individual Settlements and Community Units may be reviewed and approved through the submittal of Community Plans and Lot, Block, and Building Plans as described in Section 7.2.3, Land Development Plans.
- C. **Additional Procedures.** Additional procedures pertaining to the FBZD are described in ARTICLE 7.2, FBZD Procedures.

Figure 7.1.B Community Design for Form-Based Zoning District



**FBZD Application Submittal Examples:** Applicants shall define the general location and intensity of all applicable Sectors, Settlements, 75% Acreage and Thoroughfares on a series of maps that indicate the intended direction of growth within the Form District Master Plan Area.

Figure 7.1.B Community Design for Form-Based Zoning District

Transect & Special District Regulating Plan



Thoroughfares Regulating Plan



Civic Space Regulating Plan





## Figure 7.1.B Community Design for Form-Based Zoning District

**Community Plan Submittal Examples:** Applicants shall describes the physical form of one or more Community Units using Regulating Plans that indicate Transect Zones, Thoroughfares, and Civic Spaces.

Effective on: 11/20/2001, as amended

## ARTICLE 7.2. FBZD PROCEDURES

### §7.2.1 General

- A. The general provisions of this Article apply to all development applications within the FBZD. These provisions supplement those provisions found in [CHAPTER 3](#), Development Review Procedures, of the ZLDR. Should any conflict arise between a procedure in [CHAPTER 3](#) and the procedures of this Article, the procedures of this Article shall govern.
- B. Table 7.2.A, Summary of FBZD Related Procedures, provides a summary of review procedures related to the FBZD and lists Review (R), Decision Making (DM), and Appeal (A) responsibilities for the various review bodies.

Table 7.2.A Summary FBZD Related Procedures (Table not subject to change by applicant)								
Review [R], Decision-Making [DM], And Appeal [A] Bodies								
Procedure	MP RB	Staff SPR	County CRC	Planning Director	BZA	PC	CC	Section
FBZD Application (Rezoning)				R		R	DM	7.2.2
FBZD Amendments (Rezoning)	R		R	R		R	DM	7.2.6
Community Plans	R		R	DM	A*	A*		7.2.3
Lot, Block, and Building Plans	R	R		DM	A			7.2.3
Special Districts (Defined and mapped at Rezoning)	R		R	DM		A		Art. 7.2 & 7.4
Special Districts (Defined at time of Rezoning and mapped at Community Plan)	R		R	R		DM		Art. 7.2 & 7.4
Zoning Permits	R			DM	A			7.2.5
Uses Subject to Conditions	R		R	DM	A			7.2.5
Dimensional Waivers	R		R	DM	A			7.2.5
Zoning and Tree Variances	R			R	DM			3.10
Preliminary Plats	R		R	DM		A		7.2.4
Conditional Plats	R			DM				7.2.4
Final Plats	R			DM		A		7.2.4

MPRB: Master Plan Review Board (7.2.7.A.1)  
 Staff SPR: Staff Site Plan Review Committee (3.7.6 & 7.2.7.A.2)  
 County CRC: County Consolidated Review Committee (7.2.7.A.3)  
 BZA: Board of Zoning Appeals (2.3)  
 PC: Planning Commission (2.2)  
 CC: County Council (2.1)

\*Note: Decisions on Community Plans may be appealed to the PC or BZA, as appropriate, pursuant to [CHAPTER 3](#), Development Review Procedures, of this Ordinance.

Effective on: 11/20/2001, as amended

### §7.2.2 Application (Rezoning)

- A. **Application Filing.** Application of the FBZD may be initiated for proposed developments that meet the definition and requirements of Developments of County Significance as contained in [ARTICLE 3.17](#) of this Ordinance. Complete applications for FBZDs may be submitted on forms available in the Planning Department once the Planning Director



has determined that the Application complies with all applicable requirements and regulations. Applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, and shall not be approved unless the following are provided:

1. A legible approved and recorded plat showing the current boundaries of the area to be included in the FBZD, or a map compiled to represent such boundaries as shown on two or more recorded plats, including the total highland acreage and an estimate of the freshwater wetland acreage.
  2. A copy of the current recorded deed(s);
  3. Payment of all required fees;
  4. A completed Zoning Map Amendment application signed by the current property owner(s) including all current tax parcel identification numbers for the parcel(s) to be considered for rezoning;
  5. A Posted Notice Affidavit(s) signed by the property owner(s);
  6. A Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law;
  7. A copy of the Form-Based Zoning District Checklist;
  8. Submission of thirty-five (35) hard copies and one digital version of all application materials required by this Section, including, but not limited to the Form District Master Plan and appendices;
  9. All information required by this Chapter;
  10. A statement of objectives of the proposed development;
  11. Documentation demonstrating compliance with the DCS Requirements as described in Section 3.17.4.A.2.a-c, Developments of County Significance, and this Chapter;
  12. A description of how the proposed development complies with the Purpose and Intent of this Chapter and the Approval Criteria in Section 7.2.2.D.5.d;
  13. Documentation demonstrating the urban and architectural patterns utilized in calibrating the Form District Master Plan to local character;
  14. A description of public facilities and public services to be provided;
  15. A 75% Acreage and Trails Map for the entire property in compliance with Section 7.4.2, 75% Acreage;
  16. A Circulation Map for the entire property in compliance with Section 7.4.4, Circulation and Thoroughfare Design;
  17. A traffic impact study for the entire property in compliance with Section 3.17.4.A.2;
  18. A Conceptual Phasing Plan for the entire property indicating approximate areas proposed for development by phase;
  19. General information regarding areas of known community, historical, and/ or archaeological resources; and
  20. Any other information that the Planning Director determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Chapter.
- B. **Form District Master Plan Application Requirements.** Applicants shall submit the following materials when applying for an FBZD, to be compiled as a Form District Master Plan. The Form District Master Plan shall be organized with a Table of Contents and shall utilize the SmartCode v9.2, as amended, and the templates provided in this Chapter. Additional Form-Based Code resources and/or templates may be utilized to assemble the Form District Master Plan. The Form District Master Plan Regulations shall include the following:
1. All tables included in this Chapter, provided that the applicant may not amend any prescriptive tables;
  2. Sector requirements, if applicable, in compliance with the standards in Section 7.3.2, Sectors;
  3. Special Districts, if applicable, in compliance with the requirements in Sections 7.3.2, Sectors, and 7.4.7, Special Districts;
  4. Settlement and Community Type requirements in compliance with the standards in Section 7.3.3, Settlements, and ARTICLE 7.4, Community Scale Planning: Community Units;
  5. 75% Acreage and Civic Space requirements in compliance with the standards in Section 7.4.2, 75% Acreage, and Section 7.4.3, Civic Space;
  6. Thoroughfare requirements in compliance with the standards in Section 7.4.4, Circulation and Thoroughfare Design;



7. Transect Zone requirements in compliance with the standards in Section 7.4.5, Transect Zones, including range of Private Frontages and Building Dispositions;
  8. Density calculations in compliance with the standards in Section 7.4.6, Density Calculations;
  9. Buffer and tree protection requirements in compliance with the standards in Section 7.4.8, Buffer Requirements and Tree Protection and Preservation;
  10. Proposed Functions and Uses in compliance with the standards in Section 7.5.1, Function and Use;
  11. Parking standards for Functions and Uses in compliance with the standards in Section 7.5.2, Parking;
  12. Supplemental Standards and Guidelines in compliance with the standards in Section 7.5.3, Supplemental Standards and Guidelines;
  13. Supplemental Definitions not listed in Section 7.6.1, Supplementary Definitions, or elsewhere in this Ordinance; and
  14. The Form Based Master Plan shall reference the procedures and regulations for the approval of the land development applications within the FBZD as described in Section 3.17.4.A.2.d-i.
- C. **Development Agreement.** A Development Agreement application shall be filed concurrently with the FBZD application pursuant to [ARTICLE 3.17](#), Developments of County Significance. The Form District Master Plan shall be included as an exhibit to the Development Agreement.
- D. **Application Process**
1. **Pre-Application Conference.** Prior to submitting an FBZD application the applicant must have at least two pre-application conferences with the Planning Director and any other officials designated by the Director, to discuss the proposal and the applicable development review and approval procedures. The first pre-application conference must occur before the draft application submittal.
  2. **Conceptual Form District Master Plan Presentation.** Prior to submitting a formal application, applicants shall present their Conceptual Form District Master Plan to the Charleston County Planning Commission at a Workshop. This presentation shall be for discussion purposes only.
  3. **Community Workshop.** The applicant shall hold at least one community workshop, inviting residents, service providers, and jurisdictions in the area that may be impacted by the proposed development, in order to provide the opportunity to understand and to discuss mitigation of impacts an Application may have on an affected community.
  4. **Draft Application Submittal.**
    - a. Prior to submitting a formal application the applicant shall submit at least fifteen (15) copies of the draft FBZD application for the Planning Department review and comment regarding compliance with [CHAPTER 7](#).
    - b. Revisions to the draft submittal that are necessary to meet the requirements of this Chapter shall be conveyed to the applicant during subsequent pre-application conferences. The revision process may require subsequent submittals of draft application materials.
  5. **Approval Process.** Requests to amend the Official Zoning Map to apply the FBZD designation shall be processed as follows:
    - a. **Planning Director Review and Report.** Once an Application is deemed complete and contains all information required herein, the Application will be scheduled for a Planning Commission meeting in Compliance with Section 3.1.4, Application Completeness and Submission Deadlines, and the applicant and other interested parties will be notified in accordance with this Ordinance. The Planning Director shall prepare a staff report that reviews the Application in compliance with this Chapter and [ARTICLE 3.17](#), Developments of County Significance.
    - b. **Planning Commission Review and Recommendation.** The Planning Commission shall review the Application and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve or deny the Application.
      - (1). The Planning Commission shall submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the Application was introduced.
    - c. **County Council Public Hearing and Decision.** After receiving the recommendation of the Planning Commission, County Council shall hold a minimum of one public hearing prior to giving a second reading to



FBZD applications. All required FBZD public hearings shall be noticed in compliance with the ZLDR. The County Council's decision shall be based on the Approval Criteria in Subsection d, and shall be one of the following:

- (1). Approval of the application; or
  - (2). Denial of the application.
- d. **Approval Criteria.** A FBZD rezoning is a matter of legislative discretion and is not controlled by any one factor. In determining whether to approve a proposed application for a FBZD, County Council must determine that the application meets the Application Criteria of Section 3.4.6 and the following:
- (1). The proposed amendment is in accordance with the purpose and intent of the Comprehensive Plan, its goals and policies, and the Rural Guidelines;
  - (2). The proposed amendment complies with the stated purposes and requirements of this Chapter;
  - (3). The proposed amendment complies with [ARTICLE 3.17](#), Developments of County Significance;
  - (4). The proposed amendment complies with the County and BCDCOG 208 Water Quality Management Plans and facilitates established levels of service for water and sewer supply, stormwater facilities, waste disposal and other public facilities and services and ensures such public facilities and services will be available to serve development on the property concurrent with its impacts of such services and facilities;
  - (5). The applicant has provided documentation that the development proposed will not result in significant adverse impacts on other property in the vicinity of the subject property subject to the amendment;
  - (6). The applicant has provided documentation that the proposed amendment will not have an adverse impact on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
  - (7). The proposed amendment is suitable for the FBZD considering such things as parcel size, parcel configuration, road access, and the presence of cultural, historical, archaeological, and natural resources and amenities.
- e. **Identification of Zoning Maps.** Following final action by the County Council, the Planning Director shall be responsible for providing the applicant with written notice of the County Council final decision and for revising the Official Zoning Map, where applicable. Failure to perform this ministerial action will not affect the validity of the approval.
- f. **Final Approved Form District Master Plan Documentation.** Within ten (10) working days of approval by County Council of a FBZD, the applicant shall submit to the Planning Director three (3) hard copies and one (1) digital copy of the approved Form District Master Plan incorporating all changes and conditions approved by Council.

Effective on: 11/20/2001, as amended

### **§7.2.3 Land Development Plans**

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- A. **General.** Land Development Plans applicable to the FBZD include Community Plans for Community Units, Lot, Block, and Building Plans, and Special District Plans. Community Units shall be in compliance with the standards and requirements set forth in [ARTICLE 7.4](#), Community Scale Planning: Community Units. Subdivision applications shall comply with the requirements of [CHAPTER 8](#), Subdivision Regulations, provided, however, that the subdivision application approval process described in this [CHAPTER 7](#) shall apply.
- B. **Community Plans.** Community Plans provide a process for the evaluation and review of Community Units proposed within an FBZD. These applications enable detailed master planning in a manner that assures compliance with the intent and standards of the FBZD and the applicant's Form District Master Plan, while maintaining some degree of flexibility regarding future buildout of these areas. Community Plans require the organization of thoroughfares, development blocks, and publicly accessible Civic Space. Community Plans must be approved prior to issuance of any other land development permits except Preliminary, Conditional or Final Plats Subdividing the Community Unit tract boundary, and/or Infrastructure Plans to provide access to the tract. Community Plans may be submitted and reviewed concurrently with Preliminary Plats as described in [ARTICLE 8.4](#), Preliminary Plats, of this Ordinance. Modifications to Community Plans may occur by submitting revised Community Plans that meet the requirements of this Chapter.



1. Application Process
  - a. **Pre-Application Conference.** Prior to submitting an application the applicant shall confer with the Planning Director and any other officials designated by the Director, to discuss the proposal and the applicable development review and approval procedures.
2. **Application Requirements.** The following information is required to be included in an application for a Community Plan:
  - a. A Location Map that clarifies the location of the proposed Community Unit in relationship to the applicant's proposed Sectors and Settlements, other proposed Community Units, Thoroughfares (per Circulation Map approved as part of a Form District Master Plan), 75% Acreage, and greenways;
  - b. The total acreage of the area to be included in the Community Plan, broken down into total acreage, total highland acreage, total freshwater wetland acreage and total acreage of OCRM Critical Line Areas including locations of highland areas, freshwater wetland areas, and Critical Line Areas;
  - c. A Civic Space Regulating Plan that identifies the types, sizes, and locations of all Civic Space in accordance with Section 7.4.3, Civic Space;
  - d. Supplemental information regarding Civic Space including locations and acreages of all wetlands, waterways, and OCRM Critical Line Areas to be protected in accordance with the US Army Corps of Engineers Preliminary Jurisdictional Delineation or Permit and/ or OCRM.
  - e. A Thoroughfares Regulating Plan that identifies and shows the location of all existing highways, roads and streets, shows the type and location of all proposed highways, Thoroughfares, Rear Alleys and Rear Lanes within the Community Plan or Special District Plan area, establishes the general location of any other publicly accessible right-of-ways and demonstrates an interconnected and complete transportation network in accordance with Section 7.4.4, Circulation and Thoroughfare Design;
    - (1). Supplemental cross sections of thoroughfares shall be submitted in accordance with Section 7.4.4.C.
  - f. A Regulating Plan that clarifies the location, size, and disposition of the Transect Zones for each applicable Community Unit in accordance with Section 7.4.5, Transect Zones;
  - g. Minimum and Maximum anticipated density for the Community Unit in compliance with Section 7.4.6, Density Calculations;
  - h. Special District information, if applicable, in compliance with Section 7.4.7, Special Districts;
  - i. Documentation of public service provision including letters of coordination and thresholds for public facilities and necessary mitigation based on the development agreement, including:
    - (1). Infrastructure impact studies, as applicable, per Development Agreement; and
    - (2). Demonstration of how each Community Plan will be in compliance with the requirements of the County and BCDCOG 208 Water Quality Management Plans.
  - j. Master stormwater plan, as applicable;
  - k. Proposed/recorded restrictive covenants, as applicable, including compliance with the applicable requirements of Section 7.5.3;
  - l. Environmental conditions/surveys;
  - m. Tracking of the total number of dwelling units, Civic Space acreage, and infrastructure capacity for the proposed Community Plan compared to the totals approved for the entire FBZD as part of the Form District Master Plan;
  - n. Tree Plans and Surveys in accordance with Section 9.4.3, Tree Plans and Surveys, of the ZLDR;
  - o. Documentation demonstrating compliance with the DCS Requirements as described in Section 3.17.4.A.2.d-i, Developments of County Significance, and this Chapter.
  - p. **Approval Criteria.** Upon receipt of a complete application for a Community Plan, the County Consolidated Review Committee (County CRC) shall review and recommend that the Planning Director approve or deny the application, based on whether it is in substantial conformity with the applicant's established Form District Master Plan and the standards in





this Chapter, in compliance with Section 7.2.7.A.3, County Consolidated Review Committee (County CRC). The Planning Director shall make a final decision on the Community Plan approval.

- q. **Appeals.** Decisions on Community Plans may be appealed to the Planning Commission or Board of Zoning Appeals, as appropriate, pursuant to CHAPTER 3, Development Review Procedures, of this Ordinance.

C. **Lot, Block, and Building Plans.** Lot, Block, and Building Plans provide a process for detailed administrative review of lots, blocks, and buildings once the parameters of Community Plans have been established and approved. The content of Lot, Block, and Building Plans shall be reviewed against an applicant's approved Form District Master Plan for the property.

1. **Application Requirements.** The following is required in order to demonstrate Lot, Block and Building Plan compliance, including those for Civic Space, with the applicant's approved Form District Master Plan and this CHAPTER 7:

- a. Approved, recorded Plat of Lot, Block, and Building Plan area or individual Lot(s);
- b. A Letter of Intent stating the proposed development and uses at the time of application submittal;
- c. Dimensional Lot, Block and Building Plan consistent with the approved Form District Master Plan and Community Plan or Special District Plan, as applicable, and drawn to scale which includes the following:
  - (1). Dimensional site layout plan;
  - (2). Individual Lot layout(s) illustrating buildable areas as per Transect Zones, Frontages, setbacks, and encroachment;
  - (3). Wetland, waterway & OCRM Critical Line setbacks; and
  - (4). Identification of authorized or proposed Functions and Building Types, and locations.
- d. Block and building-scaled development plans consistent with the applicant's approved Form District Master Plan, including the following:
  - (1). Identification of proposed use(s) and functions;
  - (2). Identification of types and locations of applicable building types;
  - (3). Parking & loading locations and dimensions;
  - (4). Grading and drainage plan drawn to scale;
  - (5). Architectural Elevations, including proposed building heights;
  - (6). Sign types, locations, and dimensions;
  - (7). Lighting types, locations, and dimensions; and
  - (8). Compliance with any Specific Lot and Building Plan conditions as may be established by the approved Form District Master Plan for certain enumerated Functions.
- e. Floor plans, Elevations, renderings, and Frontage sections of all applicable Civic Buildings;
- f. Civic Space, landscape and tree retention; and screening and buffers plans (if applicable) consistent with the applicant's approved Form District Master Plan;
- g. Letters of coordination with utility providers demonstrating adequate levels of service, threshold capacities, and mitigation, which are valid for a period of twelve consecutive months from the date of the letter;
- h. Historic preservation/mitigation, if applicable;
- i. Construction Drawings, if applicable; and
- j. Tracking of the total number of dwelling units, Civic Space acreage, and infrastructure capacity for the proposed Lot, Block, and/ or Building Plan, as applicable, compared to the totals approved for the Community Plan.

2. **Approval Criteria.** Upon receipt of a complete application for a Lot, Block, and Building Plan, the Site Plan Review Committee (Section 3.7.6) shall review and recommend that the Planning Director approve or deny the application, based on whether it is in substantial conformity with the applicant's established Form District Master Plan and the following criteria:

- a. Consistency with a previously approved, applicable Community Plan; and



- b. Consistency with any previously approved Uses Subject to Conditions, Dimensional Waivers, or Zoning or Tree Variances.

3. **Concurrent Submittals.**

- a. Community Plans and Lot, Block, and Building Plans may be submitted and reviewed simultaneously. In this event the MPRB shall review, package, and submit application materials that require review and recommendation by the County CRC and decision by the Planning Director.
- b. Preliminary Plat, Conditional Plat or Final Plat applications submitted before or concurrently with Lot, Block, and Building Plans shall not require approval of a Lot, Block, and Building Plan.

- 4. **Appeals.** Decisions on Lot, Block, and Building Plans (non-construction) may be appealed to the Board of Zoning Appeals in accordance with [ARTICLE 3.13](#), Appeals of Zoning-Related Administrative Decisions.

- D. **Special District Plans.** Land development applications for Special Districts established and mapped in the approved Form District Master Plan shall comply with the procedures for Community Plans contained in Section 7.3.2.B as well as the standards contained in Section 7.4.7, Special Districts. Figure 7.2.B summarizes the Special District Plan review process.

Effective on: 11/20/2001, as amended

### **§7.2.4 Subdivision**

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- A. Subdivision applications shall comply with the requirements of [CHAPTER 8](#), Subdivision Regulations, provided, however, that the subdivision application exemptions described in this [CHAPTER 7](#) shall apply. This [CHAPTER 7](#) shall not be construed to limit any right to Subdivide real property within any FBZD in conformance with the Form-Based Code Standards for parcels of real property or with any statutory exemptions.

Effective on: 11/20/2001, as amended

### **§7.2.5 Zoning Permits**

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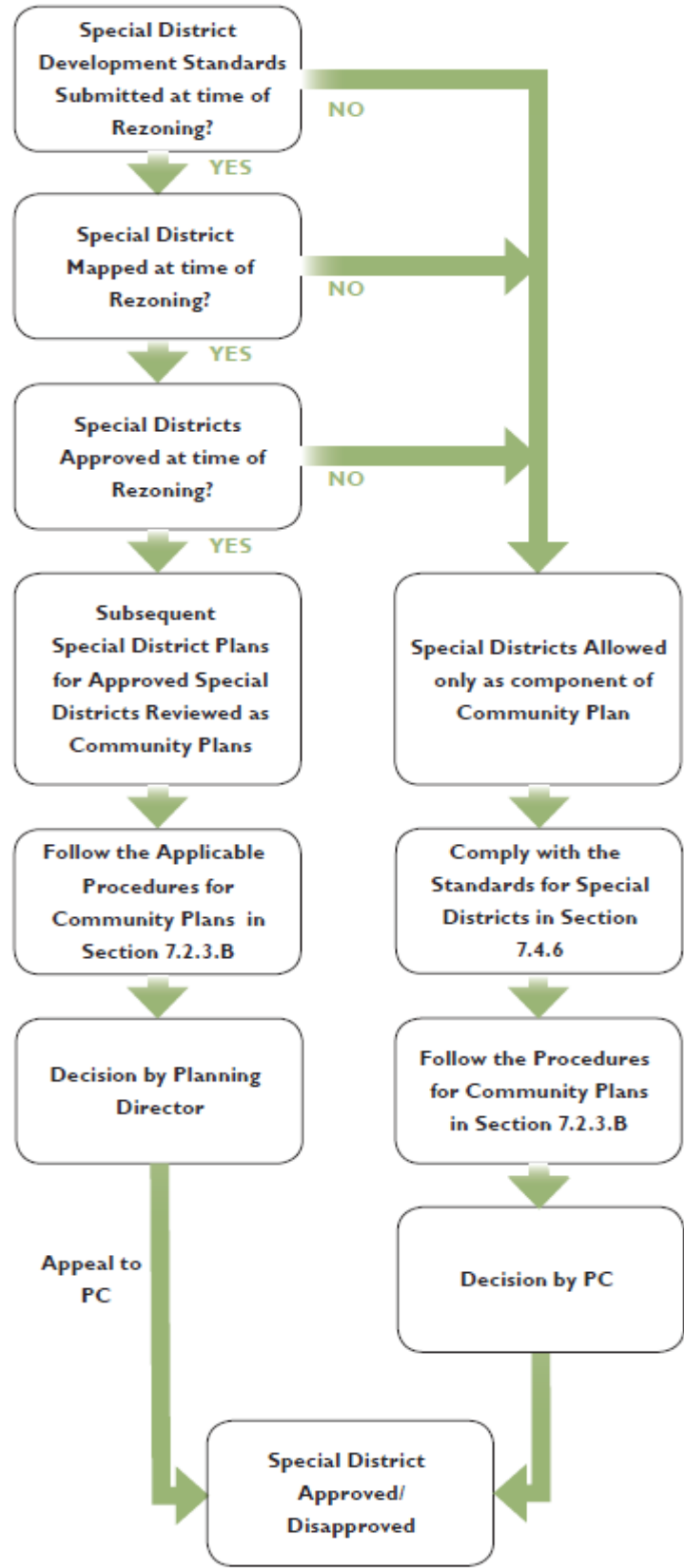
- A. Zoning Permits shall be obtained for all development activities listed in compliance with [ARTICLE 3.8](#), Zoning Permits, and Table 7.2.A.
- B. **Uses Subject to Conditions.** Uses Subject to Conditions are uses identified by the applicant as being allowed in the respective Transect Zone only if they comply with the use-specific conditions listed in Subsection 7.5.1.B.2 and all other applicable regulations of the Form District Master Plan.
  - 1. **Appeals.** Appeals of the decisions regarding Uses Subject to Conditions shall be heard by the Board of Zoning Appeals in accordance with [ARTICLE 3.13](#), Appeals of Zoning-Related Administrative Decisions.



### Figure 7.2.B: Summary of Special District Review Process

Figure not subject to change by the Applicant.  
**Special Districts**

**Figure 7.2.B: Summary of Special District Review Process**





- C. **Dimensional Waivers.** Waivers are specified deviations from otherwise applicable development standards where development is proposed that would be consistent with surrounding land uses, harmonious with the public interest, and consistent with the purpose and intent of the FBZD.
1. **Applicability.** Following a recommendation by the County CRC, the Planning Director shall have the authority to authorize adjustments of up to 20 percent from any numerical standard set forth in this Chapter and/or established by the applicant through Form District Master Plan submitted or referenced at time of initial FBZD application. Any request greater than 20 percent shall be treated as a Variance addressed by the Board of Zoning Appeals in accordance with [ARTICLE 3.10](#), Zoning Variances.
  2. **Application Requirements.** An application for a Dimensional Waiver shall include a brief description of the requirement to be adjusted and any other material necessary to ensure the criteria in Subsection 6 below are met.
  3. **Approval Criteria.** Following a recommendation by the County CRC, the Planning Director shall review the application and approve or deny the application, based on whether it is in substantial conformity with the applicant's established Form District Master Plan and the following criteria:
    - a. That granting the Dimensional Waiver will promote the same general level of land use compatibility as the otherwise applicable standards;
    - b. That granting the Dimensional Waiver will not materially affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations; and
    - c. That granting the Dimensional Waiver will be generally consistent with the purpose and intent of the FBZD.
  4. **Appeals.** Appeals of decisions on dimensional waivers shall be heard by the Board of Zoning Appeals in accordance with [ARTICLE 3.13](#), Appeals of Administrative-Related Decisions.

Effective on: 11/20/2001, as amended

## **§7.2.6 Amendments**

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- A. Amendments of approved Form District Master Plans shall be required for any of the following:
1. Changes to an approved Sector Map, if Sectors are utilized, provided, however, that changes to Special Districts shall comply with the process in Section [7.2.7.A.7](#) and Section [7.4.7](#), Special Districts;
  2. Changes to an approved Settlement Map, if Sectors are not utilized;
  3. The inclusion of new Uses not established by the Applicant at the time of initial FBZD application in accordance with Section [6.3.5](#), New or Unlisted Uses and Use Interpretations;
  4. The inclusion of new Transect Zones and/or related dimensional standards not established by the Applicant at the time of initial FBZD application that contemplate changes in density, intensity, form, or character;
  5. Increases in density beyond that which was established at the time of initial FBZD application;
  6. The inclusion of complex Thoroughfare Types and Assemblies established in subsequent Community Plans that utilize components not listed in Table 7.4.G, Thoroughfare Components, and Table 7.4.L, Vehicular Lane/Parking Assemblies) and new Thoroughfare Types proposed at time of Community Plan submittal. Such amendments shall also require approval by the County Transportation Engineer and may require coordination with emergency services providers, waste collection and/or SCDOT; and
  7. Addition of Special Districts that were not established in the approved Form District Master Plan and were not mapped.
- B. Amendments to an approved Form District Master Plans shall follow the procedures of [ARTICLE 3.3](#), Zoning and Land Development Regulations Text Amendments, and/or [ARTICLE 3.4](#), Zoning Map Amendments [Rezoning].
- C. Amendments described above may require amendments to associated Development Agreements in accordance with [ARTICLE 3.16](#), Development Agreements, and/or [ARTICLE 3.17](#), Developments of County Significance.

Effective on: 11/20/2001, as amended

## **§7.2.7 Review Responsibilities**

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- A. **Purpose and Intent.** The FBZD seeks to establish a well-coordinated review process that can grant expedited planning review and approval once the requirements for initial FBZD application have been met. The following Powers and Duties are established:
1. **Master Plan Review Board (MPRB).** The applicant shall establish a Master Plan Review Board (MPRB) at the time of initial FBZD application to review and make recommendations regarding compliance of subsequent Community Plans and related planning activities with private covenants and restrictions. The MPRB authority must, at a minimum, include all areas outside of the 75% Acreage (the 75% Acreage may be included). The MPRB shall review and make recommendations to the Planning Director regarding compliance of the following applications with private covenants and restrictions:
    - a. Zoning Permits for Uses, Structures, and Functions;
    - b. Uses Subject to Conditions;
    - c. Dimensional Waivers as described in Section 7.2.4.D, Dimensional Waivers;
    - d. Community Plans;
    - e. Lot, Block, and Building Plans;
    - f. Special Districts and Special District Plans;
    - g. Zoning and Tree Variances;
    - h. FBZD Amendments;
    - i. Preliminary Plats; and
    - j. Conditional and Final Plats.
  2. **Staff Site Plan Review Committee (Staff SPR).** The Staff Site Plan Review Committee shall review and make recommendations to the Planning Director on Lot, Block, and Building Plans in accordance with Section 3.7.6 (Review and Action Site Plan Review Committee).
  3. **County Consolidated Review Committee (County CRC).**
    - a. The CRC shall review and make recommendations to the Planning Director regarding applications for FBZD Amendments, Community Plans, Special Districts, Special District Plans, Uses Subject to Conditions, Dimensional Waivers, and Preliminary Plats, in accordance with Table 7.2.A, based on the applicable approval criteria. The CRC shall consist of representatives from the following County departments:
      - (1). Zoning & Planning;
      - (2). Public Works and Stormwater;
      - (3). Law Enforcement/Public Safety, including Emergency Management;
      - (4). Building Services; and
      - (5). Transportation Development.
    - b. **Outside Agencies.** The Planning Director shall have the authority to involve outside agencies in County CRC review activities when applicable to the proposed development, e.g., South Carolina Department of Health and Environmental Control (DHEC), South Carolina Department of Transportation (SCDOT), and applicable easement holders.

Effective on: 11/20/2001, as amended

## ARTICLE 7.3. REGIONAL SCALE PLANNING: SECTORS AND SETTLEMENTS

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### §7.3.1 Purpose and Intent

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- A. This Chapter contemplates a hierarchy of development standards that apply to the Sector, Settlement, Community, Lot, Block, and Building scales, as well as Special Districts. This Article applies to the Sector and Settlement scales and requires:
1. That the applicant shall demonstrate at the time of initial FBZD application a level of information that describes the location, intensity, and type of development that is proposed; and



2. That the applicant shall demonstrate in subsequent Community Plan applications that the form, character, and intensity of development is compliant with materials submitted at time of initial FBZD application (rezoning).

Effective on: 11/20/2001, as amended

### §7.3.2 Sectors

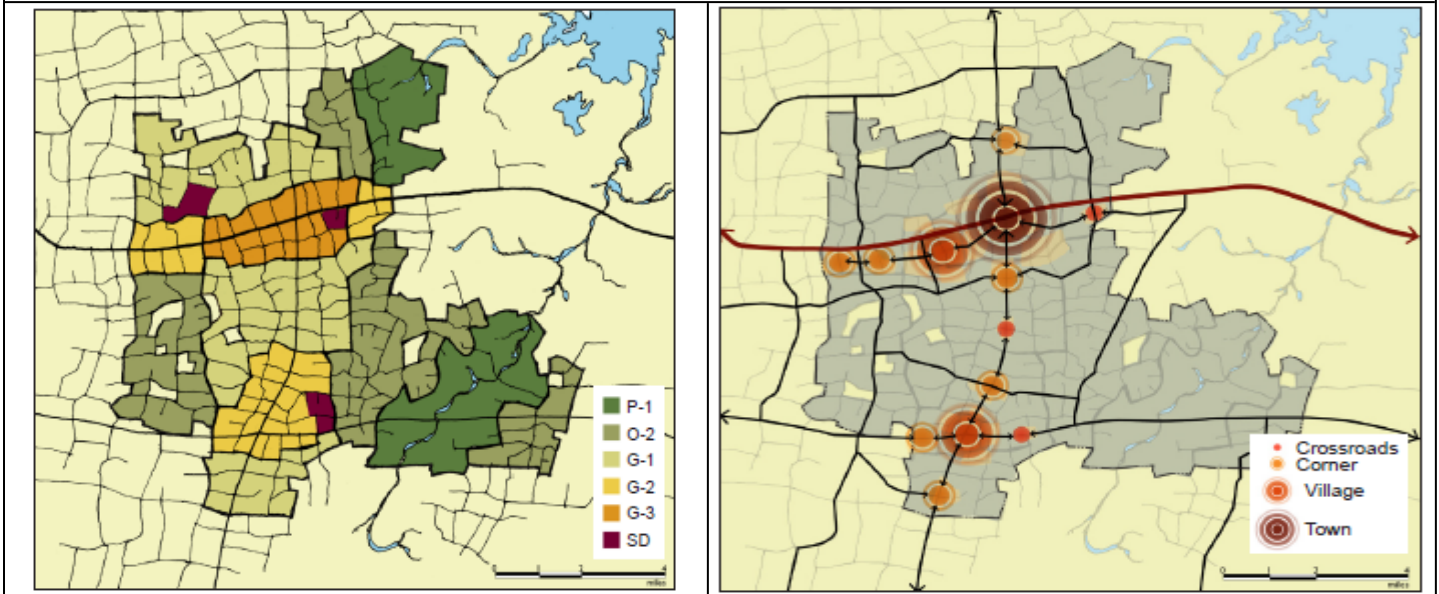
A. **Sectors.** The Planning Director may require, or applicants may propose, that Sectors be established. If utilized, Sectors shall be mapped as part of the rezoning application in order to provide more specificity and direction with regards to how Settlements and 75% Acreage may be organized.

1. **FBZD Application - Standards.**

- a. In the event that Sectors are required or proposed at the time of FBZD application, applicants shall map and define the applicable Sectors to their property. Sectors may be further subdivided to provide additional specificity and/or to better describe the range of anticipated 75% Acreage and Settlements.
- b. Sectors shall be located on a map as a GIS layer which shall be submitted as part of the rezoning application.
- c. Applicants may elect to provide one or more additional Sectors from those listed in this Section in order to provide additional specificity and/or to better describe the range of anticipated 75% Acreage and Settlements proposed. Such Sectors shall be described and enumerated in the applicant's Form District Master Plan.
- d. Applicants shall submit the range of minimum and maximum densities by Sector.

**Figure 7.3.A Example Sector and Settlement Maps**

Two illustrative images represent maps submitted at time of FBZD application that show areas of 75% Acreage and growth and that establish the general location and intensity of development.



**TABLE 7.3.B: Sector/Settlement/Community Allocation**

Table 7.3.B defines areas that are or are not suitable for development. Settlement Types and Specific Community Unit types of various intensities are allowable in specific Sectors. This table also allocates the proportions of Transect Zones within each Community Unit Type. (Table shall not be altered by the Applicant except to allow additional Sectors and subsets of Transect Zones in order to provide increased specificity, provided, however, that the resulting standards shall fall within the parameters of this table.)

Settlement Types	(PRIMARILY OPEN SPACE)		(LESS DEVELOPED)		(MORE DEVELOPED)
	P1 – Preserved Open Sector	O2 – Reserved Open Sector	G1 – Restricted Growth Sector	G – Controlled Growth Sector	G3 – Intended Growth Sector

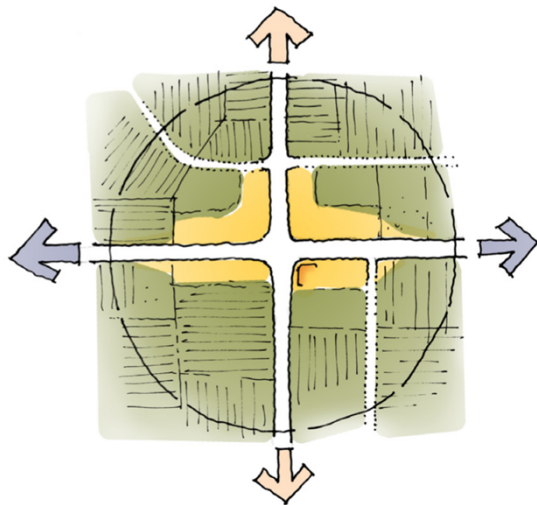


**TABLE 7.3.B: Sector/Settlement/Community Allocation**

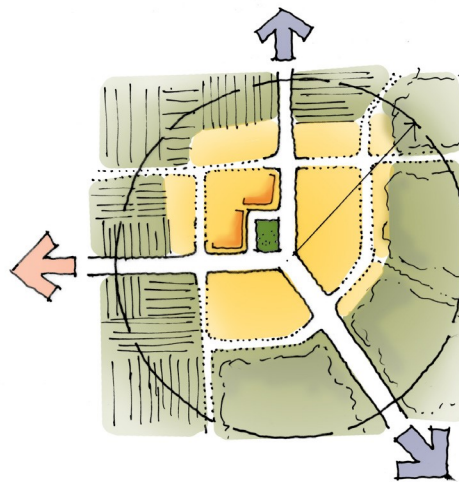
Community Unit	Sector/Settlement/Community Allocation												
	RD	RD	RCD	CLD	RD	RCD	CLD	TND	RD	CLD	TND	RCD	
T1	No Minimum	No Minimum	NO MIN / MAX	50% MAX	10 - 50%	NO MIN / MAX	50% MAX	10 - 30%	20% MAX	NO MIN / MAX	10 - 30%	15% MAX	
T2	No Minimum	No Minimum	NO MIN / MAX	50% - 100%	20 - 70%	NO MIN / MAX	15 - 100%			NO MIN / MAX			
T3								20 - 55%	10 - 30%		20 - 55%	5 - 40%	
T4				0 - 10%	10 - 40%		10 - 40%	20 - 60%	20 - 60%		20 - 60%	20 - 60%	5 - 80%
T5									10 - 30%			20 - 60%	10 - 80%

**FIGURE 7.3.C: Settlement Type Diagram Examples**

The following illustrative images describe the Charleston County Settlement Types that display a Community Unit or a group of Community Units located in general proximity with each other.



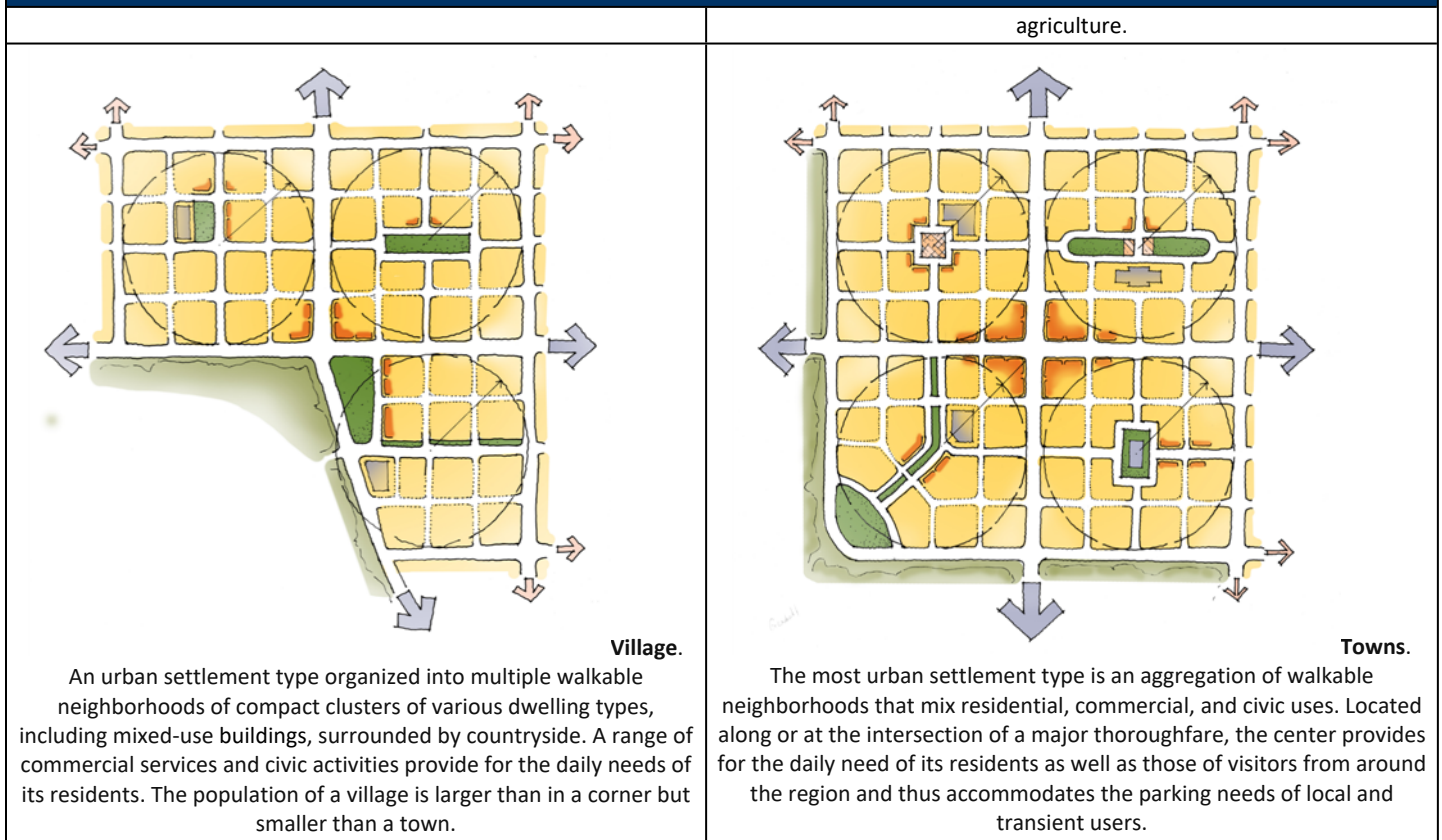
**Crossroads.** The smallest rural settlement type located at the intersection of two local roads. A crossroad is comprised of a compact cluster of homes about an intersection that is surrounded by countryside or agricultural lands. A corner store or civic use may mark the corner.



**Corner.** A rural settlement type that is larger than a crossroads and located at a significant crossroads or open space. A Corner is comprised of a compact cluster of homes organized in a walkable community with limited commercial services or civic uses, surrounded by countryside or



**FIGURE 7.3.C: Settlement Type Diagram Examples**



2. **Sectors Defined.** Sectors are geographical areas that are comprised of 75% Acreage and growth areas. Growth areas are intended for the development of new settlements and communities in the form of Settlement Types and Community Types, which in turn are comprised of Transect Zones and Special Districts.
  - a. Sectors applicable to DCS range from Preserved Open (P-1) to Reserved Open (O-2) to Restricted Growth (G-1) to Controlled Growth (G-2) to Intended Growth (G-3).
    - (1). The Preserved Open Sector (P-1) shall consist of Open Space that is protected from development in perpetuity. The Preserved Open Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase, by easement, or by a Transfer of Development Rights.
    - (2). The Reserved Open Sector (O-2) shall consist of rural development patterns and activities and may include a mix of Separate Rural Development and open space.
    - (3). The Restricted Growth Sector (G-1) shall be assigned to areas that have value as open space but are appropriate for development of restricted or limited intensity that is clustered.
    - (4). The Controlled Growth Sector (G-2) shall be assigned to areas that can support a variety of mixed-use development patterns by virtue of proximity to existing infrastructure, including clustered land development and traditional neighborhood developments.
    - (5). The Intended Growth Sector (G-3) shall be assigned to areas that can support substantial mixed-use development patterns by virtue of proximity to existing infrastructure, including traditional neighborhood developments and regional center developments.
3. **Special Districts.** Special Districts may only be proposed when Sectors are utilized and the Planning Director determines the following:
  - a. That proposed Special Districts comply with the requirements of Section 7.4.7; and
  - b. That development patterns in their intrinsic size, function, or configuration cannot conform to the requirements of Settlements or their corresponding Community Types.



Effective on: 11/20/2001, as amended

### §7.3.3 Settlements

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- A. Settlements are defined as a Community Unit or a group of Community Units located in general proximity with each other, composed in accordance with the standards of this Section.
1. **FBZD Application - Standards.**
    - a. If Sectors are utilized, the Settlement Types Map may be conceptual and may be updated at the request of the applicant and/ or Planning Director at the time of Community Plan submittal(s) in order to refine the location, intensity, and/or number or proposed Settlements. Changes or updates to the Conceptual Settlement Types Map shall be processed administratively if the Planning Director can make the following findings:
      - (1). That such changes or updates are in compliance with the applicable Rural Guidelines and DCS requirements of the Charleston County Comprehensive Plan;
      - (2). That such changes or updates are in substantial compliance with the standards for Settlements found in this Article; and
      - (3). That such changes or updates do not contemplate an increase or decrease in total planned density.
    - b. If Sectors are not utilized:
      - (1). Settlements shall be located on a map as a GIS layer which shall be submitted as part of the rezoning application.
      - (2). The zoning in existence at the time of rezoning application for the area designated for the 75% Acreage shall apply to the 75% Acreage.
      - (3). Applicants shall submit the range of minimum and maximum densities by Settlement.
- B. **Settlement Types Defined.** Charleston County Settlement Types include the following:
1. **Rural Places.** Rural Places include Crossroads and Corners.
    - a. **Distance Requirements.** The minimum distance between any Crossroad and/or Corner Settlement and another Crossroad and/ or Corner Settlement shall be 2000 linear feet, measured along a thoroughfare or an existing road or street between the closest edges of any Community Unit boundary. This requirement shall not apply to Corner Settlements in the G-2 Sector.
    - b. **Corners.** Corners are larger settlement types than crossroads and are comprised of a compact cluster of up to 360 dwellings about a significant crossroads or open space, typically organized as a walkable district, surrounded by countryside or agricultural lands, with limited commercial services or civic activities. Historical patterns in the Lowcountry include the organization of corners associated with agricultural production, a religious group, or a family settlement. Corners in the G-2 Sector are comprised of a compact cluster of up to 500 dwellings.
    - c. **Crossroads.** Crossroads are the smallest settlement type and are comprised of a compact cluster of between 15 and 80 dwellings about a crossroads or intersection surrounded by countryside or agricultural lands, with limited commercial services or civic activities. Range of uses include corner stores, single family detached residences, and farms.
    - d. **Rural Development.** Rural areas may be composed of Separate Rural Development. Separate Rural Developments shall maintain rural densities and activities in a sparsely developed pattern.
- C. **Clustered Growth/Urban Places.**
- a. **Villages.** Villages are compact clusters of dwellings of mixed type, including mixed-use buildings, surrounded by undeveloped land, countryside or agricultural lands, organized into walkable neighborhoods, with a range of commercial services and civic activities that provide for the daily needs of its residents. The population of a village is larger than in a corner but smaller than a town.
  - b. **Towns.** Towns are larger than a village, an aggregation of walkable neighborhoods that mix residential, commercial, and civic uses, typically located along or at the intersection of a major thoroughfare. The town's



center provides for the daily need of its residents as well as those of visitors from around the region and thus accommodates the parking needs of local and transient users.

Towns provide adequate densities in support of frequent transit.

D. Settlements may be organized by Sector as described in Table 7.3.D.

**Table 7.3.D Allowed Settlement Types by Sector (Table not subject to change by applicant except to allow additional Sectors in order to provide increased specificity.)**

Settlement Type	Applicable Sector				
	P-1	O-2	G-1	G-2	G-3
Separate Rural Development			✓	✓	✓
Crossroad			✓		
Corner			✓	✓	
Village				✓	✓
Town					✓

Effective on: 11/20/2001, as amended

## ARTICLE 7.4. COMMUNITY SCALE PLANNING: COMMUNITY UNITS

### §7.4.1 General

- A. Community Units are defined as a specific geographic area having a physical form, density, and mix of uses that are supportive of sustaining community activities. Settlements are composed of one or more Community Units or groups of Community Units in proximity to each other.
1. **FBZD Application - Standards.** At the time of initial FBZD application, applicants shall provide the ranges and parameters for the proposed organization of Settlements, Community Types, and Transect Zones as illustrated in Table 7.3.B, Sector/Settlement/Community Allocation and in coordination with the Settlement Types Map. This information shall be described and enumerated in the applicant's Form District Master Plan, which shall be approved as part of the FBZD.
  2. **Community Plan Submittals - Standards.** Subsequent Community Plan applications shall designate one or more Community Units at the time of Community Plan submittal, in accordance with the procedures for Community Plans in Section 7.2.3.B, Community Plans, and the following standards:
    - a. With the exception of Rural Land Development (RLD), each Community Unit shall be structured with a Pedestrian Shed or portion thereof as described in this Section. Pedestrian Sheds shall be located according to existing conditions, such as traffic intersections, adjacent developments, and natural features.
      - (1). Pedestrian Sheds may be adjusted to create boundaries that take into account block structure, natural features, and/or existing conditions.
    - b. Community Units shall allocate a mix of Transect Zones as described in this Section and pursuant to the standards in Section 7.4.5, Transect Zones.
    - c. Community Units shall allocate Civic Space in compliance with Section 7.4.3, Civic Space. Wetlands and/or other environmentally sensitive areas intended for preservation shall be mapped.
    - d. Community Units shall lay out a thoroughfare network in compliance with Section 7.4.4, Circulation and Thoroughfare Design.
    - e. **Special Requirements.** The applicant may designate additional Special Requirements for Community Plans at the time of Community Plan submittal(s) to provide more specificity and/or detail with regards to the intended development form, including the following:
      - (1). Differentiation of Thoroughfares as "A-Grid" or "B-Grid" in order to distinguish areas suitable and in support of high pedestrian activity from automobile-oriented areas.



- (2). Designations for mandatory and/or recommended Retail Frontage requiring or advising that one or more buildings provide Shopfront, Gallery, or Arcade frontage.
  - (3). Designations for coordinated frontage that would require Public and Private Frontages be coordinated as a single, coherent landscape and paving design.
  - (4). Designations for mandatory and/or recommended Terminated Vista locations, requiring or advising that buildings or other structures be provided with architectural articulation of a type and character visually appropriate for the location.
  - (5). Designation that pedestrian passages be reserved between buildings for pedestrian access.
- f. **Special Districts.** Special Districts shall comply with the requirements contained in Section 7.4.7.

**B. Community Units Described.** A Community Unit may be one of the following types:

1. **Rural Land Development (RLD).** Rural Land Developments are structured by single or small clustered groupings of rural settlements at very low densities that are supportive of rural uses and activities.
  - a. RLDs are not required to be structured on the basis of a Pedestrian Shed.
  - b. An RLD shall be comprised of one or more lots in T-Zones T1 and T2, as set forth on Table 7.3.B.
  - c. RLDs shall be a minimum of 5 acres in size.
2. **Rural Clustered Land Development (RCLD).** Rural Clustered Land Developments are structured by 3/4 of a standard Pedestrian Shed oriented toward a Common Destination in a rural setting.
  - a. An RCLD shall be comprised of T-Zones T1, T2, and/or T4, as set forth on Table 7.3.B.
  - b. RCLDs shall consist of no less than 30 acres and no greater than 80 acres of community unit net site area.
3. **Clustered Land Development (CLD).** Clustered Land Developments are structured by a standard Pedestrian Shed oriented toward a Common Destination such as a general store, meeting hall, schoolhouse, or place of worship. When a CLD is used alone, it takes the form of a small settlement standing free in the countryside such as a Corner.
  - a. A CLD shall be comprised of T-Zones T1, T2, T3, and T4, as set forth on Table 7.3.B.
  - b. CLDs shall consist of no less than 80 acres and no more than 160 acres of community unit net site area.
4. **Traditional Neighborhood Development (TND).** Traditional Neighborhood Developments are structured by a standard Pedestrian Shed and are oriented toward a Common Destination consisting of a mixed-use center or corridor. TNDs should typically be located near a transportation route.
  - a. A TND shall be comprised of T-Zones T1, T3, T4, and T5, as set forth on Table 7.3.B.
  - b. TNDs shall consist of no less than 80 acres and no more than 160 acres of community unit net site area.
5. **Regional Center Development (RCD).** Regional Center Developments are structured by a long Pedestrian Shed or linear Pedestrian Shed and consist of high-density, mixed-use development connected to other centers by transit.
  - a. An RCD shall be comprised of T-Zones T4 and T5, as set forth on Table 7.3.B.
  - b. RCDs shall consist of no less than 100 acres and may be up to 320 acres of community unit net site area.

C. A Community Unit may adjoin or be in proximity with another Community Unit.

D. Community Units shall be utilized to organize Settlements as described in Table 7.4.A, Minimum and Maximum Community Unit Composition by Settlement.

Table 7.4.A Minimum and Maximum Community Unit Composition by Settlement (Table not subject to change by applicant)		
Settlement Type	Minimum Composition	Maximum Composition
Separate Rural Development	1 RLD	1 RLD
Crossroad	1 RCLD	1 RCLD
Corner*	1 CLD	1 CLD + 3 RCLDs
Village*	1 TND	1 TND + 4 CLDs



**Table 7.4.A Minimum and Maximum Community Unit Composition by Settlement (Table not subject to change by applicant)**

Settlement Type	Minimum Composition	Maximum Composition
<b>Town*</b>	<b>1 RCD</b>	<b>2 RCDs + 2 TNDs</b>

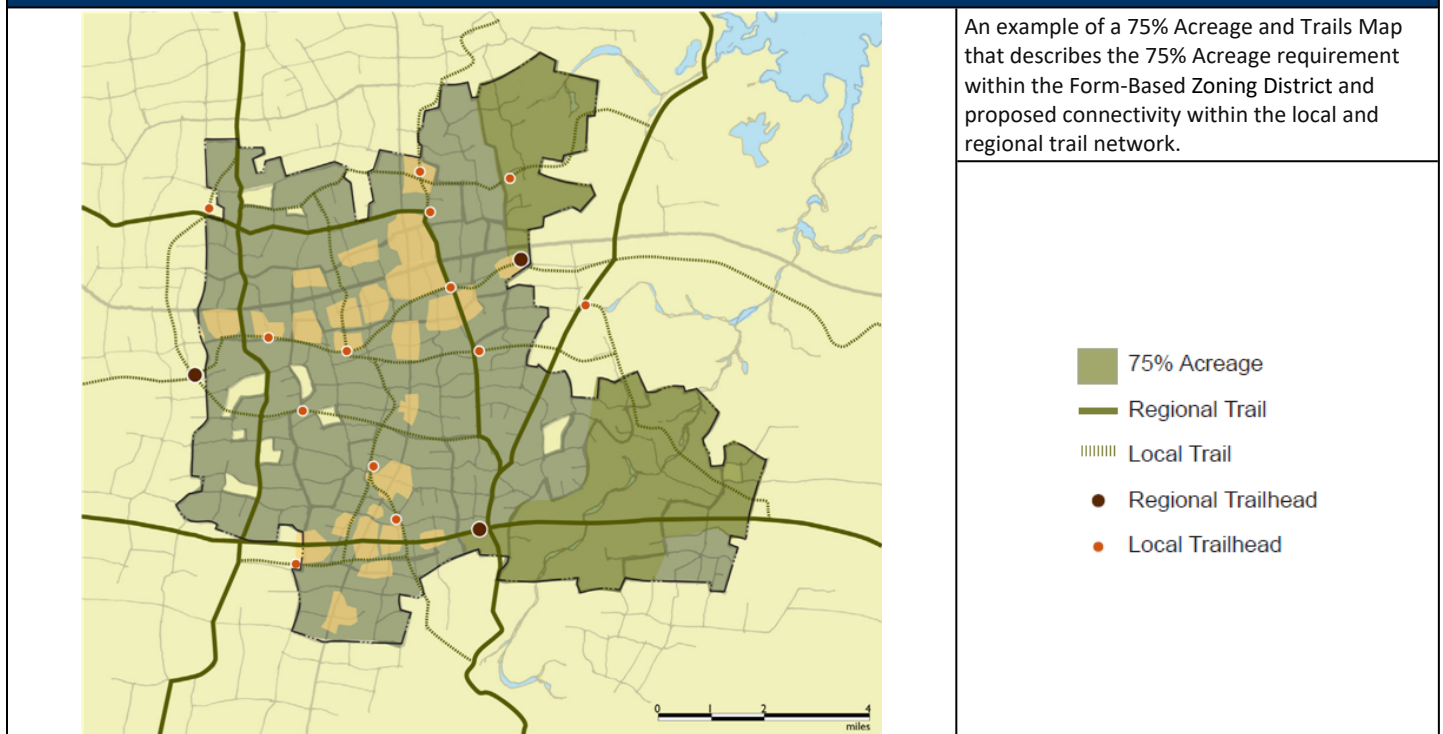
\*Note: RLDs are permitted within Corners, Villages, and Towns, provided that all requirements of this Chapter and the Form District Master Plan are met.

Effective on: 11/20/2001, as amended

**§7.4.2 75% Acreage**

- A. **General.** FBZD applications shall include 75% Acreage, as defined in [ARTICLE 3.17](#), Developments of County Significance, and this [CHAPTER 7](#), to be located outside of Special Districts and clustered Community Units.
- B. **FBZD Application - Standards.**
  - 1. Applicants shall submit the range of minimum and maximum anticipated density in the 75% Acreage.
  - 2. The 75% Acreage shall be designated on a 75% Acreage and Trails map.
    - a. The 75% Acreage and Trails Map shall establish the general location of the 75% Acreage, including trails and greenways, in accordance with [3.17.4.A.2.a](#), Developments of County Significance, and the Settlement Types Map with the intent to establish direction for areas that are to count toward the 75% Acreage.
    - b. The 75% Acreage and Trails Map may be updated at the request of the applicant and/or Planning Director at the time of subsequent Community Plan submittal(s) in order to refine the location, type, and/or disposition of proposed 75% Acreage, regional open space and trails. Changes or updates to the 75% Acreage and Trails Map shall be processed without requiring amendments to the FBZD if the Planning Director can make the following findings:

**Figure 7.4.B Example 75% Acreage and Trails Map**



- (1). That such changes or updates are in compliance with the applicable Rural Guidelines and requirements of the Charleston County Comprehensive Plan;



- (2). That such changes or updates are in compliance with the standards for 75% Acreage found in this Article; and
  - (3). That such changes or updates do not contemplate a decrease in the 75% Acreage, as required by Section 3.17.4.A.2.a, Developments of County Significance.
- c. The 75% Acreage should, to the maximum extent practicable, be organized to establish a system of adjoined, extended, and enlarged open areas, trails, parks, or other open space resources.
- C. **Calculation of 75% Acreage.** In accordance with 3.17.4.A.2.a, Developments of County Significance, the following items shall be counted toward the 75% Acreage requirement:
1. Private land permanently restricted by deed restriction or conservation easement to unclustered rural densities;
  2. Areas proposed for private and/or public ownership pursuant to Section 3.17.4.A.2.a;
  3. Preserved historic and/or cultural areas;
  4. Preserved areas of biological significance, including freshwater wetlands and waterways;
  5. Agricultural and silvicultural areas; and
  6. Areas to be purchased by the County's Greenbelt Bank or other open space preservation organizations.
  7. Land within OCRM Critical Line Areas shall be excluded from the calculation.
- D. **Ownership and Maintenance of 75% Acreage.** The ownership and maintenance of the 75% Acreage shall be in compliance with ARTICLE 3.17, Developments of County Significance, of this Ordinance.

Effective on: 11/20/2001, as amended

### §7.4.3 Civic Space

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- A. **General.** FBZD applications shall include Civic Space to be located within Community Units. Civic Space includes, but is not limited to, Civic Buildings, public spaces, schools, churches, and Thoroughfares. Civic Space provides gathering places and access to outdoor activities, and can protect natural habitat, maintain rural character, and enhance water quality for the County.
- B. **FBZD Application - Standards.** The Form District Master Plan submitted at the time of initial FBZD application shall include documentation that subsequent land development will comply with Table 7.4.C, Civic Space Types.
- C. **Ownership and Maintenance of Civic Space.** Civic Space shall be owned/ maintained through one or more of the following options:
1. Establishment of an entity to manage and maintain the land by the property owner, in a form that ensures long-term maintenance and management;
  2. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended purposes;
  3. Conveyance of the land to a third party beneficiary, such as a nonprofit environmental or civic organization (e.g., the County Greenbelt Bank), that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
  4. Dedication of the land to the County or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.
- D. **Community Plan Submittals - Standards.** Community Plan applications shall designate Civic Space on a Civic Space Regulating Plan, in accordance with the procedures for Community Plans in Section 7.2.3.B, Community Plans, and the following standards:
1. Civic Space shall meet the standards set forth in Table 7.4.C, Civic Space Types.
  2. Each Community Unit other than an RLD shall have the following features:
    - a. At least 5% of its Community Unit Net Site Area shall be assigned to Civic Space as identified in Table 7.4.C, Civic Space Types.
      - (1). Freshwater Wetlands and Waterways may be credited towards Civic Space requirements when integrated into the development as site amenities.



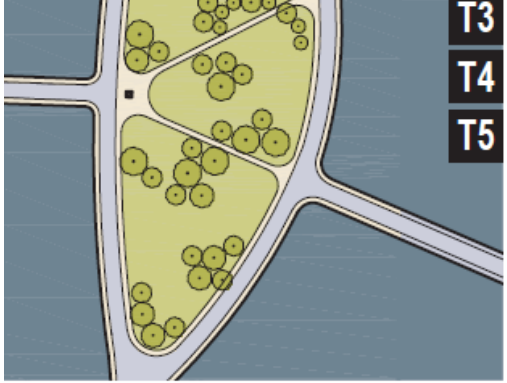
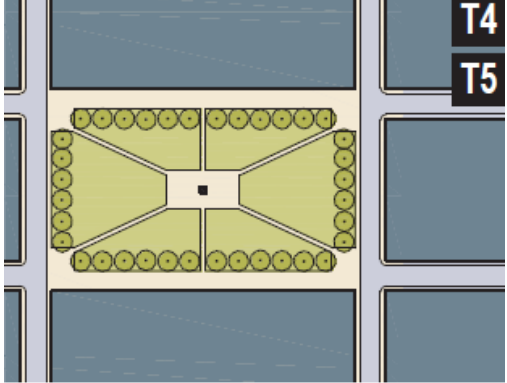
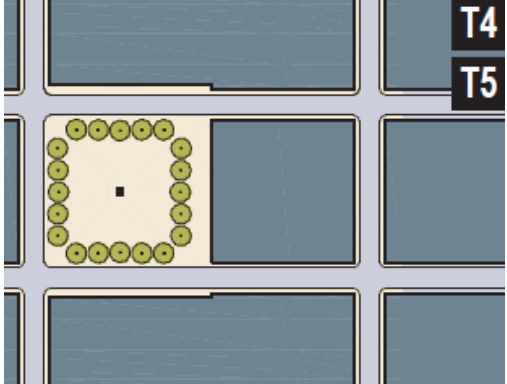
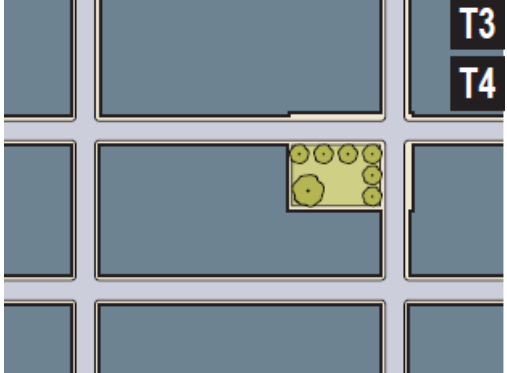
- (2). If a Community Plan application involves multiple phases, either: (a) each phase shall maintain 5% of its Community Unit Net Site Area assigned to Civic Space; or (b) the applicant shall provide a financial guarantee pursuant to Section 8.14.1, Performance Guarantees, of the ZLDR.

**TABLE 7.4.C: Civic Space Types**

This table describes the various Civic Space Types that are allowed by right within the specified transect zones. (Table not subject to change by applicant)

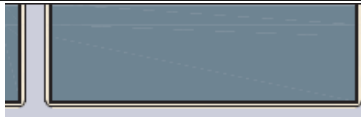



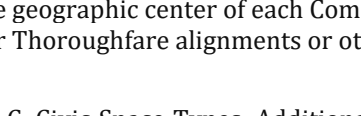
<p>a. <b>Sports Complex:</b> A Civic Space that consolidates heavily programmed athletic fields and associated facilities. A Sports Complex may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of paths and trails, trees, and lawns or fields, formally or informally disposed. The minimum size shall be 25 acres.</p>	
<p>b. <b>Park:</b> A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres.</p>	
<p>c. <b>Greenway:</b> A linear Civic Space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A Greenway may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed. The minimum size shall be 8 acres.</p>	

**TABLE 7.4.C: Civic Space Types**

<p>d. <b>Green:</b> A Civic Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>	 <p>T3 T4 T5</p>
<p>e. <b>Square:</b> A Civic Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>	 <p>T4 T5</p>
<p>f. <b>Plaza:</b> A Civic Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>	 <p>T4 T5</p>
<p>g. <b>Pocket Park:</b> A Civic Space available for informal activities in close proximity to neighborhood residences. A Pocket Park is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Pocket Parks shall be in public places or in more intimate mid-block locations. The maximum size shall be 1/2 acre.</p>	 <p>T3 T4</p>

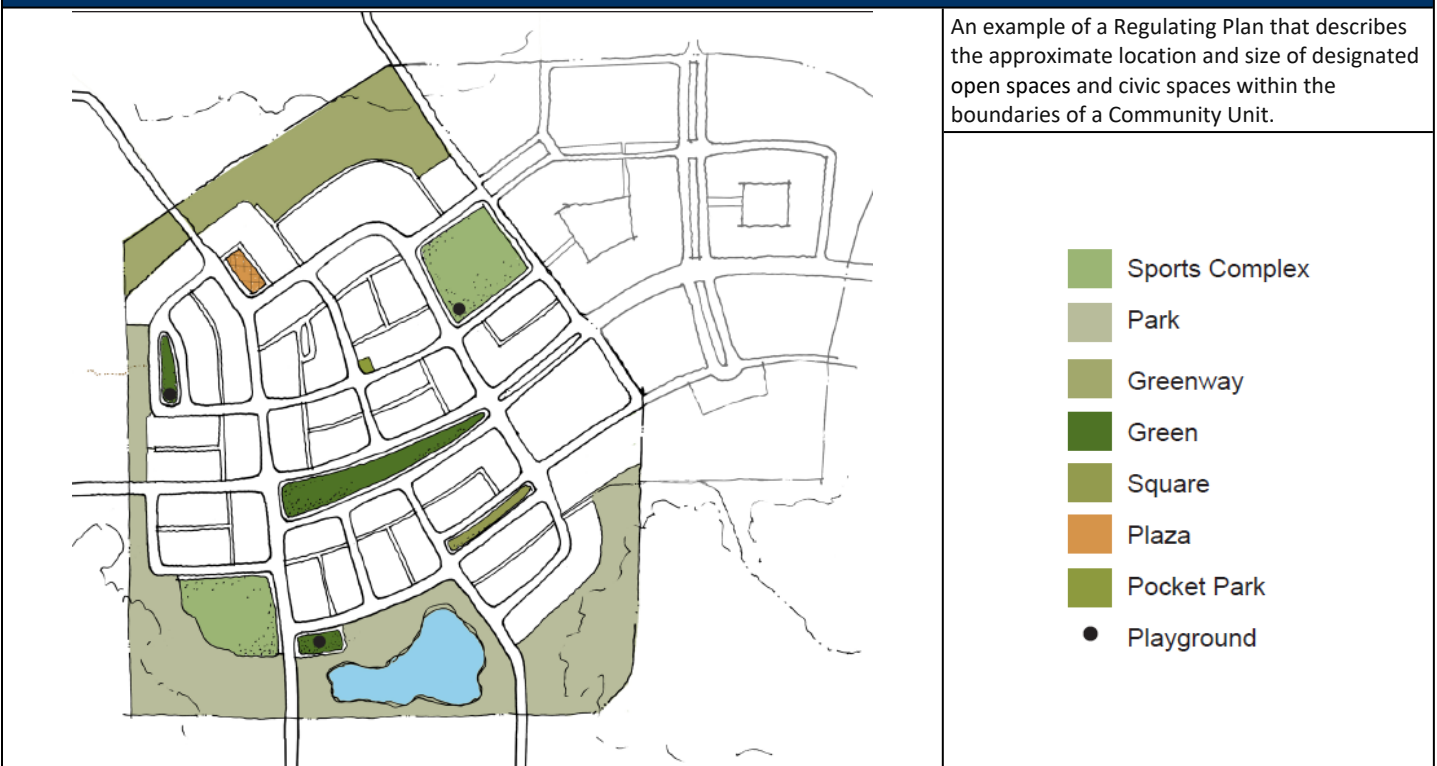


**TABLE 7.4.C: Civic Space Types**

<p>h. <b>Playground:</b> A Civic Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>		T1
		T2
		T3
		T4
		T5

- b. At least one principal Civic Space identified in Table 7.4.C, Civic Space Types, as a Green, Square, or Plaza.
  - (1). The principal Civic Space(s) shall be within 800 feet of the geographic center of each Community Unit, unless topographic conditions, pre-existing road, street or Thoroughfare alignments or other circumstances prevent such location.
- c. A minimum of one Playground in conformance with Table 7.4.C, Civic Space Types. Additional playgrounds should be provided if the Community Unit is in excess of 250 dwelling units.
- 3. Civic Space acreage in excess of 20% of a Community Unit Net Site Area shall require approval by the Planning Director.
- 4. Civic Space acreage in excess of 30% of a Community Unit Net Site Area shall not be permitted in any Community Unit.
- 5. Each Community Unit shall provide a Civic Space within 1200 feet of every residential lot in each CLD, TND or RCD.

**Figure 7.4.D Example Civic Space Regulating Plan**





6. Civic Space Design.
  - a. **Uses.** Civic Space may be established for community, religious, governmental, transit or parking purposes to the extent specified in Table 7.5.A, Specific Function and Use.
  - b. **Public Frontage.** Each Civic Space other than a Playground, Park or Pocket Park should have a minimum of 25% of its perimeter enfronting a Thoroughfare.
  - c. **Parking.** Parking required for Civic Space and Civic Buildings shall be determined in accordance with Table 7.5.D, Parking Calculations.
  - d. **Civic Building Location and Siting.** Civic Building sites should be located within or Adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.
  - e. **Churches and Educational Facilities.** Churches and educational facilities, to the maximum extent feasible, shall be integrated into the design of Community Units.
  - f. **Civic Building and Accessory Structure Design.** All civic buildings and accessory structures within Civic Space shall be designed and furnished to be consistent with the character of the Transect Zone in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development.

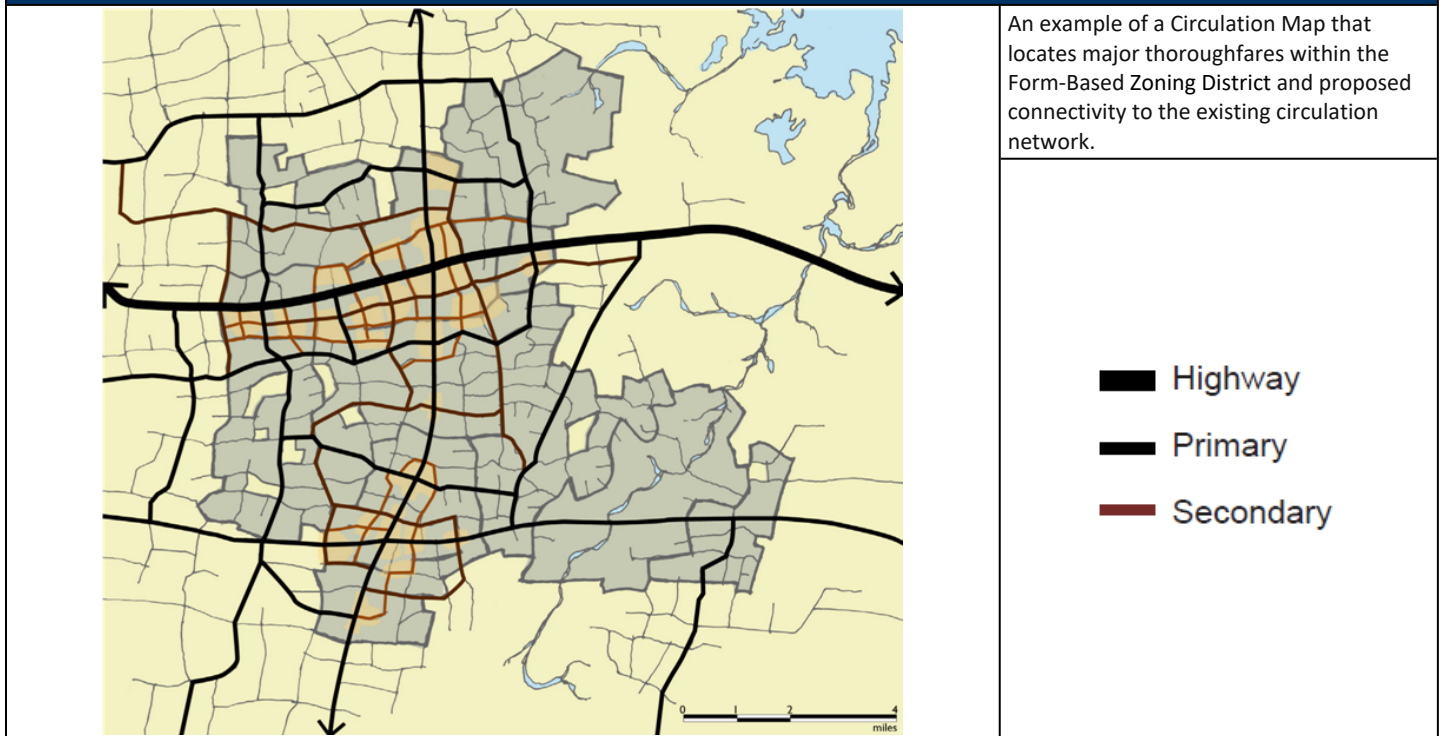
Effective on: 11/20/2001, as amended

#### **§7.4.4 Circulation and Thoroughfare Design**

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- A. Thoroughfares are intended for use by vehicular and pedestrian traffic and provide access to Lots and Civic Spaces. Thoroughfares define the public streets that refine Pedestrian Sheds into walkable environments.
- B. **FBZD Application - Standards.**
  1. **Traffic Impact Study Required.** The Thoroughfare network shall serve as the basis for the required Traffic Impact Analysis in conjunction with the anticipated density for the proposal. Traffic Impact Studies shall be prepared in compliance with [ARTICLE 9.9](#), Traffic Impact Studies.
  2. **Circulation Map Required.** At the time of initial FBZD application, highways, regional Thoroughfares, and primary Thoroughfares shall be designated on a Circulation Map.
    - a. The Circulation Map shall establish the general location and alignment of primary and secondary Thoroughfares, including anticipated long-distance bicycle routes in accordance with the Settlement Types Map with the intent to establish connections between development areas, community resources, and existing infrastructure.

**Figure 7.4.E Example Circulation Map**



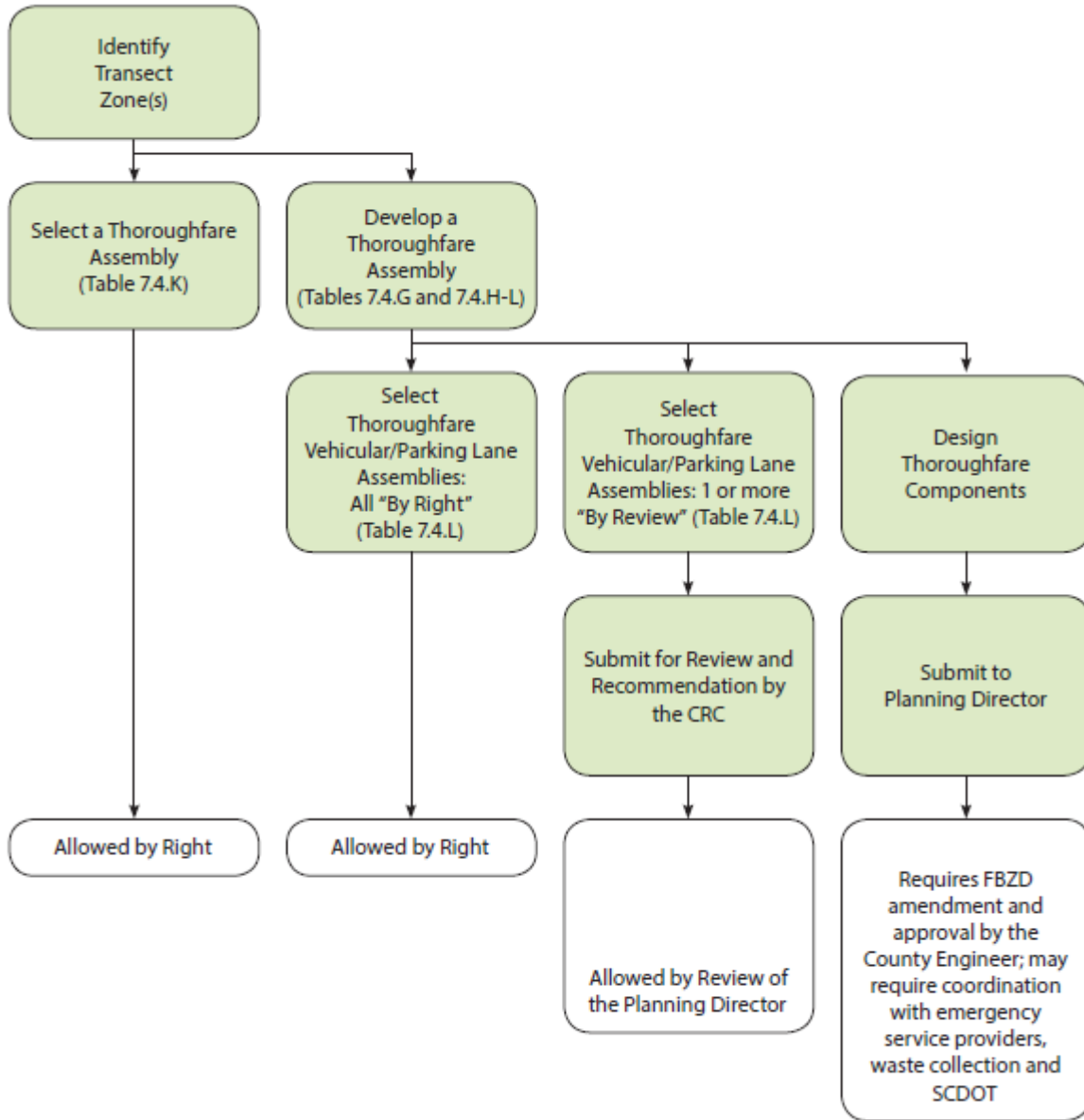
- b. The Circulation Map is intended to be conceptual and may be updated at the request of the applicant and/or Planning Director at the time of subsequent Community Plan submittal(s) in order to refine the location, type, and/or disposition of proposed Thoroughfares. Changes or updates to the Circulation Map shall be processed without requiring amendments if the Planning Director can make the following findings:
  - (1). That such changes or updates are in compliance with the applicable Rural Guidelines and DCS requirements of the Charleston County Comprehensive Plan and this Ordinance; and
  - (2). That such changes or updates are in compliance with the standards for Thoroughfares found in the approved Form District Master Plan, this Article and this Ordinance.
- c. **Circulation Map Standards.** The Circulation Map shall demonstrate compliance with the following:
  - (1). Thoroughfares shall be organized to establish a system of arterials, collectors, and local access streets that provide connectivity between existing and proposed settlements.
  - (2). Thoroughfares shall, to the maximum extent practicable, extend and utilize existing roadways and infrastructure within and adjacent to the development site.
  - (3). Thoroughfare network shall demonstrate evacuation routes in coordination with an established Evacuation Plan.
- 3. **Thoroughfare Types and Assemblies.** At the time of initial FBZD application, the applicant shall establish a catalog of acceptable Thoroughfare Types and Assemblies for the property based on the components listed in Table 7.4.G, Thoroughfare Components, and the Assemblies listed in Table 7.4.L, Vehicular Lane/Parking Assemblies. Applicants shall utilize Table 7.4.K, Example Thoroughfare Assemblies, to prepare Thoroughfare Types. These standards shall be assembled as Form District Master Plan for the property. Figure 7.4.F, Thoroughfare Process Diagram, summarizes how this information is utilized.
  - a. Thoroughfare types shall provide cross-sections utilizing Table 7.4.K, Example Thoroughfare Assemblies, as a template that describes the conceptual design of each Thoroughfare indicating the widths and location of travel lanes, parking lanes, bicycle lanes, walkway types, planter types, public landscaping and public lighting per appropriate Transect Zone.
  - b. Thoroughfare Assemblies shall provide the range of anticipated lane configurations per Transect Zone as indicated in Table 7.4.L, Vehicular Lane/Parking Assemblies.

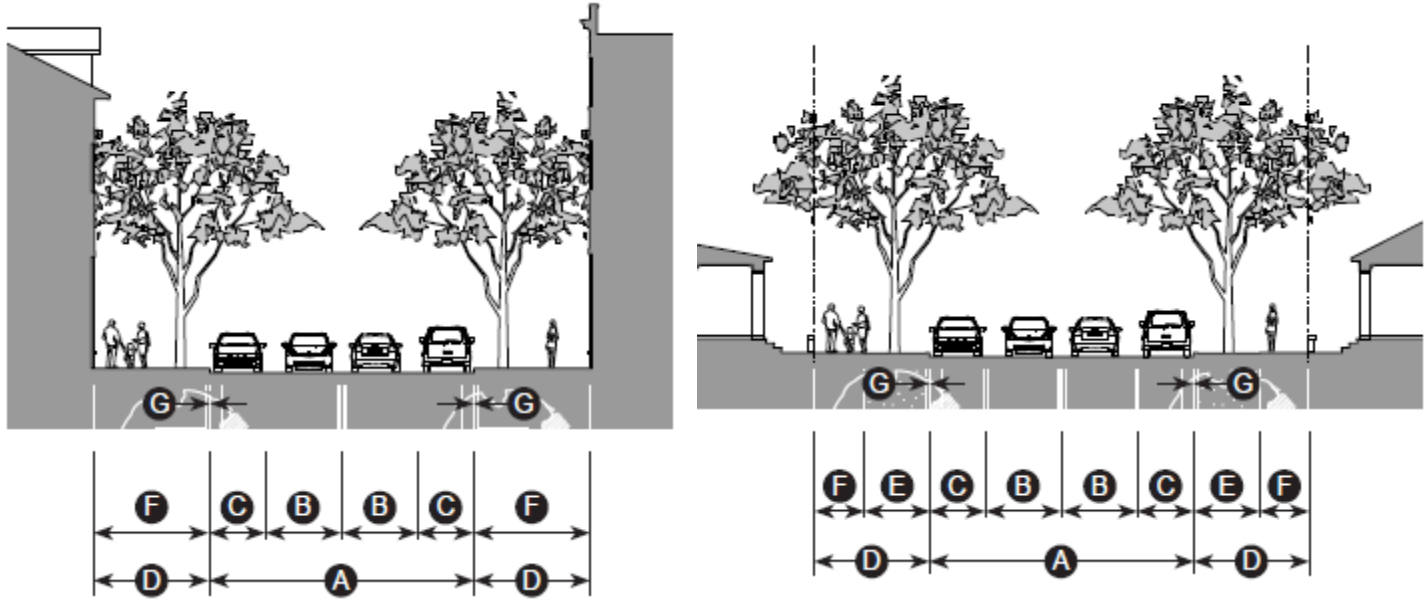


- (1). Utilization of Thoroughfare Assemblies in Table 7.4.K of the approved Form District Master Plan shall be allowed by right.
  - (2). Thoroughfare Assemblies developed utilizing Tables 7.4.G, Thoroughfare Components, Table 7.4.H, Bicycle Facilities Standards, Table 7.4.I, Curb Radius, Table 7.4.J, Thoroughfare Nomenclature, Table 7.4.K, Example Thoroughfare Assemblies, and Table 7.4.L, Vehicular Land/Parking Assemblies (permitted by right) of the approved Form District Master Plan shall be allowed by right.
  - (3). Thoroughfare Assemblies developed utilizing Tables 7.4.G, Thoroughfare Components, Table 7.4.H, Bicycle Facilities Standards, Table 7.4.I, Curb Radius, Table 7.4.J, Thoroughfare Nomenclature, Table 7.4.K, Example Thoroughfare Assemblies, and Table 7.4.L, Vehicular Land/Parking Assemblies (permitted by review) of the approved Form District Master Plan shall require review and recommendation of the CRC and approval of the Planning Director.
  - (4). Complex Thoroughfare Types and Assemblies established in subsequent Community Plans that utilize components not listed in Table 7.4.G, Thoroughfare Components, and Table 7.4.L, Vehicular Lane/Parking Assemblies and new Thoroughfare Types proposed at time of Community Plan submittal shall require a FBZD text amendment as well as approval by the County Transportation Engineer. Coordination with emergency services providers, waste collection and/or SCDOT may also be required.
- c. The applicant shall establish Specific Public Frontage Types per Transect Zone for use with Thoroughfares, including the following components:
- (1). Curb Types in accordance with Table 7.4.N.b, Public Frontages-Specific;
  - (2). Walkway Types in accordance with Table 7.4.N.c, Public Frontages-Specific;
  - (3). Planter Types in accordance with Table 7.4.N.d, Public Frontages-Specific;
  - (4). Public Landscaping Street Tree palette in accordance with Table 7.4.N.e, Public Frontages-Specific; and
  - (5). Public Lighting palette in accordance with Table 7.4.N.f, Public Frontages-Specific.

**FIGURE 7.4.F: Thoroughfare Process Diagram**

(Figure not subject to change by applicant)





**Table 7.4.G Thoroughfare Components (Table not subject to change by applicant)**

Allowed Movement Types	Speed	Lane Assembly A		Public Frontage Assembly D			
		Travel B	Parking C	Planter E	Path F	Assembly D	Edge G
<b>T1, T2</b>							
Slow	20-25 mph	9'	-		5' min.	8' min.	14' min.
Low: 30	30 mph	10'	-		5' min.	8' min.	14' min.
Low: 35	35 mph	11'	-		5' min.	8' min.	14' min.
<b>T3</b>							
Yield 1	<20 mph	12'	7'		5' min.	5' min.	10' min.
Yield: Rear Lane	10 mph	12'	-		4' min.	-	4' min.
Slow: 20	20 mph	9'	7'		5' min.	5' min.	10' min.
Slow: 25	25 mph	10'	7'		5' min.	5' min.	10' min.
Low: 30	30 mph	10'	8'		5' min.	5' min.	10' min.
<b>T4, T5</b>							
Yield (T4 only) 1	<20 mph	12'	7'		5' min.	6' min.	12' min.
Yield: Alley	10 mph	21'	-		-	-	1.5' min.
Slow: 20	20 mph	9'	7'		5' min.	6' min.	12' min.
Slow: 20 w/ 45° angle parking	20 mph	12'	16'		5' min.	6' min.	12' min.
Slow: 25	25 mph	10'	7'		5' min.	6' min.	12' min.
Low: 30	30 mph	10'	8'		5' min.	6' min.	12' min.
Low: 35	35 mph	11'	8'		5' min.	7' min.	12' min.
<b>End Notes:</b>							
1 Parking is required on at least one side in order to facilitate yield movement.							
Key R = Rural Edge Treatment C = Curb Edge Treatment RB = Ribbon Curb (18")							

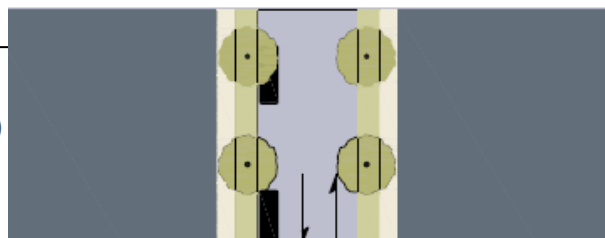
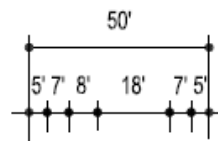


Table 7.4.H Bicycle Facilities Standards (Table not subject to change by applicant)	
<b>Class I: Multi-Use Trail</b>	
Transect Zones	T1, T2, T3, T4, T5
<b>Width</b>	
One-way	8' min.
Two-way	12' min.
<b>Class II: Bicycle Lane</b>	
Transect Zones	T1, T2, T3, T4, T5
<b>Width Adjacent to:</b>	
Rural Edge	5' min.
Parking	6' min.
Curb and Gutter	5½' to face of curb
Design Speed of Thoroughfare	>25 mph
<b>Class III: Shared Lanes/Bicycle Boulevard</b>	
Transect Zones	T1, T2, T3, T4, T5
<b>Width</b>	no minimum
Design Speed of Thoroughfare	≤25 mph

Table 7.4.I Curb Radius (Table not subject to change by applicant)		
This table provides the radius for curbs at the intersection of thoroughfares.		
Movement Type	Speed	Curb Radius <sup>1</sup>
Yield	<20 mph	5' - 10'
Slow	20-25 mph	10' - 15'
	Low	30-35 mph
<b>End Notes</b> 1 With on-street parking, or bike lanes and no curb extensions or bulb-outs.		

FIGURE 7.4.J: Thoroughfare Nomenclature (Table not subject to change by applicant.)					
<b>Key</b>	<b>ST</b>	<b>57</b>	<b>20</b>	<b>BL</b>	<b>Public Frontage Types</b>
Public Frontage Type	→	↑	↑	↑	Highway: HW
Right of Way Width	—	┘			Boulevard: BV
Pavement Width	—	—	┘		Avenue: AV
Transportation	—	—	—	┘	Commercial Street: CS
<b>Transportation</b>					DR Drive:
Bicycle Trail:			BT		ST Street:
Bicycle Lane:			BL		RD Road:
Bicycle Route:			BR		RA Rear Alley:
Path:			PT		RL Rear Lane:
Passage:			PS		
Transit Route:			TR		

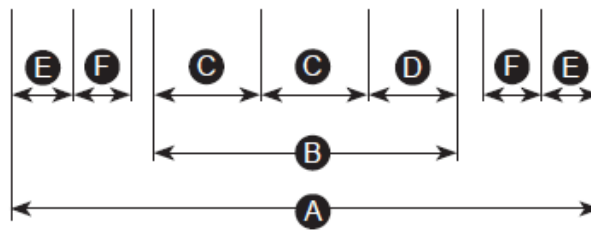
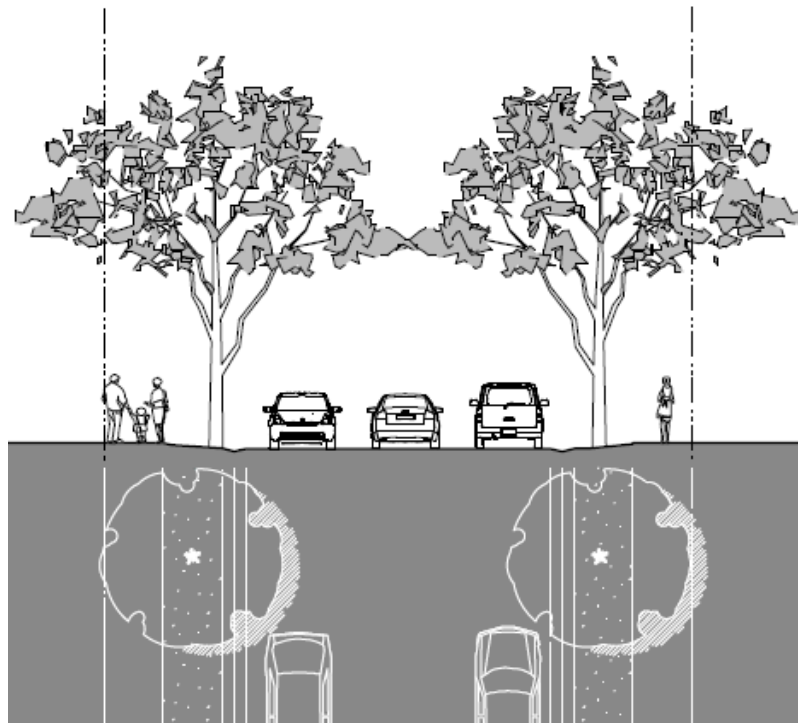
TABLE 7.4.K: Example Thoroughfare Assemblies		
Thoroughfares are assembled from the elements that appear in Tables 7.4.G and 7.4.H and incorporate the Public Frontages of Table 7.4.N. The key gives the Thoroughfare Type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability. (Table and Figures to be defined by applicant. Applicant shall provide a Thoroughfare Assembly and cross-section for all proposed street types. Tables are provided as templates to be completed by the applicant. The information within these tables provides general standards that may be used.)		
	<b>ST-50-26</b>	
Thoroughfare Type	Street	
Transect Zone Assignment	T4, T5	
Right-of-Way Width	50 feet	<b>A</b>
Pavement Width	26 feet	<b>B</b>
Movement	Slow Movement	





**TABLE 7.4.K: Example Thoroughfare Assemblies**

Design Speed	20 MPH	
Pedestrian Crossing Time	7.4 seconds	
Traffic Lanes	2 lanes @ 9 feet	<b>C</b>
Parking Lanes	One side @ 8 feet marked	<b>D</b>
Curb Radius	10 feet	
Walkway Type	5 foot Sidewalk	<b>E</b>
Planter Type	7 foot continuous Planter	<b>F</b>
Curb Type	Curb	
Landscape Type	Trees at 30' o.c. Avg.	
Transportation Provision	BR	



**TABLE 7.4.L: Vehicular Lane/Parking Assemblies**

A range of vehicular lane and parking configurations compose streets that are allocated to the Transect Zones and allowed either by right or by review of the Planning Director. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant. The information within these tables provides general standards that may be used.)

**Bold** denotes By Director  
Normal denotes By Right

a. No parking	T1, T2, T3	T1, T2, T3	T1, T2, T3	T1, T2	<b>T1, T2</b>
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**TABLE 7.4.L: Vehicular Lane/Parking Assemblies**

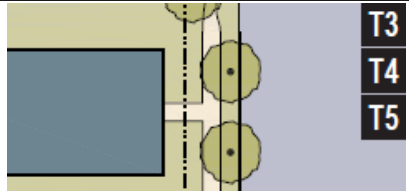
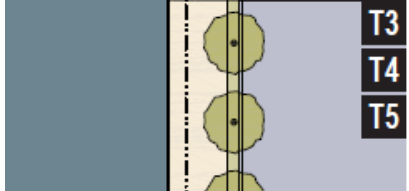
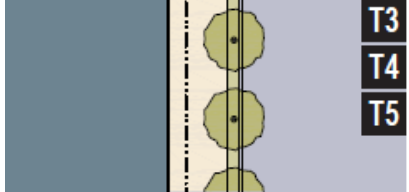

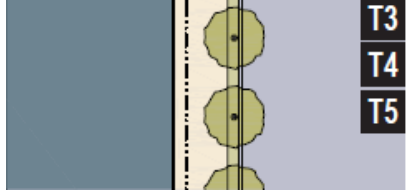
b. Yield parking					
c. Parking one side parallel					
d. Parking both sides parallel					
e. Parking both sides diagonal					
f. Parking Access					

**TABLE 7.4.M: Public Frontages - General**

<p>The Public Frontage is the area between the private Lot line and the edge of the vehicular lanes. Dimensions are given in Table 7.4.N (Table not subject to change by applicant)</p>	<p><b>PLAN</b>          Lot &gt;   &lt; R.O.W.          Private Frontage &gt;   &lt; Public Frontage</p>
<p>a. <b>For Highway:</b> This Frontage has open Swales drained by percolation, Bicycle Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.</p>	
<p>b. <b>For Road:</b> This Frontage has open Swales drained by percolation and a walking Path or Bicycle Trail along one or both sides and Yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.</p>	

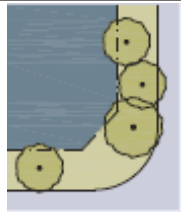
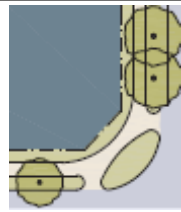

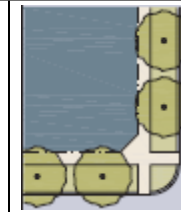
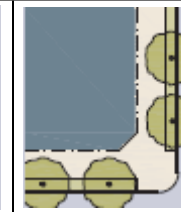



**TABLE 7.4.M: Public Frontages - General**

<p>c. <b>For Street:</b> This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced row, with the exception that Streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.</p>	
<p>d. <b>For Drive:</b> This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved Path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced row.</p>	
<p>e. <b>For Avenue:</b> This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced row.</p>	
<p>f. <b>(AV) For Commercial Street or Avenue:</b> This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible, but clears the storefront entrances.</p>	
<p>g. <b>For Boulevard:</b> This Frontage has Slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced row.</p>	

**Table 7.4.N: Public Frontages - Specific**

This table assembles prescriptions and dimensions for the Public Frontage elements - Curbs, walkways and Planters – relative to specific Thoroughfare Types within Transect Zones. Table 7.4.N assembles all of the elements for the various street types. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant. The information within these tables provides general standards that may be used.)

	RURAL		TRANSECT			URBAN
TRANSECT ZONE	T1, T2, T3	T1, T2, T3	T3, T4	T4, T5	T5	T5
Public Frontage Type	HW & RD	RD & ST	ST-DR-AV	ST-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV
a. <b>Assembly:</b> The principal variables are the type and dimension of Curbs, walkways, Planters and landscape.						
<b>Total Width</b>	16-24 feet	12-24 feet	12-18 feet	12-18 feet	18-24 feet	18-30 feet



**Table 7.4.N: Public Frontages - Specific**

b.	<b>Curb:</b> The detailing of the edge of the vehicular pavement, incorporating drainage.						
	<b>Type</b>	Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
	<b>Radius</b>	10-30 feet	10-30 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet
c.	<b>Walkway:</b> The pavement dedicated exclusively to pedestrian activity.						
	<b>Type</b>	Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk
	<b>Width</b>	n/a	4-8 feet	4-8 feet	4-8 feet	12-20 feet	12-30 feet
d.	<b>Planter:</b> The layer which accommodates street trees and other landscape.						
	<b>Arrangement</b>	Clustered	Clustered	Regular	Regular	Regular	Opportunistic
	<b>Species</b>	Multiple	Multiple	Alternating	Single	Single	Single
	<b>Planter Type</b>	Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
	<b>Planter Width</b>	8 feet-16 feet	8 feet-16 feet	8 feet-12 feet	8 feet-12 feet	4 feet-6 feet	4 feet-6 feet
e.	<b>Landscape:</b> The recommended plant species.	(See Table 7.4.O)					
f.	<b>Lighting:</b> The recommended Public Lighting.	(See Table 7.4.P)					





**TABLE 7.4.O: Public Planting**

This table shows six common types of street tree shapes and their appropriateness within the Transect Zones. The Applicant shall select species appropriate for the bioregion. (Table may be changed by applicant. Locally appropriate planting species should be filled in by the applicant and calibrated to the specific site.)

	T1	T2	T3	T4	T5	SD	Example Tree Species or Varietals
	■	■	■	■	■		
Oval	■	■	■	■	■		



**TABLE 7.4.O: Public Planting**

							
Ball	■	■	■	■	■		
							
Pyramid	■	■	■	■			
							
Umbrella	■		■	■			
							
Vase	■	■	■	■			






**Note:** Tree shapes must be established on this table at the time of rezoning application. During the land development process, the Planning Director may approve subsequent changes to the approved tree shapes contained in this table.

**TABLE 7.4.P: Public Lighting**

Lighting varies in brightness and also in the character of the fixture according to the Transect. The table shows five common types. A listed set of streetlights corresponding to these types must be approved by the utility company and listed on the page. (Table may be changed by applicant. Locally appropriate lighting fixtures should be filled in by the Applicant and calibrated to the specific site.)

	T1	T2	T3	T4	T5	SD	Example
Cobra Head	■					■	

**TABLE 7.4.P: Public Lighting**

							
Pipe 	■	■	■				
Post 		■	■	■			
Column 			■	■	■		
Double Column 					■		

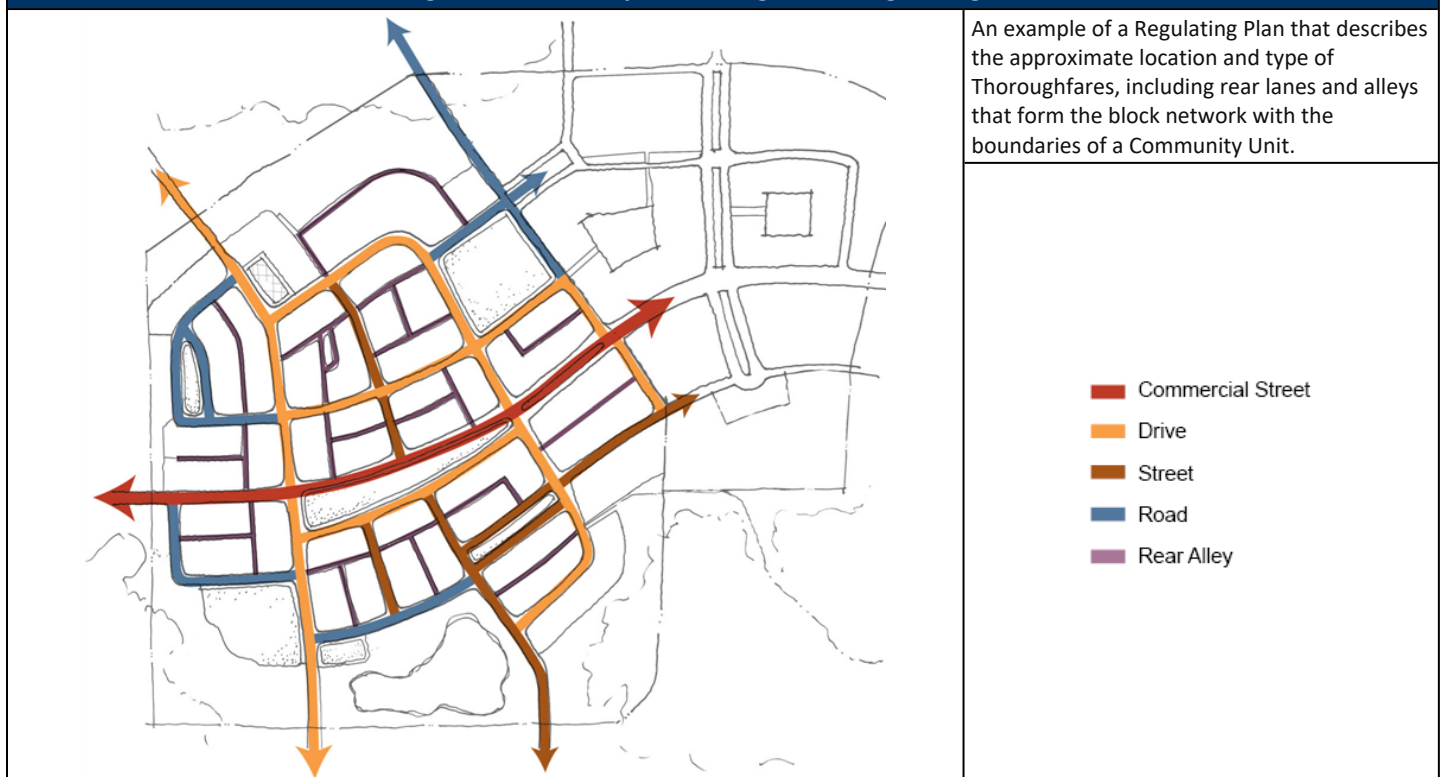
**Note:** Lighting types must be established on this table at the time of rezoning application. During the land development process, the Planning Director may approve subsequent changes to the approved lighting types contained in this table.

C. **Community Plan Submittals - Standards.** Subsequent Community Plan applications shall designate types of Thoroughfares and rear lanes/alleys on a Street and Circulation Regulating Plan that indicates the layout of the block network, in accordance with the procedures for Community Plans in Section 7.2.3.B, Community Plans, and the following:

1. Conceptual design for new Thoroughfare Types indicating the widths and location of travel lanes, parking lanes, bicycle lanes, walkway types, planter types, public landscaping and public lighting, subject to the review requirements of 7.4.4.B.3.b (2-4).
2. Applicants shall demonstrate that proposed developments provide an interconnected and complete transportation network that is supportive of public transit as well as alternative transportation.
3. Thoroughfares shall meet the standards set forth in Table 7.4.G, Thoroughfare Components, and the following:

- a. Thoroughfares shall generally consist of vehicular lanes, public frontages, and multipurpose trails. Thoroughfares may include vehicular lanes in a variety of widths for parked and moving vehicles, including bicycles.
  - b. The requirement for pedestrian and bicyclist safety, comfort and access shall establish Thoroughfare movement type and design speed. The movement and design speed then determine the dimensions of each Thoroughfare element, such as vehicular lanes and turning (curb) radii, as indicated in Tables 7.4.H, Bicycle Facilities Standards, and 7.4.I, Curb Radius.
  - c. A bicycle network consisting of bicycle trails, bicycle routes, and bicycle lanes shall be provided throughout and allocated as specified in Tables 7.4.H, Bicycle Facilities Standards. The community bicycle network shall be connected to existing or proposed regional networks wherever possible.
4. Thoroughfares shall be designed in context with the urban form and desired design speed of the applicable Transect Zone through which they pass.
- a. The Public Frontages of Thoroughfares that pass from one Settlement, T-Zone or Special District to another shall be adjusted accordingly to meet the character of the Transect Zone through which it passes.
  - b. Within the most rural Zones (T1 and T2) Pedestrian comfort shall be a secondary consideration of the Thoroughfare design. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the vehicle.

**Figure 7.4.Q Example Thoroughfares Regulating Plan**



- c. Within the more urban Transect Zones (T3 through T5) pedestrian comfort shall be a primary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian movement shall be decided in favor of the pedestrian.
5. The Thoroughfare network for Community Units shall be designed to define Blocks not exceeding the size prescribed in Table 7.4.S.c, Transect Zone Standards Summary, for each Transect Zone in accordance with Section 7.4.5.C.4, Transect Zones. The Block perimeter shall be measured as the sum of Lot Frontage Lines of the Block.
6. All Thoroughfares should terminate at other Thoroughfares, forming a network. Thoroughfare networks within individual Community Units should establish multimodal connections to those of adjacent Community Units.



- a. Dead end streets and cul-de-sacs included in Community Plans shall require review and approval of the Planning Director. Cul-desacs approved by the Planning Director shall meet the following standards:
  - (1). Permanent dead end streets shall be no longer than 300 feet and shall be provided with a cul-de-sac;
  - (2). Temporary dead end streets shall be provided with a temporary turnaround area;
  - (3). Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and a paved circular or elliptical area with a minimum radius of 40 feet
  - (4). Cul-de-sacs may contain a central planted median; and
  - (5). Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.
7. At least 80% of the lots within a Community Unit shall enfront a vehicular Thoroughfare; 20% of the lots within each Transect Zone of a Community Unit may enfront a passage or Civic Space.
8. Thoroughfare Plans shall demonstrate connectivity to Civic Space and other Community Plans.
- D. **Detailed Traffic Analysis.** Community Plan and Special District applications shall require additional Traffic Analysis in accordance with the Form District Master Plan procedures and regulations for traffic impact studies.
- E. **Public Dedication.** Thoroughfares may be made public upon dedication to and acceptance by the Charleston County Council in compliance with Appendix A of the ZLDR, or by other jurisdictions as may be applicable, provided that they have been designed and constructed to County standards. Thoroughfares need not be made public and may be developed, owned, and maintained privately in compliance with the Private Road Standards contained in Appendix A of the ZLDR, and may be subjected to Restrictive Covenants, at the discretion of the Property Owner.

Effective on: 11/20/2001, as amended

#### §7.4.5 Transect Zones

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- A. Transect Zones provide tools to establish mixed-use development patterns in keeping with Charleston County character that range in function and density from undeveloped areas (e.g., T1) to rural, sparsely developed areas (e.g., T2) to primarily residential areas with a mix of building types (e.g., T3), to medium density neighborhoods and other commercial and retail areas (e.g., T4) and mixed-use centers of villages and towns (e.g., T5).
- B. **Transect Zone Descriptions.** The intent of Transect Zones is described in Table 7.4.R, Transect Zone Descriptions.
- C. **FBZD Application - Standards.** The Form District Master Plan for an FBZD shall establish a Rural-to-Urban Transect and related standards for the property based on the Charleston County Transect described in Figure 7.1.A in accordance with Section 7.2.2, FBZD Application [Rezoning]. The Form District Master Plan shall:
  1. Designate each proposed Transect Zone in accordance with Table 7.4.S, Transect Zone Standards Summary.
    - a. Applicants may elect to provide subsets of Transect Zones in order to provide additional specificity and/or to better describe the range of development intensities proposed. Additional Transect Zones added by the Applicant (e.g., T2-1, T2-2, T4-1) must (1) fall within the parameters of the basic descriptions for each respective Transect and (2) comply with the parameters for each respective Transect contained in the prescriptive tables in this Chapter.
  2. Allocate percentages of Transect Zones applicable to each Community Unit in compliance with Table 7.3.B, Sector/Settlement/Community Allocation.
  3. Establish a Maximum Density per Transect Zone.
  4. Establish a Maximum Block Size per Transect Zone.
  5. Establish Thoroughfare Assemblies and Types in accordance with Table 7.4.G, Thoroughfare Components, and Section 7.4.4, Circulation and Thoroughfare Design.
  6. Establish a range of prescribed Civic Space Types per Transect Zone in accordance with Table 7.4.C, Civic Space Types.
  7. Provide development standards for each proposed Transect Zone as described in Table 7.4.S, Transect Zone Standards Summary, and Table 7.4.T, Transect Zone Development Standards, including the following:



- a. Range of prescribed Lot Widths;
- b. Range of prescribed Lot Coverage by Building;
- c. Range of prescribed Front Setbacks, Side Setbacks, and Rear Setbacks for Principal Buildings;
- d. Range of prescribed Front Setbacks, Side Setbacks, and Rear Setbacks for Outbuildings;
- e. Range of prescribed Building Disposition requirements;
- f. Range of prescribed Frontage Types in accordance with Table 7.4.U, Private Frontages;
- g. Range of prescribed Building Heights;
- h. Range of prescribed Specific Functions and Uses for Buildings and Lots in accordance with Table 7.5.A, Specific Function and Use; and
- i. Range of Building and Lot Parking requirements, calculated in accordance with Table 7.5.D, Parking Calculations.

**TABLE 7.4.R: Transect Zone Descriptions**

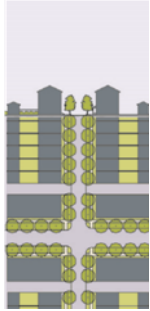
This table provides descriptions of the character of each T-zone. (Table not subject to change by applicant. Additional T-Zones proposed by the Applicant (e.g., T2-1, T2-2, T4-1) must fall within the parameters of the basic descriptions for each respective Transect (T1, T2, T3, T4, T5).)

Zone	Illustration	Description	Characteristics	
			General Character:	Other Characteristics
T1		<b>T-1 NATURAL</b> T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. This Zone typically does not contain buildings, however small civic buildings or interpretive centers may be located within this Zone.	General Character:	Natural landscape with some agricultural use
			Building Placement:	Not applicable
			Frontage Types:	Not applicable
			Typical Building Height:	Not applicable
			Type of Civic Space:	Parks, Greenways
			General Land Use Mix:	Limited agricultural and civic/institutional uses
T2		<b>T-2 RURAL</b> T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, farms where animals are raised or crops are grown, parks, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.	General Character:	Primarily agricultural with woodland & wetland and scattered buildings
			Building Placement:	Variable Setbacks
			Frontage Types:	Not applicable
			Typical Building Height:	1- to 2-Story
			Type of Civic Space:	Parks, Greenways
			General Land Use Mix:	Agricultural with limited residential and civic/institutional uses
T3		<b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone consists of low density residential areas, predominantly single-family, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.	General Character:	Lawns, and landscaped yards surrounding detached singlefamily houses; pedestrians occasionally
			Building Placement:	Large and variable front and side yard Setbacks
			Frontage Types:	Porches, fences, naturalistic tree planting
			Typical Building Height:	1- to 2-Story with some 3-Story
			Type of Civic Space:	Parks, Greenways
			General Land Use Mix:	Residential, with limited civic/institutional and agricultural uses
T4		<b>T-4 GENERAL URBAN</b> T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks	General Character:	Mix of Houses, Townhouses & small Apartment buildings, with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians
			Building Placement:	Shallow to medium front and side yard Setbacks
			Frontage Types:	Porches, fences, Dooryards
			Typical Building	2- to 3-Story with a few taller Mixed Use buildings





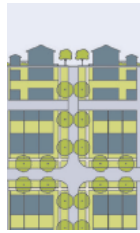
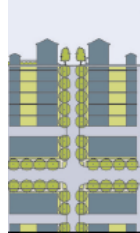



**TABLE 7.4.R: Transect Zone Descriptions**

		define medium-sized blocks.	<b>Height:</b>	
			<b>Type of Civic Space:</b>	Squares, Greens
			<b>General Land Use Mix:</b>	Residential, with limited commercial and civic/institutional uses
T5		<b>T-5 URBAN CENTER</b> T-5 Urban Center Zone consists of higher density mixed use building that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.	<b>General Character:</b>	Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
			<b>Building Placement:</b>	Shallow Setbacks or none; buildings oriented to street defining a street wall
			<b>Frontage Types:</b>	Stoops, Shopfronts, Galleries
			<b>Typical Building Height:</b>	3- to 5-Story with some variation
			<b>Type of Civic Space:</b>	Parks, Plazas and Squares, median landscaping
			<b>General Land Use Mix:</b>	Commercial, residential, and civic/institutional uses

**TABLE 7.4.S Transect Zone Standards Summary**




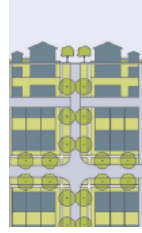
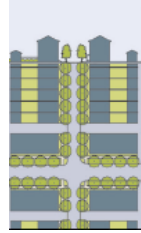
(Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)

<b>Note: All requirements in this Table are subject to calibration for local context.</b>						
	<b>T1 Natural Zone</b>	<b>T2 Rural Zone</b>	<b>T3 Sub-Urban Zone</b>	<b>T4 General Urban Zone</b>	<b>T5 Urban Center Zone</b>	<b>SD Special District</b>
<b>a. ALLOCATION OF ZONES per Pedestrian Shed</b>						(see Table 7.4.Y)
<b>RCLD requires</b>	50% max.	50% min	not permitted	10 - 40%	not permitted	
<b>CLD requires</b>	no minimum	50% min	10 - 30%	20 - 40%	not permitted	
<b>TND requires</b>	no minimum	no minimum	10 - 30%	30 - 60 %	10 - 30%	
<b>RCD requires</b>	no minimum	no minimum	not permitted	10 - 30%	10 - 30%	
<b>b. MAXIMUM TRANSECT DENSITY</b>						
<b>Density Units per Acre</b>	not applicable	3 du / ac	10 du / ac	20 du / ac	36 du / ac	
<b>c. BLOCK SIZE</b>						
<b>Block Perimeter</b>	no maximum	no maximum	3000 ft. max	2400 ft. max	2000 ft. max	
<b>d. THOROUGHFARES (see Article 7.4.4)</b>				* 3000 ft. max with parking structures		
<b>HW</b>	permitted	permitted	permitted	not permitted	not permitted	
<b>BV</b>	not permitted	not permitted	permitted	permitted	permitted	
<b>AV</b>	not permitted	not permitted	permitted	permitted	permitted	
<b>CS</b>	not permitted	not permitted	not permitted	not permitted	permitted	
<b>DR</b>	not permitted	not permitted	permitted	permitted	permitted	
<b>ST</b>	not permitted	not permitted	permitted	permitted	permitted	



**TABLE 7.4.S Transect Zone Standards Summary**

(Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)




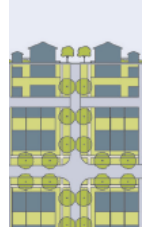
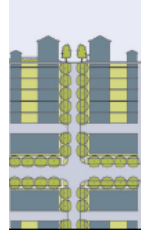

<p>Note: All requirements in this Table are subject to calibration for local context.</p>							
		T1 Natural Zone	T2 Rural Zone	T3 Sub-Urban Zone	T4 General Urban Zone	T5 Urban Center Zone	SD Special District
RD	permitted	permitted	permitted	not permitted	not permitted		
Rear Lane	permitted	permitted	permitted	permitted	not permitted		
Rear Alley	not permitted	not permitted	permitted	required	required		
Path	permitted	permitted	permitted	permitted	not permitted		
Passage	not permitted	not permitted	permitted	permitted	permitted		
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted		
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted		
Bicycle Route	permitted	permitted	permitted	permitted	permitted		
<b>e. CIVIC SPACE (see Article 7.4.3)</b>				<b>* permitted within Open Spaces</b>			
Park	permitted	permitted	permitted	Subject to Conditions	Subject to Conditions		
Green	not permitted	not permitted	permitted	permitted	permitted		
Square	not permitted	not permitted	not permitted	permitted	permitted		
Plaza	not permitted	not permitted	not permitted	not permitted	permitted		
Playground	permitted	permitted	permitted	permitted	permitted		
<b>f. LOT OCCUPATION</b>							
Lot Width	not applicable	Subject to Conditions	72 ft. min 120 ft. max	18 ft. min 96 ft. max	18 ft. min 180 ft. max		
Lot Coverage	not applicable	Subject to Conditions	60% max	70% max	80% max		
<b>g. SETBACKS - PRINCIPAL BUILDING (see Table 7.4.T)</b>							
(g.1) Front Setback (Principal)	not applicable	48 ft. min	24 ft. min	6 ft. min 18 ft. max	2 ft. min 12 ft. max		
(g.2) Front Setback (Secondary)	not applicable	48 ft. min	12 ft. min	6 ft. min 18 ft. max	2 ft. min 12 ft. max		
(g.3) Side Setback	not applicable	96 ft. min	12 ft. min	0 ft. min	0 ft. min 24 ft. max		
(g.4) Rear Setback	not applicable	96 ft. min	12 ft. min	3 ft. min *	3 ft. min *		
Frontage Buildout	not applicable	not applicable	40% min	60% min	80% min		
<b>h. SETBACKS - OUTBUILDING (see Table 7.4.T)</b>							
(h.1) Front Setback	not applicable	20 ft. min +bldg setback	20 ft. min +bldg setback	20 ft. min +bldg setback	40 ft. max from rear prop		
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min or 3 ft.	0 ft min		
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min	3 ft.	3 ft. max		
<b>i. BUILDING DISPOSITION (see Table 7.4.V)</b>							
Edgeward	permitted	permitted	permitted	permitted	not permitted		
Sideward	not permitted	not permitted	not permitted	permitted	permitted		

DISPOSITION



**TABLE 7.4.S Transect Zone Standards Summary**

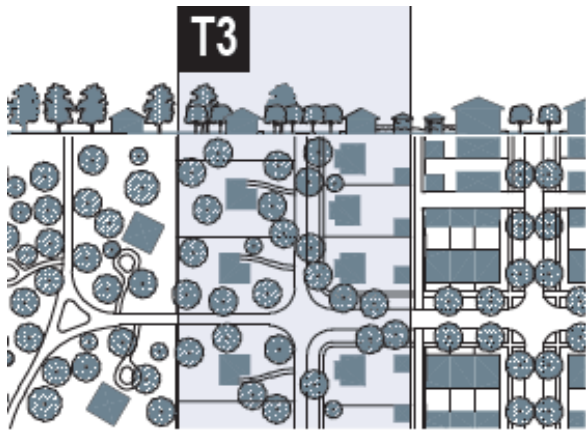
(Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)

<p>Note: All requirements in this Table are subject to calibration for local context.</p>								
		T1 Natural Zone	T2 Rural Zone	T3 Sub-Urban Zone	T4 General Urban Zone	T5 Urban Center Zone	SD Special District	
Rearyard	not permitted	not permitted	not permitted	permitted	permitted			
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted			
<b>j. PRIVATE FRONTAGES (see Table 7.4.U)</b>								
Common Yard	not applicable	permitted	permitted	not permitted	not permitted			C O N F I G U R A T I O N
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted			
Terrace or Dooryard	not applicable	not permitted	not permitted	permitted	permitted			
Forecourt	not applicable	not permitted	not permitted	permitted	permitted			
Stoop	not applicable	not permitted	not permitted	permitted	permitted			
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted			
Gallery	not applicable	not permitted	not permitted	permitted	permitted			
Arcade	not applicable	not permitted	not permitted	not permitted	permitted			
<b>j. BUILDING CONFIGURATION</b>								
Principal Building	not applicable	2 Stories max	2 Stories max	3 Stories max, 2 min	5 Stories max, 2 min			C O N F I G U R A T I O N
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	2 Stories max			
<b>i. BUILDING FUNCTION (see Table 7.5.A)</b>								
Residential	not applicable	restricted use	restricted use	limited use	open use			F U N C T I O N
Lodging	not applicable	restricted use	restricted use	limited use	open use			
Office	not applicable	restricted use	restricted use	limited use	open use			
Retail	not applicable	restricted use	restricted use	limited use	open use			



**TABLE 7.4.T: Example Transect Zone Development Standards**

(Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant. Applicant shall provide development standards for each proposed Transect Zone.)



i. BUILDING FUNCTION (see Table 7.5.A)	
Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use
k. BUILDING CONFIGURATION	
Principal Building	2 stories max.
Outbuilding	2 stories max.
f. LOT OCCUPATION	
Lot Width	72 ft. min 120 ft. max
Lot Coverage	60% max
i. BUILDING DISPOSITION (see Table 7.4.V)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted
Edgeyard	permitted
g. SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback Principal	24 ft. min
(g.2) Front Setback Secondary	12 ft min.
(g.3) Side Setback	12 ft min.
(g.4) Rear Setback	12 ft min.
Frontage Buildout	40% min at setback
h. SETBACKS - OUTBUILDING	
(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	3 ft. or 6 ft at corner
(h.3) Rear Setback	3 ft. min
j. PRIVATE FRONTAGES (see Table 7.4.U)	
Common Lawn	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted

**BUILDING CONFIGURATION**

- Building height shall be measured in number of Stories, excluding Attics and raised basements.
- Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which shall be a minimum of 11 ft with a maximum of 25 feet.
- Height shall be measured to the eave or roof deck as specified on Table 8.

**SETBACKS - PRINCIPAL BLDG**

- The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
- Facades shall be built along the Principal Frontage to the minimum specified width in the table.

**SETBACKS - OUTBUILDING**

- The Elevation of the Outbuilding shall be distanced from the Lot lines as shown.

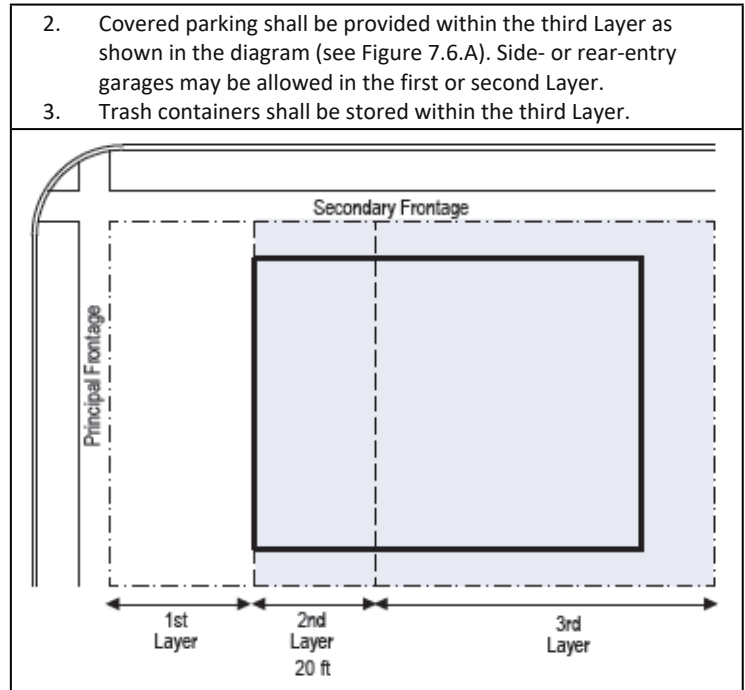
**PARKING PLACEMENT**

- Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 7.6.1).

**TABLE 7.4.T: Example Transect Zone Development Standards**

(Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant. Applicant shall provide development standards for each proposed Transect Zone.)

<b>Stoop</b>	not permitted
<b>Shopfront &amp; Awning</b>	not permitted
<b>Gallery</b>	not permitted
<b>Arcade</b>	not permitted
Refer to Summary Table 7.4.S	
<b>PARKING PROVISIONS</b>	
See Table 7.5.D	
*or 15 ft. from center line of alley "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.	



**TABLE 7.4.U: Private Frontages**

The Private Frontage is the area between the building Facades and the Lot lines. (Table not subject to change by applicant)

	SECTION Lot >   < R.O.W. Frontage   Frontage	PLAN Lot >   < R.O.W. Private >   < Public Frontage Frontage
a. <b>Common Yard:</b> a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.		
b. <b>Porch &amp; Fence:</b> a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.		

**TABLE 7.4.U: Private Frontages**

**The Private Frontage is the area between the building Facades and the Lot lines. (Table not subject to change by applicant)**

	SECTION Lot >   < R.O.W. Frontage   Frontage	PLAN Lot >   < R.O.W. Private >   < Public Frontage Frontage
<p>c. <b>Terrace or Lightwell:</b> a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: <b>Dooryard.</b></p>		
<p>d. <b>Forecourt:</b> a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p>		
<p>e. <b>Stoop:</b> a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story Line elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.</p>		
<p>f. <b>Shopfront:</b> a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.</p>		



**TABLE 7.4.U: Private Frontages**

The Private Frontage is the area between the building Facades and the Lot lines. (Table not subject to change by applicant)

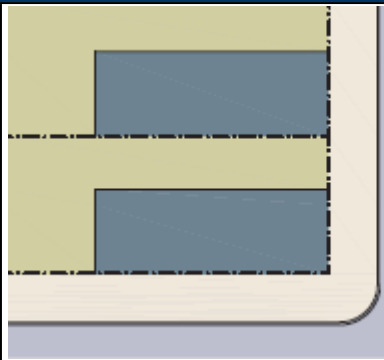
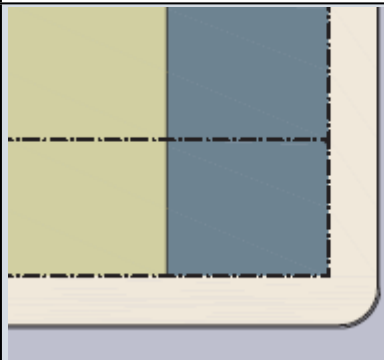
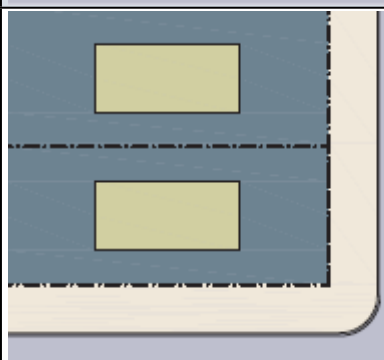
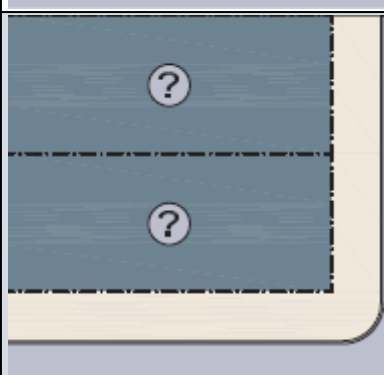
	SECTION Lot >   < R.O.W. Frontage   Frontage	PLAN Lot >   < R.O.W. Private >   < Public Frontage Frontage
<p>g. <b>Gallery:</b> a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		
<p>h. <b>Arcade:</b> a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		

**TABLE 7.4.V: Building Disposition**

This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone. (Table not subject to change by applicant)

<p>a. <b>Edgeyard:</b> A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>	
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**TABLE 7.4.V: Building Disposition**

<p>b. <b>Sideyard:</b> A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.</p>		<p><b>T4</b> <b>T5</b></p>	
<p>c. <b>Rearyard:</b> A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>		<p><b>T4</b> <b>T5</b></p>	
<p>d. <b>Courtyard:</b> A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>		<p><b>T5</b></p>	
<p>e. <b>Specialized:</b> A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.</p>		<p><b>SD</b></p>	

D. **Community Plan Submittals - Standards.** Subsequent Community Plan applications shall designate Transect Zones on a Regulating Plan, in accordance with the procedures for Community Plans in Section 7.2.3.B, Community Plans, and the following standards:

1. **Transition between Transect Zones.** When applying Transect Zones, transitions between the T5, T4, and T3 Transect Zones are encouraged to occur within the block or across alleys but may occur across a street.



2. **Transect Organization.** Transects shall be organized in a manner that responds appropriately to a site’s context. More intense Transect Zones shall be organized around neighborhood centers and neighborhood main streets in visible and accessible locations suitable for greater intensities, typically at or near the center of a Pedestrian Shed. Less intense Transect Zones shall generally be organized farther from the center and serve as a transition to natural and open space, and 75% Acreage.
3. **Transect Allocation.** Community Plans for Community Units shall assign and map Transect Zones to each Pedestrian Shed according to the percentages allocated in Table 7.3.B, Sector/Settlement/Community Allocation.

**Figure 7.4.Q Example Thoroughfares Regulating Plan**



Effective on: 11/20/2001, as amended

### §7.4.6 Density Calculations

- A. **FBZD Application - Standards.** At the time of initial FBZD Application, the applicant shall establish a minimum and maximum anticipated density for each proposed Settlement.
  1. Density shall be expressed in terms of Density Units as described in Table 7.4.X, Density Equivalency Calculations.
- B. **Community Plan Submittals - Standards.**
  1. Community Plans shall designate Transect Zones that establish maximum densities in accordance with Section 7.4.5, Transect Zones.
  2. All areas of a Community Plan site (outside of the P-1 Preserved Sector, if applicable) shall be cumulatively considered the Community Unit Net Site Area. The Community Unit Net Site Area shall be allocated to the various Transect Zones according to the standards established in the applicable Form District Master Plan in accordance with Table 7.3.B, Sector/Settlement/Community Allocation.
    - a. OCRM Critical Line Areas shall be excluded from the Net Site Area.



3. The Density for each Transect Zone of a Community Unit shall be expressed in terms of Density Units per acre of Transect Zone Net Site Area. The Transect Zone Net Site Area shall include Thoroughfare right-of-ways but exclude OCRM Critical Line Areas and Civic Space from this calculation.
  4. Density within any Special District shall be provided on Table 7.4.Y, Special District Development Standards. Density calculations shall utilize the functions in Table 7.4.X, Density Calculations, in calculating Special District density.
  5. There shall be no maximum density per Transect Zone applicable to Transect Zone T-1 as that Transect Zone does not contemplate any Uses or Functions creating density.
  6. Lot, Block, and Building Plans shall establish a fixed number of units and related nonresidential program, where applicable.
  7. The total aggregate density of Community Units making up a Settlement shall remain within the minimum and maximum anticipated density ranges established at time of initial FBZD Application.
- C. Table 7.4.X, Density Equivalency Calculations, summarizes the number of density units utilized when making density calculations:

Table 7.4.X Density Equivalency Calculations (Table not subject to change by applicant)	
Function	Density/acre
1 Residential Dwelling Unit*	1 Density Unit
1 Lodging Bedroom	.5 Density Unit
1500 sf Retail	1 Density Unit
1500 sf Office	1 Density Unit
1500 sf Medical	1 Density Unit
1500 sf Civic	1 Density Unit
1500 sf Education	1 Density Unit
3000 sf Industrial	1 Density Unit
Agriculture	0 Density Units
Other	0 Density Units
Outbuilding/Accessory Dwelling	0 Density Units

\* Includes Residential Units in Dwelling Groups.

Effective on: 11/20/2001, as amended

### §7.4.7 Special Districts

- A. **Applicability.** In order to maintain sufficient predictability when utilizing the FBZD, Special Districts shall be utilized sparingly, and only when community planning efforts demonstrate that there are areas that, by their intrinsic size, function, or configuration, cannot conform to the requirements of any Transect Zone(s). Special Districts may be initiated in one of two ways as described in Figure 7.2.B (Summary of Special District Review Process), either as a “stand alone” special district established and mapped at time of FBZD Application, or as a component of a Community Unit established in a subsequent Land Development Plan. Special Districts shall be mapped and established with development standards at time of rezoning application.
1. **FBZD Application - Standards.** The applicant shall provide the following information for Special Districts established and mapped at the time of rezoning:
    - a. The geographical boundaries of such Special District(s) delineated on the Sector Map;
    - b. Development standards for such Special District(s) recorded on Table 7.4.Y, Special District Development Standards, including the following:
      - (1). Maximum Density for the applicable Special District(s);
      - (2). Maximum Block Size for the applicable Special District(s);



- (3). Thoroughfare Assemblies and Types for the applicable Special District(s) in accordance with Table 7.4.G, Thoroughfare Components;
  - (4). A range of prescribed Civic Space Types for the applicable Special District(s) in accordance with Table 7.4.C, Civic Space Types;
  - (5). Range of prescribed Lot Widths;
  - (6). Range of prescribed Lot Coverage by Building;
  - (7). Range of prescribed Front Setbacks, Side Setbacks, and Rear Setbacks for Principal Buildings;
  - (8). Range of prescribed Front Setbacks, Side Setbacks, and Rear Setbacks for Outbuildings;
  - (9). Range of prescribed Building Disposition requirements;
  - (10). Range of prescribed Private Frontage Types in accordance with Table 7.4.U, Private Frontages;
  - (11). Range of prescribed Building Heights;
  - (12). Range of prescribed Specific Functions and Uses for Buildings and Lots in accordance with Table 7.5.A, Specific Function and Use;
  - (13). Range of Building and Lot Parking requirements, calculated in accordance with Table 7.5.D, Parking Calculations; and
  - (14). Any applicable Bufferyard or Screening standards.
2. **Supplemental Standards.** When appropriate, the Planning Director may request supplemental standards to appropriately describe Special Districts including, but not limited to, the following:
- a. Bufferyard and Screening standards; if applicable, to supplement those found in Section 7.4.8, Buffer Requirements and Tree Protection and Preservation; and
  - b. Supplemental Standards and Guidelines in Section 7.5.3.
- B. **Community Plan Submittals - Standards.** At the time of Community Plan submittal(s), the applicant shall comply with the requirements of Section 7.2.3 and provide the following information:
- 1. The geographical boundaries of such Special District(s) delineated on the Community Plan map in compliance with the location approved in the Form District Master Plan; and
  - 2. Applicant shall show compliance with the requirements of subsection A.1.b above.
- C. **Special Districts Mapped at Time of Community Plan Submittal.** Special Districts shall require Planning Commission approval for geographic location in compliance with Table 7.2.A under the following conditions:
- 1. Special Districts that were established in compliance with this Chapter but not mapped at the time of rezoning;
  - 2. When an applicant requests a new or different location for a Special District that was defined and mapped at the time of rezoning; or
  - 3. When an applicant requests the removal of a Special District that was defined and mapped at the time of rezoning.

TABLE 7.4.Y: Special District Development Standards							
The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special District proposed at time of initial FBZD rezoning application. More pages can be added. Special Districts that do not have provisions within the approved Master Plan shall require FBZD amendments. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)							
	SD1	SD2	SD3	SD4	SD5	SD6	SD7
<b>a. ALLOCATION OF ZONES</b>							
CLD	X						
TND	X						
TOD	X						
<b>b. BASE RESIDENTIAL DENSITY</b>							
By Right	X						
By TDR	X						
Other Functions	X						



**TABLE 7.4.Y: Special District Development Standards**

The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special District proposed at time of initial FBZD rezoning application. More pages can be added. Special Districts that do not have provisions within the approved Master Plan shall require FBZD amendments. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)

	SD1	SD2	SD3	SD4	SD5	SD6	SD7
<b>c. BLOCK SIZE</b>							
Block Perimeter	X						
<b>d. THOROUGHFARES</b>							
HW	X						
BV	X						
AV	X						
CS	X						
DR	X						
ST	X						
RD	X						
Rear Lane	X						
Rear Alley	X						
Path	X						
Passage	X						
Bicycle Trail	X						
Bicycle Lane	X						
Bicycle Route	X						
<b>e. CIVIC SPACE</b>							
Park	X						
Green	X						
Square	X						
Plaza	X						
Playground	X						
<b>f. LOT OCCUPATION</b>							
Lot Width	X						
Lot Coverage	X						
<b>g. SETBACKS - PRINCIPAL BUILDING</b>							
Front Setback	X						
Side Setback	X						
Rear Setback	X						
<b>h. BUILDING Disposition</b>							
Edgeyard	X						
Sideyard	X						
Rearyard	X						
<b>i. PRIVATE FRONTAGES</b>							
Common Yard	X						
Porch & Fence	X						
Terrace, Dooryard	X						
Forecourt	X						
Stoop	X						
Shopfront	X						



**TABLE 7.4.Y: Special District Development Standards**

The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special District proposed at time of initial FBZD rezoning application. More pages can be added. Special Districts that do not have provisions within the approved Master Plan shall require FBZD amendments. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)

	SD1	SD2	SD3	SD4	SD5	SD6	SD7
Gallery	X						
Arcade	X						
Parking Lot	X						
<b>j. BUILDING CONFIGURATION</b>							
Principal Building	X						
Outbuilding	X						
<b>k. BUILDING FUNCTION</b>							
Residential	X						
Lodging	X						
Office	X						
Retail	X						

Effective on: 11/20/2001, as amended

**§7.4.8 Buffer Requirements and Tree Protection and Preservation**

- A. Landscape buffers and screening shall not be required between any Transect Zone and another Transect Zone within the FBZD, with the following exceptions:
  1. Agricultural uses and functions on any parcel within the FBZD shall be buffered from adjacent areas zoned T3, T4, or T5 by a 100' minimum buffer (Type "F") as described in Table 9.5.4.B.5, Buffer Depth and Landscaping Standards.
  2. Special Districts containing Industrial and/or Commercial uses that would otherwise be incompatible, as determined by the Planning Director, with anticipated uses and functions within Transect Zones shall be buffered from adjacent Transect Zones in accordance with Table 7.4.Z(1), Buffer Requirements for Transect Zones, and the requirements listed in Table 9.5.4.B.5, Buffer Depth and Landscaping Standards.

Table 7.4.Z(1) Buffer Requirements for Transect Zones (Table not subject to change by applicant)					
Proposed Special District	Transect Zone				
	T1	T2	T3	T4	T5
Industrial*	E	D	D	C	C
Commercial*	C	C	B	-	-

\*Refer to Table 9.5.4.B.5, Buffer Depth and Landscaping Standards, for an explanation of Buffer Types B,C,D,E.

- 3. **Wetlands, Waterways, and OCRM Critical Line Areas.**
  - a. **OCRM Critical Line Areas and Waterways.** All waterways and OCRM Critical Lines Areas shall be protected in compliance with ARTICLE 9.7, Wetlands, Waterways and the OCRM Critical Line. Table 7.4.Z(2) establishes minimum wetland/waterway buffers/setbacks for the Transect Zones.

Table 7.4.Z(2) Minimum Buffers/Setbacks for Transect Zones (Table not subject to change by applicant)						
Minimum Buffer/Setback	Transect Zone					
	T1	T2	T3	T4	T5	SD
OCRM Critical Line Buffer	35 ft.	25 ft.	25 ft.	15 ft.	15 ft.	15 ft.
Setback from OCRM Critical Line	50 ft.	35 ft.	25 ft.	25 ft.	25 ft.	25 ft.



- b. **Freshwater Wetlands.** A 15 foot buffer, or other buffer as determined by the US Army Corps of Engineers, whichever is greater, shall be provided for all Jurisdictional wetlands.

- B. **Tree Protection and Preservation.** Development in the FBZD shall comply with the standards of [ARTICLE 9.4](#), Tree Protection and Preservation.

Effective on: 11/20/2001, as amended

## **ARTICLE 7.5. BUILDING SCALE PLANNING - REQUIREMENTS**

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### **§7.5.1 Function and Use**

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- A. **Purpose and Intent.** This Chapter provides for a variety of mixed-use environments of varying intensity and type within Community Units organized by Transect Zone.
- B. **FBZD Application - Standards.** Table 7.5.A, Specific Function and Use, establishes principal use categories and allowable land use types for Lots and Structures by Transect Zone. At time of initial FBZD application the applicant shall establish uses allowed by right and Uses Subject to Conditions for each Transect Zone and any Special District(s), in accordance with the Purpose and Intent of each Zone, as stated in Table 7.4.R, Transect Zone Descriptions.
  - 1. One or more Principal Functions may be located on any Lot or in any Building.
  - 2. Uses Allowed by Right shall be subject to compliance with all other regulations of this Chapter and those in the approved Form District Master Plan.
    - a. Such regulations may include Conditions specific to a use as may be included by the applicant in the Form District Master Plan.
    - b. Use conditions set forth in ZLDR [CHAPTER 6](#), Use Regulations, shall not apply to any use except when expressly adopted in the Form District Master Plan.
  - 3. Uses Subject to Conditions shall be reviewed according to the procedures in Section [7.2.5.B](#), Uses Subject to Conditions.
  - 4. New or Unlisted Uses and Use Interpretation. In accordance with Section [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 the ZLDR. New/unlisted uses may require FBZD amendments if they are not included in the Form District Master Plan or the definitions of [CHAPTER 12](#), as determined by the Planning Director.
    - a. Nothing contained herein shall be construed as restricting, limiting or prohibiting a mix of Principal Functions on a Lot or within a Structure. In no event shall a Principal Function be deemed to be an Accessory Use.
- C. **Accessory Uses.**
  - 1. Any accessory use or accessory structure that is incidental and customarily subordinate to principal uses shall be treated as a permitted use so long as such uses are located on the same site at the principal use or on a contiguous lot under the same ownership, and so long as they comply with the following standards:
    - a. Be customarily accessory and clearly incidental and subordinate to the Principal Function or Building;
    - b. Be subordinate in area, extent, and purpose to the Principal Function or Building;
    - c. Be owned or operated by the same person as the Principal Function or Building;
    - d. Together with the Principal Function or Building, not violate the standards of this Chapter or those in the approved Form District Master Plan;
    - e. Not be constructed or established prior to the time the Principal Function or Structure is constructed or established; and
    - f. Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).
  - 2. **FBZD Application - Standards.** At time of initial FBZD application the applicant shall establish the Accessory Uses allowed by right for each Transect Zone.



- a. Table 7.5.B establishes a range of typical accessory uses, structures, and activities calibrated to the Transect Zones. The applicant may identify additional accessory uses not listed here. If the accessory use or structure is not allowed in a zone, the column is left blank.
- b. The restrictions enumerated for Accessory Uses and Structures in ZLDR CHAPTER 6, Use Regulations, shall not apply to any Accessory Use of Structures except when expressly adopted in the Form District Master Plan.

TABLE 7.5.A: Specific Function & Use													
This table delegates specific Functions and uses within Transect Zones and shall be customized for local character and requirements. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)													
	T1	T2	T3	T4	T5	SD		T1	T2	T3	T4	T5	SD
<b>a. AGRICULTURAL USES</b>							<b>c. CIVIC/INSTITUTIONAL cont.</b>						
Grain Storage	■	■				□	Sports Stadium						■
Livestock Pen	□	□				□	Surface Parking Lot				□	□	■
Greenhouse	■	■	□			□	Trade School					□	■
Stable	■	■	□			□	<b>d. COMMERCIAL</b>						
Kennel	■	■	□	□	□	□	Adult Entertainment						□
<b>b. RESIDENTIAL</b>												Automobile Service	■
Mixed Use Block				□	■		Billboard						□
Flex Building				■	■		Display Gallery				■	■	□
Apartment Building				■	■		Drive -Through Facility					□	■
Live/Work Unit			■	■	■	□	Gasoline		□			□	■
Townhouse				■	■		Hotel (no room limit)					■	□
Duplex/Triplex/Qu adplex			■	■	■		Inn (up to 12 rooms)		□		■	■	
Courtyard House				■	■		Kiosk				■	■	□
Sideyard House			■	■	■		Live-Work Unit				■	■	□
Single-Family: Cottage			■	■			Liquor Selling Establishment					□	□
Single-Family: House		■	■	■			Office Building				■	■	□
Single-Family: Villa		■					Open-Market Building		■	■	■	■	■
Accessory Unit		■	■	■	■		Push Cart					□	□
Dwelling Group		■	□				■	■				Rest Stop	□
<b>c. CIVIC/INSTITUTIONAL</b>							Restaurant				■	■	□
Bus Shelter			■	■	■	■	Retail Building				■	■	□
Cemetery		■	□	□		■	Roadside Stand	■	■				□
Childcare Center		■	■	■	■	□	School Dormitory				■	■	■
College					□	■	Shopping Center						□
Convention Center						■	Shopping Mall						□
Conference Center					□	■	Vehicle Maintenance						■
Elementary School			□	■	■	■	<b>e. INDUSTRIAL</b>						
Exhibition Center						■	Heavy Industrial Facility						■
Fire Protection			■	■	■	■							



**TABLE 7.5.A: Specific Function & Use**

This table delegates specific Functions and uses within Transect Zones and shall be customized for local character and requirements. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)

	T1	T2	T3	T4	T5	SD		T1	T2	T3	T4	T5	SD
Fountain or Public Art		■	■	■	■	■		Light Industrial Facility					■
Funeral Home				■	■	■		Truck Depot					■
High School				□	□	■		Laboratory Facility					■
Hospital					□	■		Water Supply Facility					■
Library				■	■	■		Sewer and Waste Facility					■
Live Theater					■	■		Electric Substation	□	□	□	□	■
Medical Clinic				□	■	■		Wireless Transmitter	□	□			■
Movie Theater					■	■		Cremation Facility					■
Museum					□	■		Warehouse					■
Outdoor Auditorium		□	■		■	■		Produce Storage					■
Parking Structure					■	■		Mini-Storage					■
Passenger Terminal					□	■		■ By Right □ Subject to Conditions					
Playground		■	■	■	■	■							
Police Protection				■	■	■							
Religious Assembly		■	■	■	■	■							

**Table 7.5.B: Permitted Accessory Uses (Table not subject to change by applicant, except the Applicant may elect to provide additional accessory uses calibrated to the Transect.)**

Accessory Use Type	Transect Zone				
	T1	T2	T3	T4	T5
Accessory/Secondary Dwelling Unit		✓	✓	✓	✓
Barns and farming-related structures	✓	✓			
Fences and Walls	✓	✓	✓	✓	✓
Food/Refreshment Stand			✓	✓	
Gate Houses and Guard Houses		✓	✓		
Gift shops, news stand				✓	✓
Home Occupations		✓	✓	✓	
Outdoor storage		✓			
Playhouses, patios, cabanas, porches, gazebos, and incidental household storage buildings		✓	✓		
Radio and television receiving antennas		✓	✓		
Solar Collectors and Wind Generators	✓	✓	✓	✓	✓
Tennis courts, swimming pools, and hot tubs		✓	✓	✓	

D. **Accessory Dwelling Units.** Accessory/Secondary dwelling units shall be allowed as accessory uses to single-family detached residential dwelling units in accordance with Table 7.5.B and shall comply with the following standards:

1. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units;
2. There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family dwelling;





- 3. The maximum heated gross floor area of the accessory dwelling unit is described in Table 7.5.C, Maximum Gross Floor Area for Accessory Dwelling Units;

Table 7.5.C: Maximum Heated Gross Floor Area for Accessory Dwelling Units (Table not subject to change by applicant)	
Transect Zone	Max. Floor Area
T2	1500 sf
T3 - T5	800 sf

- 4. Accessory dwelling units shall comply with all dimensional and development standards established in Table 7.4.T, Transect Zone Development Standards;
- 5. Accessory dwelling units shall not count toward any applicable maximum residential density requirements; and
- 6. Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.

E. **Temporary Uses.** The standards of Article 6.6, Temporary Uses, shall apply to all development within the FBZD. The applicant may include additional temporary uses in the Form District Master Plan.

Effective on: 7/24/2018, as amended

**§7.5.2 Parking**

- A. **FBZD Application - Standards.** At the time of FBZD application the applicant shall provide parking requirements for the calibrated Functions and Uses proposed in Table 7.5.A, Specific Function and Use.
  - 1. Applicants shall utilize Table 7.5.D, Parking Calculations, to determine parking requirements for specific uses.
- B. **Community Plan Submittals - Standards.** Subsequent Community Plan submittals shall utilize the following when designing parking:
  - 1. **Parking Space and Lot Design.** Parking spaces and parking lots shall be designed in accordance with Section 9.3.6, Parking Space and Lot Design.
  - 2. **Accessible Parking.** Accessible parking for the physically disabled shall be provided in accordance with Section 9.3.5, Accessible Parking for Physically Disabled Persons.
  - 3. **Parking Reduction Strategies.**
    - a. When multiple functions are proposed for one site, Table 7.5.D, Parking Calculations may be utilized to establish a reduction in parking through the Shared Parking Factor.
    - b. Applicants may utilize the standards found in 9.3.4.B, Off-site and Shared Parking, when proposing subsequent Community Plans, to reduce the number of on-site spaces required and/or reduce the total number of spaces through Shared Parking.
  - 4. **Bicycle Parking.** Bicycle parking shall be provided at key destinations and along principal bicycle routes in order to facilitate alternative transportation options within the CLD, TND, and RCD Community Units. Bicycle spaces shall be provided in accordance with the following standards:
    - a. Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;
    - b. Lockers and racks shall be securely anchored to the pavement or a structure;
    - c. Racks shall be designed and installed to permit the frame and one or both wheels to be secure;
    - d. Areas containing bicycle spaces shall be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate;
    - e. When located within a parking area: curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of bikes, motor vehicles and pedestrians, unless determined by the Planning Director to be unnecessary; and
    - f. Bicycle parking shall be placed in a convenient, highly-visible, active, and well-lit location not more than 100 feet walking distance from key destinations, but shall not interfere with pedestrian movements.
    - g. **Bicycle Parking Space Dimensions.** All bicycle parking shall meet the following minimum dimensions:



- (1). Each bicycle parking space shall include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;
- (2). No part of the rack shall be located closer than 30 inches to a wall or other obstruction; and
- (3). A minimum of 30 inches shall be provided between adjoining racks.

TABLE 7.5.D: Parking Calculations				
The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table below, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available. (Table not subject to change by applicant)				
	REQUIRED PARKING			SHARED PARKING FACTOR
	T2, T3	T4	T5	
RESIDENTIAL	2.0 / dwelling	1.5 / dwelling	1.0 / dwelling	
LODGING	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom	
OFFICE	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.	
RETAIL	4.0 / 1000 sq. ft.	4.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	
CIVIC	To be determined by Planning Director			
OTHER	To be determined by Planning Director			

Effective on: 11/20/2001, as amended

### §7.5.3 Supplemental Standards and Guidelines

- A. The Form District Master Plan shall include standards for Building Types, Architectural Design, Site Landscaping, Site Lighting, and Signage in compliance with this Ordinance through one of the following methods:
  1. Providing the required information in tabular format; and/or
  2. Incorporating graphic illustrations that comply with the information required in subsections 7.5.3.D and 7.5.3.E.1.
- B. **Submittal Requirements.** The information required in subsections 7.5.3.B.1 and 7.5.3.B.2 establish parameters by which the Master Plan Review Board and the Staff Site Plan Review Committee can verify the acceptability of design materials submitted at time of a Lot, Block, and Building Plan.
  1. Information required in subsections 7.5.3.D and 7.5.3.E.1 must be included in the Form District Master Plan at the time of rezoning application.
  2. Information required in subsection 7.5.3.E.2 shall be submitted and reviewed as part of Community Plan applications, pursuant to Section 7.2.3.B, Community Plans, and shall be in the form of proposed private covenants and restrictions. Such proposed private covenants and restrictions shall be recorded prior to approval of Community Plans.
  3. All proposed supplemental standards and guidelines shall be in compliance with other applicable regulations of this CHAPTER 7.
- C. These supplemental standards promote expedited review of Lot, Block, and Building Plans as described in Section 7.2.3.C, Lot, Block and Building Plans. Plans.
- D. **Building Type Standards.** These regulations guide the development of each

Building Type and supplement the standards for each Transect Zone that the Building Types are allowed within. The guidelines are intended to ensure development that reinforces the existing character and scale of Charleston County's Settlements.



1. **FBZD Application - Standards.** Building Types allowed by Transect Zone shall be designed in compliance with the standards described in this Article and shall establish the following standards, to be assembled as part of the Form District Master Plan, for the Building Types applicable to the FBZD:
  - a. Illustrative descriptions that include a prototypical photograph or illustration of each proposed Building Type and how building types would be applied across different Transects, Settlement Types, etc. that express the architecture of the Rural to Urban places;
  - b. Lot size standards, designating the range of lot sizes applicable to the Building Type across different Transects, Settlement Types, etc.;
  - c. Range of Typical Number of Units;
  - d. Range of shopfront and frontage types with an emphasis on articulated simple patterns;
  - e. Range of anticipated Building Sizes and Massing with an emphasis on simple forms over complex forms;
  - f. Range of Typical Frontages;
  - g. Pedestrian Access;
  - h. Vehicle Access and Parking; and
  - i. Private Open Space.
2. **Building Types Allowed by Zone.** Table 7.5.E describes the allowed building types by Transect Zone.

Table 7.5.E Building Types Allowed by Zone (Table not subject to change by applicant)					
Building Type	Transect Zone				
	T1	T2	T3	T4	T5
Single-Family: Villa		✓	✓	✓	
Single-Family: House		✓	✓	✓	
Single-Family: Cottage	✓		✓	✓	
Sideyard House			✓	✓	✓
Accessory Dwelling		✓	✓	✓	✓
Duplex/Triplex/Quadplex			✓	✓	✓
Courtyard House			✓	✓	✓
Townhouse				✓	✓
Live/Work Unit			✓	✓	✓
Apartment House				✓	✓
Flex Building				✓	✓
Mixed-Use Block				✓	✓

- a. There are no Building Types applicable to the Special Districts.
- b. The applicant may establish additional building types for inclusion in the FBZD in consultation with the Planning Director.

E. **Architectural Design.** The architectural design within the FBZD shall promote the high quality and character of the Lowcountry and encourage new buildings to reflect the distinct characteristics of Charleston County. Design will be appropriate to the range of Lowcountry styles, building materials described will be appropriate for the climate and use, and simple and varied building compositions and dimensions will be encouraged. Energy conservation will be encouraged.

1. **FBZD Application - Standards.** Standards shall identify patterns and defining characteristics amongst house and building types that are important to maintain throughout the FBZD and shall establish criteria for the following elements, assembled as part of the Form District Master Plan:
  - a. Architectural design shall comply with the architectural design requirements contained in [ARTICLE 9.6](#), Architectural and Landscape Design Standards, of the ZLDR;



- b. Conceptual Architectural Styles and Design Approaches that express the architecture of the Rural to Urban places within Charleston County;
  - c. General and Essential Characteristics;
  - d. Range of Massing and Facade Composition; and
  - e. Range of Anticipated Roof and Eave Details.
2. **Community Plan Applications - Standards.** Each Community Plan application shall include information required under Section 7.5.3.A. Design shall provide aesthetic, ecological, functional and health/safety benefits that are intended to enhance the appearance of private development projects and improve the pedestrian and vehicular experience along the public realm. Plant materials and design will be appropriate to South Carolina. Low impact design, variety of materials, color and texture, and energy conservation dark sky principles will be encouraged. Proposed private covenants and restrictions for architectural and landscape architectural design shall address the following guidelines:
- a. **Architectural Design.**
    - (1). Roof types with roof pitches should be no less than 5:12 (except porches and sheds to be no less than 2:12) and typical treatment for flat roofs (use of parapets);
    - (2). Roof-wall connections demonstrating how eaves and roof overhangs are characterized such as exposed rafters, soffits and corners that are found in the Lowcountry;
    - (3). Vertical building material orientation is discouraged and lighter building materials should be placed above heavier materials;
    - (4). Description of how changes in building materials and corners should be treated;
    - (5). Building bases indicating the wall and foundation intersections and their architectural treatment. Crawl spaces are encouraged to be screened in the T3, T4, and T5 Transect Zones;
    - (6). Building materials shall express their function honestly and shall not appear to be as materials foreign to the area;
    - (7). Conceptual Architectural and Landscape Architectural Styles and Design Approaches that express the architecture of the rural to urban places within Charleston County;
    - (8). General and Essential Characteristics;
    - (9). Range of Massing and Facade Composition;
    - (10). Range of Anticipated Roof and Eave Details;
    - (11). Range of Window and Door types, proportions, configurations, and/or sizes;
    - (12). Range of Anticipated Exterior Elements (Porches, Galleries, Awnings);
    - (13). Range of Anticipated Materials and Colors; and
    - (14). Range of Anticipated Additional Design Elements.
  - b. **Private Realm Landscaping.** Anticipated planting configurations for Lots and/or Building Types organized by Transect Zone and/or Building Type, including the following components:
    - (1). A Plant Palette of anticipated planting materials;
    - (2). Range of anticipated Front Yard planting;
    - (3). Range of anticipated Foundation Planting, sidewalk edging, and hedges;
    - (4). Range of anticipated Walls, Piers, and Steps;
    - (5). Range of anticipated Sidewalk Paving and Driveway Pavement Surfaces;
    - (6). Range of anticipated Fencing and Screening;
    - (7). Range of Garden Features; and
    - (8). Range of Front Yard Lighting Types and Accessories.
- F.
- c. **Public Realm Landscaping.** These regulations shall provide guidance regarding site landscaping for civic and other public spaces.



- (1). A Plant Palette of anticipated planting materials;
  - (2). Range of Public Frontage landscaping for Thoroughfares and other public right-of-ways; and
  - (3). Range of Landscaping standards for Civic Space, including: Foundation Planting, Sidewalk Edging, and Hedges; Walls, Piers, and Steps; Sidewalk Paving and Driveway Pavement Surfaces; Fencing and Screening; Lighting types and Accessories; and Range of Landscaping standards for parking lots.
- d. **Lighting.** Proposed private covenants and restrictions for public realm lighting shall comply with the minimum requirements of Section 9.6.4.C, Site Lighting, of the ZLDR and this CHAPTER 7.
- e. **Signage.** Public realm signage for commercial areas reinforces a vibrant pedestrian environment. Proposed private covenants and restrictions for public realm signage shall comply with the minimum requirements of ARTICLE 9.11, Signage, of the ZLDR and this CHAPTER 7.
- (1). Range of anticipated sign types per Transect Zone;
  - (2). Range of anticipated sizes of each sign type;
  - (3). Range of anticipated location of each sign type;
  - (4). Range of additional anticipated sign characteristics, including materials and colors;
  - (5). Billboards are not considered wall mural signs and are prohibited within FBZDs;
  - (6). Signs that are visible from the Public Frontage shall be regulated to ensure proper dimensioning and placement with respect to existing or planned architectural features, improve public safety, improve aesthetic character of the context in which they are located, and provide legible information for pedestrians, not just for drivers; and
  - (7). Table 7.5.F summarizes the types of signs that are permitted according to Transect Zone.

Table 7.5.F Allowed Commercial Sign Types by Transect (Table not subject to change by applicant)					
Sign Type	Transect Zone				
	T1	T2	T3	T4	T5
Address/Name Plate Sign		✓	✓	✓	✓
Awning Sign				✓	✓
Blade Sign		✓	✓	✓	✓
Marquee Sign					✓
Sidewalk Sign				✓	✓
Wall Sign				✓	✓
Window Sign			✓	✓	✓
Yard Sign		✓	✓	✓	
Wall Mural Sign		✓		✓	✓
Billboards	Not Permitted				

Effective on: 11/20/2001, as amended

## ARTICLE 7.6. DEFINITIONS

### §7.6.1 Supplementary Definitions

- A. **Applicability.** The following definitions supplement the definitions found in CHAPTER 12 of the ZLDR and only apply to this CHAPTER 7. Should there be any conflict between a definition listed here and those found in CHAPTER 12, the definition listed here shall apply.

#### TERM DEFINITION



**75% Acreage** Private land permanently restricted by deed restriction or conservation easement to unclustered rural densities, or other areas proposed for private and/or public ownership (e.g., parks, lakes, greenways, parkways, buffer zones, agricultural and silvicultural areas, recreational areas, preserved historic and/or cultural areas, preserved areas of biological significance), or areas to be purchased by the County's Greenbelt Bank Board or other open space preservation organizations.

Effective on: 11/20/2001, as amended

**A-Grid** Cumulatively, those Thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Ordinance. See B-Grid. (Syn: primary grid.)

Effective on: 11/20/2001, as amended

**Accessory Dwelling Unit** An auxiliary dwelling unit located within an accessory structure of a primary dwelling unit on a lot. Includes, but is not limited to dwelling units in guest houses, carriage houses, pool houses, and above or beside a garage.

Effective on: 11/20/2001, as amended

**Apartment House** A medium-to-large-sized structure that consists of seven (7) to 12 side-by-side and/or stacked dwelling units, typically with one shared entry.

Effective on: 11/20/2001, as amended

**Architectural Elevation** Building facades developed to a sufficient level of detail for design review purposes. Architectural elevations must be drawn at an appropriate architectural scale (minimum 1/8" = 1'-0"); include the fronts, sides, and rear elevations; and sufficiently communicate the general design intent of the proposed project including:

1. Building massing and roof forms, including roof pitch and materials;
2. Windows, doors, and associated trim;
3. General types and colors of exterior materials, including siding and roofing;
4. Locations of exterior elements, including porches, canopies, awnings, etc.; and
5. Building heights (measured to eave and height of roof).

Effective on: 11/20/2001, as amended

**Awning Sign** A traditional storefront fitting that can be used to protect merchants' wares and keep storefront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or appliquéd on the awnings.

Effective on: 11/20/2001, as amended

**B-Grid** Cumulatively, those Thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid. See A-Grid. (Syn: secondary grid.)

Effective on: 11/20/2001, as amended

**Block Perimeter** The aggregate of the area circumscribed by Thoroughfares.

Effective on: 11/20/2001, as amended

**Bicycle Lane (BL)** A dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping.

Effective on: 11/20/2001, as amended

**Bicycle Route (BR)** A Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Effective on: 11/20/2001, as amended

**Bicycle Trail (BT)** A bicycle way running independently of a vehicular Thoroughfare.

Effective on: 11/20/2001, as amended

**Bioregion** A region defined by characteristics of the natural environment rather than by man-made divisions.

Effective on: 11/20/2001, as amended

**Blade Sign** A sign mounted perpendicular to a building's facade, typically hung from decorative cast or wrought iron brackets in a manner that permits them to swing slightly. These signs are small, pedestrian-scaled, and easily read from both sides. Projecting Signs should be hung well out of reach of pedestrians and all exposed edges of the sign should be finished. (Syn: Projecting Sign.)



Effective on: 11/20/2001, as amended

**Building Configuration** The form of a building, based on its massing, Private Frontage, and height.

Effective on: 11/20/2001, as amended

**Building Disposition** The placement of a building or structure on its lot.

Effective on: 11/20/2001, as amended

**Building Facade** The exterior side of a building, including but not limited to building wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures.

Effective on: 11/20/2001, as amended

**Building Function** The use or uses accommodated by a building and its lot.

Effective on: 11/20/2001, as amended

**Civic Space** The public realm, including but not limited to buildings, public spaces, schools, churches, and Thoroughfares.

#### Clustered Land

Effective on: 11/20/2001, as amended

**Development (CLD)** A Community Unit oriented around an area of focused community activity such as a general store, meeting hall, school, or church. CLD takes the form of a small Settlement standing free in the countryside.

Effective on: 11/20/2001, as amended

**Common Destination** An area of focused community activity including but not limited to Civic/Public Spaces, commercial centers, and transit stations.

Effective on: 11/20/2001, as amended

**Community Unit** A regulatory category defining the physical form, density, and extent of an area within a Sector or Settlement.

Effective on: 11/20/2001, as amended

**Conceptual Plan** A generalized plan indicating the boundaries of an area proposed for development and identifying proposed land use, land use intensity, and Thoroughfare alignment.

Effective on: 11/20/2001, as amended

**Courtyard House** A building that occupies the boundaries of its lot while internally defining one or more private patios.

Effective on: 11/20/2001, as amended

**Crossroad, Corner, Town, and/or Village** A delineated geographic area within a Sector that is specifically regulated by the Form District Master Plan and is comprised of one or more Community Units.

Effective on: 11/20/2001, as amended

**Curb Edge Treatment** Delineation of a Thoroughfare edge in semi-urban and urban settings, typically with a raised curb and gutter pan that conveys water.

Effective on: 11/20/2001, as amended

**Duplex, Triplex, Quadplex** A small to medium-sized structure that consists of two, three or four side-by-side or stacked dwelling units, both facing the street. This building type has the appearance of a medium to large single-family home.

Effective on: 11/20/2001, as amended

**Density Unit** A measurement used to describe the density of each Transect Zone of a Community Unit calculated in dwelling units per acre.

Effective on: 11/20/2001, as amended

**Double** A Sideyard House that abuts a neighboring Sideyard House. See also Duplex.

Effective on: 11/20/2001, as amended

**Edgeyard** A building that occupies the center of its Lot with Setbacks on all sides.



Effective on: 11/20/2001, as amended

**Encroachment** Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Effective on: 11/20/2001, as amended

**Facade** See Building Facade.

Effective on: 11/20/2001, as amended

**Flex Building** A structure designed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense short-term uses, such as residential or live/work, until the full commercial demand has been established.

Effective on: 11/20/2001, as amended

**Form-Based Code** Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than the separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning.

Effective on: 11/20/2001, as amended

**Form District Master Plan** A Form District Master Plan is a plan that contains form based zoning regulations that are structured on a Rural to Urban Transect.

Effective on: 11/20/2001, as amended

**Freshwater Wetland** Those areas of land that are inundated or saturated by fresh water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and delineated as freshwater wetlands by the U.S. Army Corps of Engineers.

Effective on: 11/20/2001, as amended

**Front Building Facade** Those portions of a Building Façade which face and are most closely parallel to the front lot line.

Effective on: 11/20/2001, as amended

**Frontage** The area between a building façade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

Effective on: 11/20/2001, as amended

**Frontage Buildout** The length of a Front Building Facade compared to the length of the front lot line, expressed as a percentage.

Effective on: 11/20/2001, as amended

**Frontage Line** A lot line bordering a Public Frontage.

Effective on: 11/20/2001, as amended

**Infrastructure** Infrastructure includes, but is not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, school systems or facilities, open space/park and recreation systems and facilities, government systems or facilities, electric utilities, gas utilities, cable facilities, or other similar facilities.

Effective on: 11/20/2001, as amended

**Land Development** The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Effective on: 11/20/2001, as amended

**Layer** A range of depth of a Lot within which certain elements are permitted.

Effective on: 11/20/2001, as amended

**Live/Work** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity.





Effective on: 11/20/2001, as amended

**Marquee Sign** A vertical sign that is located either along the face where it projects perpendicular to the facade; or at the corner of the building where it projects at 45 degree angle. These signs often extend beyond the parapet of the building, but may also terminate below the cornice or eave. Marquee signs often have neon lettering used in conjunction with painted lettering.

Effective on: 11/20/2001, as amended

**Master Plan Review Board (MPRB)** A private review board set up to review and make recommendations to the County regarding compliance of FBZD applications with private covenants and restrictions.

Effective on: 11/20/2001, as amended

**Mixed Use** Multiple functions or uses located within the same building or development.

Effective on: 11/20/2001, as amended

**Pedestrian Shed** Ability of pedestrians to walk to a variety of uses. An area that is centered on a Common Destination. Its size is related to average walking distances for the applicable Community Unit type. Pedestrian Sheds are applied to structure Communities.

Effective on: 11/20/2001, as amended

**Principal Building Facade** Exterior walls of a building which are adjacent to or front on a public street, park, or plaza.

Effective on: 11/20/2001, as amended

**Principal Structure** The main building on a lot, usually located toward the Frontage.

Effective on: 11/20/2001, as amended

**Private Frontage** The privately held layer between the Frontage Line and the Principal Building Façade.

Effective on: 11/20/2001, as amended

**Public Frontage** The area between the curb of the vehicular lanes and the Frontage Line.

Effective on: 11/20/2001, as amended

**Rearyard** A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard.

Effective on: 11/20/2001, as amended

**Regional Scale Map** The general map for the entire area located within a FBZD broken out into Sectors.

Effective on: 11/20/2001, as amended

**Regulating Plan** A Land Use Map or set of maps that shows the Transect Zones, Civic Space, Special Districts, if any, and Special Requirements, if any, of areas included in a FBZD. The Regulating Plan must be consistent with the approved Form District Master Plan.

Effective on: 11/20/2001, as amended

**Ribbon Curb** Delineation of a Thoroughfare edge in rural and semi-urban settings, typically with a flat or gently sloped curb that conveys water.

Effective on: 11/20/2001, as amended

**Rural Edge Treatment** Curbless delineation of a Thoroughfare in rural settings, that typically conveys water to a landscaped swale.

Effective on: 11/20/2001, as amended

**Rural Clustered Land Development (RCLD)** A Community Unit that is structured by 3/4 of a standard Pedestrian Shed oriented toward a Common Destination in a rural setting.

Effective on: 11/20/2001, as amended

**Rural Land Development (RLD)** A Community Unit that is structured by single or small clustered groupings of rural Settlements at very low densities that are supportive of rural uses and activities. Also referred to as Unclustered Rural Density.

Effective on: 11/20/2001, as amended



**Sector** A geographic area of the Regional Scale Map that establishes the boundaries of preserved land and development.

Effective on: 11/20/2001, as amended

**Settlement** Settlements are defined as a Community Unit or a group of Community Units located in general proximity with each other.

Effective on: 11/20/2001, as amended

**Sidewalk Sign** A sign that provides secondary signage and may be used to announce daily specials, sales, or point to shops located off the sidewalk. They may be painted wood panels or cut wood shapes. Traditional slate boards are highly recommended. Chaser lights or illuminated signs may not be used. Syn: Sandwich Board

Effective on: 11/20/2001, as amended

**Sideyard House** A small to medium single-family or twin structure that occupies one side of the lot with a setback on the other side.

Effective on: 11/20/2001, as amended

**Single-Family: Cottage** A small, single-family detached structure on a small lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable setting.

Effective on: 11/20/2001, as amended

**Single-Family: House** A medium-sized, single-family detached structure on a medium-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable setting.

Effective on: 11/20/2001, as amended

**Single-Family: Villa** A large, single-family detached structure on a large lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a more rural setting.

Effective on: 11/20/2001, as amended

**Special District** An area that, for a specific reason, cannot or should not conform to one or more of the Community Units or Transect Zones specified in a FBZD.

Effective on: 11/20/2001, as amended

**Story** A habitable level within a building, excluding an attic.

Effective on: 11/20/2001, as amended

**Sustainable Development and Sustainable Communities** A development practice or type of development that maintains or enhances economic opportunity and community well-being and protects and/or restores the natural environment upon which people and economies depend. Sustainable Development may include, but is not limited to, the following:

- Development or building practices and products that meet the needs of the present without compromising the ability of future generations to meet their own needs.
- Use of durable low maintenance materials, recycled or renewable raw materials used in construction are often referred to as sustainable materials.
- Neighborhood configuration that reduces energy dependence and individual carbon footprints through incorporated pedestrian, bike and mass transit transportation alternatives.
- Architectural design that reduces energy and resource consumption through innovative “green” systems.

Effective on: 11/20/2001, as amended

**Terminated Vista** In urban design, a Terminated Vista is a building or monument that stands at the end or in the middle of a road, so that when one is looking up the street the view ends with the site.

Effective on: 11/20/2001, as amended

**Thoroughfare** A way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and Public Frontage.

Effective on: 11/20/2001, as amended



**Townhouse** A small to medium-sized attached single-family dwelling that consists of three or more dwelling units placed side-by-side. It is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. (Syn: Rowhouse.)

Effective on: 11/20/2001, as amended

**Traditional Neighborhood Development (TND)** A Community Unit structured around the ability of pedestrians to walk to a variety of uses and oriented toward a Common Destination.

Effective on: 11/20/2001, as amended

**Transect Zone (T-Zone)** One of several areas on a Zoning Map regulated by a FBZD. Each Transect Zone has different regulations including but not limited to building bulk and form, street layout, and general land uses to create the development character desired.

Effective on: 11/20/2001, as amended

**Twin** A Sideyard House that abuts a neighboring Sideyard House. See also Duplex.

Effective on: 11/20/2001, as amended

**Unclustered Rural Density** See Rural Land Development (RLD).

Effective on: 11/20/2001, as amended

**Uses Subject to Conditions** Uses identified by the applicant as being allowed in the respective Transect Zone only if they comply with the use-specific conditions listed in Subsection 7.5.1.B.2 and all other applicable regulations of the Form District Master Plan.

Effective on: 11/20/2001, as amended

**Wall Sign** A sign that is flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building. These signs are placed directly above the main entrance and often run horizontally along entablature of traditional buildings. Wall signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage. (Syn: Facade Sign.)

Effective on: 11/20/2001, as amended

**Wall Mural Sign** Signs that are flat against the facade and are located on a secondary facade, typically along a side street, alley, or paseo. These signs are typically painted directly on the building and contain a combination of text and graphic elements. They are intended to be visible from a greater distance and shall be accompanied by additional signage on the primary facade at the business entrance. Wall Mural Signs that provide off-site signage for a business or do not provide signage for a specific business (artistic wall mural) are subject to approval by the Planning Director. Billboards are not considered wall mural signs and are prohibited within FBZDs.

Effective on: 11/20/2001, as amended

**Wetland Buffer** An area of varying width (ranging from 15 to 35 feet), providing a visual, spatial, and ecological transition zone between the OCRM Critical Line and/or freshwater wetlands and land development, as described in Article 9.7. The wetland buffer is designed to protect water quality and wildlife habitat.

Effective on: 11/20/2001, as amended

**Window Sign** Signs that are professionally painted consisting of individual letters and designs, applied directly on the inside of a window. These signs offer a high level of craftsmanship and visibility, and are often used for small professional offices. Window signs are often repeated on storefronts with several divided openings, however, repetition should be done with great care to ensure that the entrance to the business is clearly marked.

Effective on: 11/20/2001, as amended

**Yard Sign** Signs that are mounted on a porch or in a yard between the public right-of-way (ROW) and the building facade. Signs that are mounted on a porch should be placed parallel to the building's facade. Signs mounted in a yard are placed parallel or perpendicular to the ROW. Yard signs work well for home businesses located in mixed-use environments.

Effective on: 11/20/2001, as amended

**Yield** Characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.



Effective on: 11/20/2001, as amended

**Figure 7.6.A: Definition Illustrations**

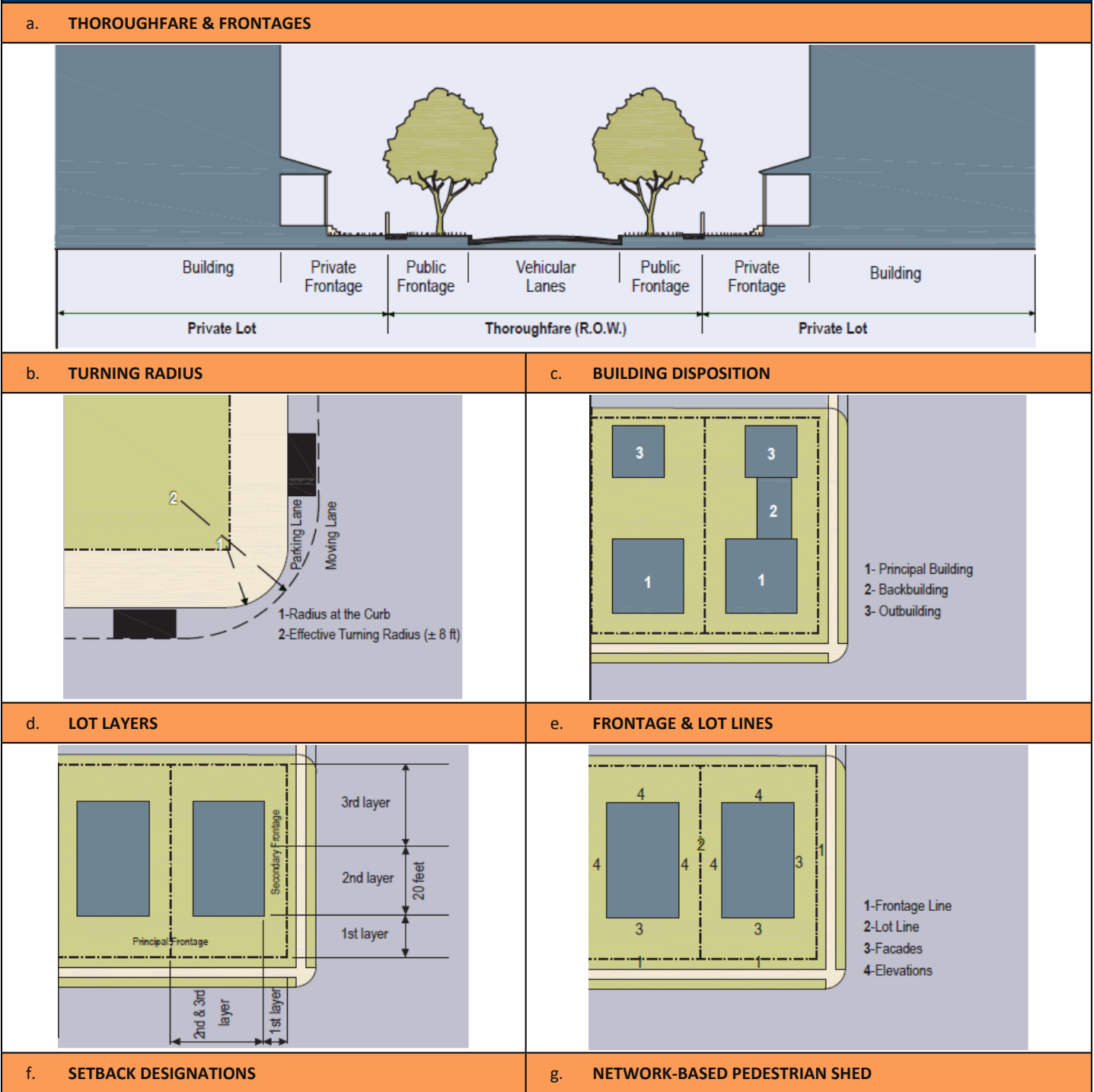
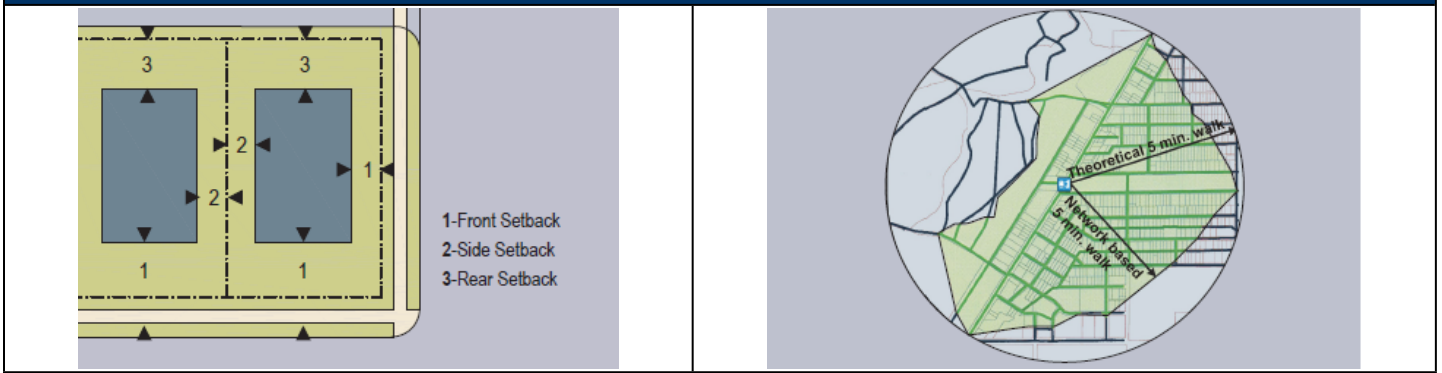


Figure 7.6.A: Definition Illustrations



Effective on: 11/20/2001, as amended



## CHAPTER 8 | SUBDIVISION REGULATIONS

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### **ARTICLE 8.1 GENERAL**

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#### **Sec. 8.1.1 Purpose**

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The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within Charleston County. In furtherance of this general intent, the Subdivision Regulations are authorized for the following purposes, among others:

- A. To implement the goals, objectives, and policies of the Charleston County *Comprehensive Plan*;
- B. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, Affordable Housing, disaster evacuation, and other public services and requirements;
- C. To assure the provision of needed public Open Spaces and Building sites in new land developments through the dedication or reservation of land for recreational, educational, environmental, transportation, and other public purposes;
- D. To assure, in general, the wise and timely Development of new areas and redevelopment of previously developed areas in harmony with the adopted or amended *Comprehensive Plan* for Charleston County and any adopted or amended municipal *Comprehensive Plan* within or adjacent to the County;
- E. To implement land use policies that will preserve agricultural uses of land and the rural character of unincorporated Charleston County;
- F. To identify, protect and preserve scenic, historic, and ecologically sensitive areas;
- G. To prevent overcrowding of land, avoiding undue concentration of population, and lessening congestion in the Streets;
- H. To regulate the Density and distribution of populations and the uses of Buildings, Structures, and land for trade, industry, residence, recreation, Agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, individual onsite wastewater systems or off-site Sewer lateral connection provided to each Lot, protection against floods, public activities, and other purposes; and



- I. To ensure protection from fire, flood, and other dangers, and furthering the public welfare in any other regard specified by a local governing body.

### **Sec. 8.1.2 Applicability**

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Unless expressly exempted, no Subdivision shall be made, platted, or recorded for any purpose nor shall Parcels resulting from such Subdivisions be sold, unless such Subdivision meets all applicable standards of this Ordinance and has been approved in accordance with the procedures of this Ordinance.

- A. All Lots shown on Plats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said Plat; the Register of Deeds shall not record any Plat without such stamp. The Plat for an individual Lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the Plat that the Lot is a single, individual Lot, and not newly created.
- B. Parcels that were recorded by deed or plat prior to the adoption of the County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather Clause, provided the Parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.
- C. Preliminary Plats submitted for approval shall expire two years from the date of preliminary approval if all conditions for Preliminary Plat approval have not been met. The Zoning and Planning Director shall be authorized to grant a one-time extension of this time frame if a written request is submitted by the Applicant prior to the expiration date. The time period of the extension shall not exceed one year.
- D. Upon submission of a Subdivision application, no additional Subdivision applications shall be accepted for the Subject Property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.
- E. Prior to Subdivision Plat approval for properties located within 300 feet of a National Register of Historic Places (NRHP) listed Historic Property or Historic District, or a locally designated Historic Property or Historic District, a Certificate of Historic Appropriateness must be obtained pursuant to the procedures of Chapter 21, *Historic Preservation*, of the Charleston County Code of Ordinances. This requirement shall also apply to Subdivision Plat approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts. The following types of Subdivision Plats are exempt from this requirement:
  1. Subdivision Plats submitted for sole purpose of creating an Easement(s), delineating OCRM Critical Line Areas, and/or delineating the location(s) of Freshwater Wetlands;
  2. The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased;
  3. Boundary Plats;
  4. Property line adjustments where no new Lots are created; and
  5. Subdivision Plats that are the result of a court order.

### **Sec. 8.1.3 Exemptions**

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- A. **Procedures.** The following shall be exempt from the Subdivision Plat Procedures, if the Zoning and Planning Director determines that all engineering and survey standards of this Ordinance have been met:
  1. The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased. When the Plat is finalized, it shall be submitted to the Zoning and Planning Director for recording. New deeds must be recorded simultaneously with Plats when (1) the ownership of the previously platted Lots is changing and/or (2) the simultaneous recording of deeds and Plats is otherwise required by this Ordinance.
  2. The public acquisition of land for Right-of-Way or Drainage Easements or any Lot or parcel created therefrom.
  3. Contiguous properties that are to be divided for the purpose of exchanging or trading parcels of land. When the Plat is finalized, it shall be submitted to the Zoning and Planning Director for recording.





New deeds must be recorded simultaneously with Plats when (1) the ownership of the previously platted Lots is changing and/or (2) the simultaneous recording of deeds and Plats is otherwise required by this Ordinance.

4. A Parcel of land that is proposed to be used as the site for a Utility substation, power line Easements, or Right-of-Way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
  5. The combination or recombination of entire Lots of record where no new Street or change in existing Streets is involved.
  6. The division of land into Parcels of five acres or more, where no new Street or Easement is involved. Plats of these exceptions must be received as information by the Zoning and Planning Director, which fact shall be indicated on the Plats.
- B. **Standards.** Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the standards of this Chapter, provided that the Subject Property:
1. Was or is surveyed and platted in accordance with prescribed standards;
  2. Has the approval of the South Carolina Department of Health and Environmental control (DHEC); and
  3. Contains no drainage ways or Easements needed to drain surrounding properties, as determined by the Public Works Director.

#### **Sec. 8.1.4 Charleston County Road Construction Standards**

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The regulations and standards of this Chapter are intended to supplement the Charleston County Road Construction Standards, as amended, in Appendix A of this Ordinance, which shall be considered the minimum design standards for roads and drainage systems in Charleston County. (Note: Road and drainage systems not meeting the Standard Specifications for Local Governments' Road and Street Construction will not be eligible for maintenance from the State Half Cent Sales Tax or donor County funds.)

#### **Sec. 8.1.5 Relationship to Development Review Procedures of Article 3.1**

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The "General" procedural requirements and standards of Article 3.1, *General*, of this Ordinance shall apply to the Subdivision Plat procedures of this Chapter.

#### **Sec. 8.1.6 Survey Compliance**

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All Land Surveys in the County shall be in accord with the land use designated for the proposed Subdivision of property and the criteria specified in Urban Land Surveys as promulgated by the South Carolina Code of Regulations, 1991, Chapter 49, Article 3, R.400-490, as amended, and described as the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina."

### **ARTICLE 8.2 PRE-APPLICATION INFORMATION**

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#### **Sec. 8.2.1 Pre-Application Conference**

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Pre-application conferences offer an opportunity for Zoning and Planning, Public Works, and other affected agencies to familiarize Applicants with applicable procedures, submittal requirements, Development standards, and other pertinent matters before finalizing the development proposal or laying out the proposed Subdivision. Applicants requesting Minor Subdivisions are encouraged to schedule a pre-application process before submittal of an application. Applicants for Major Subdivisions are required to have a pre-application conference before submittal of an application. Applicants shall be responsible for scheduling pre-application conferences with the Zoning and Planning Director or his/her designee who shall be responsible for contacting the Public Works Department and other affected agencies.

### **ARTICLE 8.3 MINOR AND MAJOR SUBDIVISIONS**

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### Sec. 8.3.1 Minor Subdivision

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A Minor Subdivision is a division of any tract of land into four or fewer Lots, provided that:

- A. No public Street Right-of-Way dedications are involved;
- B. The Public Works Director does not require a Preliminary Plat for a Drainage Easement;
- C. The Lots meet South Carolina Department of Health and Environmental Control (DHEC) requirements for sewage disposal systems. Systems that are determined by DHEC to be properly functioning or "grandfathered" must comply with DHEC regulations as a condition of minor subdivision approval;
- D. Off-site sewage disposal systems must be approved by DHEC and/or the Public provider and an off-site Utility Easement must be shown along with all Lots served by the off-site system if public Sewer is (accessible and is provided to each Lot) provided, then sewer lateral connection will be provided to each Lot.
- E. No new or residual Parcels will be created that do not comply with all applicable requirements of this Ordinance; and
- F. Non-Buildable Lots.
  - 1. For the purpose of this subsection, non-buildable Lots are Lots that meet all requirements of this Ordinance, with the exception of water and/or Sewer availability requirements;
  - 2. For all non-buildable Lots, all new Parcels being created less than five acres in size shall meet the minimum Lot size and comply with applicable requirements of this Ordinance;
  - 3. Non-buildable Lots may be approved as a Minor Subdivision without certification by DHEC for on-site waste disposal systems and water or where public water and Sewer is not available;
  - 4. The Property Owner(s) shall sign the "Certification of Non-Evaluation." This certification statement shall be placed on the Plat and signed by the property owner(s);
  - 5. The Property Owner(s) shall have a deed prepared by an attorney for each non-buildable Lot less than five acres in size explaining the "Certification of Non-Evaluation" to be recorded with the Plat;
  - 6. The "Certification of Non-Evaluation" for water and Sewer availability shall be used in conjunction with Minor Subdivision (development) Plats when no evaluation regarding the availability of public water/Sewer or on-site septic systems and water have been approved; and
  - 7. The following certification shall be placed on the Plat and deed and signed by the Property Owners:

"The Property owner(s) of record hereby acknowledge(s) that the surveyed parcel(s) and/or tract remainder has not been approved to determine the availability of on-site waste disposal systems or provisions of public water/sewer services. Recordation of this plat and deed shall not be an implied or expressed consent of Charleston County that the lots or other land divisions shown hereon are capable of being serviced by on-site waste disposal or public water/sewer systems. Unless otherwise stated hereon, all surveyed parcels and/or tract remainders have not been reviewed for on-site waste disposal systems or public water/sewer services."

Property Owner(s) Signature \_\_\_\_\_ Date \_\_\_\_\_
- G. Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County:
  - 1. A maximum of four Lots may be subdivided from a Lot of Record, Approved ("Approved Lot") without installing additional sewer lateral connection(s), provided that the development complies with all other requirements of this Ordinance, when public water and/or sewer lateral lines are provided to the Approved Lot, and the Approved Lot is located within a 208 Water Quality Management Designation area within the Urban/Suburban Area of the County.
  - 2. The Property Owner(s) shall sign a Certification Statement that there are no physical lateral connections provided to the new Lot being created. The Certification shall be placed on the Subdivision Plat and signed by each Property Owner.
  - 3. The following Certification Statement shall be placed on the Plat and signed by the Property Owner(s):



“The Property Owner(s) of record hereby acknowledge(s) that the surveyed Parcel has not been served by a lateral connection of public water/sewer lines. Recordation of this Plat shall not be an implied or expressed consent of Charleston County and/or the public provider of the water and/or Sewer or other omitted public improvement that the Lot or other land divisions shown here on are capable of being serviced by on-site waste water disposal or public water/Sewer systems.”

Property Owner(s) Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Lot Description: \_\_\_\_\_

4. At the time of seeking a Zoning or Building Permit the Property Owner(s) shall supply a document of certification from the Public provider that public water and Sewer lateral connections are provided to the Lot.
5. All Lots created will comply with the Density/Intensity and Dimensional Standards for Lots without public Sewer/water, as there is no guarantee that these public improvements will be available.

**Sec. 8.3.2 Minor Subdivision Process**

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Applications for Minor Subdivisions shall be submitted to the Zoning and Planning Department on forms available in the Zoning and Planning Department. There is one required step in the Minor Subdivision process which is Final Plat review and approval. Generally, Minor Subdivisions are reviewed in the Zoning and Planning Department and approved by the Zoning and Planning Director. However, the Zoning and Planning Director may send Minor Subdivision applications to the Planning Commission for approval in order to determine whether or not the proposed subdivision is consistent with all requirements of this Ordinance and the goals and objectives of the *Comprehensive Plan*. Applicants for Minor Subdivisions are strongly encouraged to schedule and attend a Pre-Application Conference prior to filing a minor subdivision.

**Sec. 8.3.3 Major Subdivision**

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- A. Any land division that is not a Minor Subdivision shall be processed as a "Major Subdivision." All Major Subdivision applicants are required to attend a pre-application conference.
- B. A Zoning Permit is required for grading, drainage, or the construction of roads and utilities in a Subdivision.

**Sec. 8.3.4 Major Subdivision Process**

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Applicants for Major Subdivisions are required to schedule and attend a pre-application conference prior to filing a Major Subdivision application. After the pre-application conference, there are three required steps in the process: (1) Preliminary Plat review and approval; (2) Construction Plans review and approval; and (3) Final Plat review and approval. Steps (2) and (3) require the submission of applicable Letters of Coordination and proof of agency permits pursuant to Sec. 8.3.6, Letters of Coordination, ensuring the proposed development is feasible in concept and completion. Each step of the process shall be completed before initiating the next step. Applications for Major Subdivisions shall be submitted to the Zoning and Planning Director and shall include a completed application form (available from the Zoning and Planning Department). Additional components for consideration of a Major Subdivision that are necessary at the pre-application conference are:

- A. A Plat or survey of the Subject Property, if available, or a tax map that identifies the Subject Property; and
- B. A Concept Plan that includes the following information:
  1. The proposed means of access to a public road. In cases when adjoining properties are not developed, stub outs for connections to future development on adjacent parcels shall be provided. Cul-de-sacs, T-turnarounds, and dead-end streets shall only be allowed at the discretion of the Zoning and Planning Director;
  2. Surrounding land uses;
  3. All adjacent roads;



4. A preliminary map and analysis of natural resources present on the subject property and surrounding property; and
5. A conceptual layout of the proposed Subdivision, which shall be overlaid on the preliminary site analysis and which shall show Streets, drainage, Lots, parks, and other facilities located to protect natural resource areas.

**[Commentary: Approval from other local, state or federal agencies may be necessary in the development of land in Charleston County, particularly in regard to environmental concerns. Pre-application conferences should be held with these agencies, including the South Carolina Department of Health and Environmental Control, Coastal Resources Management, U.S. Army Corps of Engineers and the U.S. Fish & Wildlife Service.]**

### **Sec. 8.3.5 Required Tree Protection for Minor and Major Subdivisions**

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Trees shall be protected in accordance with CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 8.3.6 Letters of Coordination for Major and Minor Subdivisions**

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Letters of Coordination are required that acknowledge that the County and other agencies will be able to provide necessary public services, facilities, and programs to service the Development proposed, at the time the Subdivision Plat is processed.

## **ARTICLE 8.4 PRELIMINARY PLAT**

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### **Sec. 8.4.1 Applicability**

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Preliminary Plats shall be required for all Major Subdivisions.

### **Sec. 8.4.2 Application**

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The following shall be submitted:

- A. Completed applications for Preliminary Plat approval shall be submitted to the Zoning and Planning Department on forms available in the Zoning and Planning Department. Three copies and one digital file of the Preliminary Plat shall be filed with the application.
- B. Preliminary Plats shall be drawn to engineer's scale no smaller than one-inch equals 200 feet. Where large areas are being platted, they may be drawn on one or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of one-inch equals 100 feet shall be used.
- C. Even if the Applicant intends to subdivide only a portion of a Parcel or tract of land initially, the Preliminary Plat shall show a proposed Street and Lot layout, drainage plan and other requirements for the entire Parcel or tract of land in which such portion is contained; except that the Zoning and Planning Director, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.
- D. The following information shall be required on each Plat:
  1. The courses and distances of the perimeter of the land involved shall be indicated on the plat shown with all courses marked to show which are actual field observations and which are computed.
  2. References to a known point or points such as Street intersections and railroad crossings shall be shown.
  3. The total acreage of the land involved in the Subdivision, and the acreage of high land above the Office of Coastal Resource Management Critical Line. Date of Critical Line certification shall be indicated. (Aerial photography may not be used to determine OCRM Critical Line location.)
  4. The names of adjacent landowners and Streets where known or available shall be given (with the parcel identification numbers), and all intersecting boundaries or property lines shall be shown.



5. Proposed divisions to be created shall be shown, including Building envelopes for each Lot (a minimum 1,600 square foot buildable area with a minimum width of 20 feet), for each Lot, Right-of-Way widths, Roadway widths, road surface types, sidewalks (if applicable), proposed Drainage Easements, and names of Streets; the locations of proposed Utility installations and Utility Easements; Lot Lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial, and industrial uses. The status of the existing Lot access and the concept of the type of road construction being proposed shall be indicated (e.g., ingress/egress Easement, private road constructed or unconstructed, public Secondary or Primary Rural Road, Public Secondary or Primary County Road, and other details as appropriate, i.e., Curb and gutter, asphalt swales, inverted crown, roadside open ditch, etc.).
  6. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of Applicant and the name and seal of engineer or surveyor with South Carolina Registration Number shall be shown.
  7. All existing Structures and physical features of the land, including contours (contours not required on proposed private subdivisions, and only within the Rights-of-Way of proposed rural public Streets), drainage ditches, roads and wooded areas shall be shown. The contour interval shall be one foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on Mean Sea Level datum and shall be accurate within one-half foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the Plat.
  8. General drainage features, including proposed Drainage Easements and detention/retention basins. The proposed direction of drainage on each Street, ditch and Lot shall be indicated by the use of arrows and proposed Street names.
  9. The location of required Landscape Buffers as specified in Chapter 9, *Development Standards*, of this Ordinance, which shall not be located within Drainage Easements unless expressly approved by the Public Works Director.
  10. A United States Army Corps of Engineers (USACE) approved jurisdictional determination (AJD) is required.
  11. A notation shall be made on the Plat clearly indicating the applicable OCRM Critical Line buffers and Setbacks. A statement and signature from DHEC's Office of Ocean and Coastal Resource Management shall be included. At the time of Subdivision Plat application submittal, the date of the OCRM approval signature cannot be older than five years.
  12. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire Lot. Tree surveys of Grand Trees may be requested upon site inspection if Lots greater than one acre appear to be unbuildable due to the presence of Grand Trees. All Grand Trees within 40 feet of the property line must be shown on the Plat.
  13. Tree Surveys of all Grand Trees are required within access Easements, Drainage Easements, and Rights-of-Way. All Grand Trees within 40 feet or with canopies that encroach into the proposed Easement must be shown on the Plat.
  14. A signature block on the Plat, signed by the owner(s) of the property and notarized indicating that the proposed Preliminary Plat being put forth is an action of the owner, heirs thereto or assigns.
  15. A vacant block shall be provided on each page of the Plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
  16. A statement that any Easements for utilities or other encroachments in the area to be dedicated for Streets, highways, drainage or other public or private use are subject to binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the Easement and/or Utility company.
  17. A statement indicating the flood zone(s), valid as of the date of approval of the Preliminary Plat.
- E. Accompanying Data.
1. The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary Sewers.



2. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal. For well and septic systems, DHEC permits are required, and for public water and sewer, letters of coordination from the applicable agencies are required.
  3. Proposed Subdivisions encompassing 100 or more acres of land area shall provide a master plan showing the general layout of future development of the entire tract and on adjacent lands that are under common ownership or control. This master plan shall provide a generalized description and plan that addresses the following future development considerations: traffic circulation, drainage, environmental preservation, Utility placement, land use, density, and any areas that are to remain undeveloped.
  4. The engineer and/or surveyor who prepared the Preliminary Plat shall affix their seal(s), name(s), and South Carolina Registration Number(s). Only engineers or surveyors registered in the State of South Carolina shall attest and fix their seal on the Preliminary Plat.
- F. In all areas of special flood hazards where base flood elevation data is not available, the Applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all Subdivision proposals and other proposed Developments containing at least five Lots or five acres, whichever is less.

**[Commentary—For the purpose of Preliminary Plat applications, a complete application means one that includes all required information and fees and that addresses the findings of the inspection report and has received all approvals from other agencies that are a prerequisite to Preliminary Plat approval.]**

#### **Sec. 8.4.3 Zoning and Planning Director---Review and Report**

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- A. Upon receipt of a complete application for Preliminary Plat, approval, the Zoning and Planning Director shall have 30 calendar days to review the proposed Preliminary Plat and compile a staff report on the proposed Plat (which includes the comments and recommendations of the Public Works Director and other affected agencies);
- B. Major Subdivisions (Preliminary and Final) are reviewed by the Zoning and Planning Director and approved when in compliance with requirements of this Chapter. Within the 30 calendar day review period the Zoning and Planning Director has the option of forwarding the Major Preliminary Subdivision Plat application, along with his report and any recommendations, to the Planning Commission for its review and approval in order to determine whether or not the proposed Subdivision is in compliance with all of the requirements of this Ordinance and the goals and objectives of the *Comprehensive Plan*.
- C. The Zoning and Planning Director shall advise the Planning Commission at the regular scheduled Planning Commission meeting of all Preliminary Plats approved (for information purposes only).

#### **Sec. 8.4.4 Planning Commission—Review and Decision**

---

Within 30 calendar days of receipt of a report from the Zoning and Planning Director, the Planning Commission shall review the proposed Preliminary Plat and act to approve, approve with conditions, or disapprove the Preliminary Plat based on whether it complies with all applicable requirements of this Ordinance and the adopted Charleston County *Comprehensive Plan*.

#### **Sec. 8.4.5 Effect of Preliminary Plat Approval**

---

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed Subdivision and is a prerequisite for the filing of a Final Plat application. Approved Preliminary Plats shall not be recorded at the Register of Deeds Office.

#### **Sec. 8.4.6 Lapse of Preliminary Plat Approval**

---



An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the Subdivision (or a phase of the Subdivision) has not been approved within two years of the date of approval of the Preliminary Plat. If the Subdivision is to be developed in phases, a phasing plan, including a timetable for Development of the entire Subdivision, shall be approved as part of the Preliminary Plat approval. No Final Plats shall be accepted, and no construction shall be allowed for any phase not approved as part of the Preliminary Plat.

#### **Sec. 8.4.7 Appeals Of Zoning and Planning Director's Preliminary Plat Decision**

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Any Party in Interest in a Preliminary Plat decision of the Zoning and Planning Director regarding a complete or incomplete application may appeal the decision to the Planning Commission by filing an appeal with the Zoning and Planning Director within 30 calendar days of the date of the decision.

- A. **Appeal Powers.** In exercising its appeal power the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision on appeal. In acting upon the appeal the Planning Commission shall be authorized only to determine whether the decision of the Zoning and Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter it may remand the matter to the Zoning and Planning Director with directions to obtain such evidence and to reconsider the decision in light of such evidence.
- B. **Consideration of Evidence.** The decision of the Planning Commission shall be a matter of record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.
- C. **Burden of Persuasion of Error.** In acting on the appeal, the Planning Commission shall grant to the decision of the Zoning and Planning Director a presumption of correctness, placing the burden of persuasion of error on the appellant.
- D. **Approval Criteria.** An appeal shall be sustained only if the Planning Commission finds that the decision of the Zoning and Planning Director was in error.
- E. **Vote Required.** A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of its total membership. At least two-thirds of the members present, and voting shall be required to reverse a Final Plat decision of the Zoning and Planning Director.

**[Commentary—Appeals of Planning Director and other Subdivision-related Administrative Decisions [including decisions to reject applications as incomplete], shall be processed in accordance with Article 3.14, Appeals of Subdivision-Related Administrative Decisions, described in CHAPTER 3, Development Review Procedures.]**

#### **Sec. 8.4.8 Appeals of Planning Commission Preliminary Plat Decision**

---

Any party in interest in a Preliminary Plat decision of the Planning Commission or any officer, board, or bureau of the County may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after actual Written Notice of the Planning Commission's decision.

#### **Sec. 8.4.9 Construction Plans**

---

After approval of a Preliminary Plat and before commencing any work within the proposed Subdivision (including land clearing and grading), road and drainage plans prepared by an engineer registered in the State of South Carolina shall be submitted to the Zoning and Planning Director for review and approval in accordance with the Charleston County Road and Drainage Construction Standards in Appendix A of this Ordinance.

#### **Sec. 8.4.10 Inspections**

---

- A. Subdivision Plats that are submitted for review are field inspected by Zoning and Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and County standards.



- B. Subdivision Streets and/or drainageways shall be inspected per the standards of Appendix A, *Charleston County Road and Drainage Construction Standards*, of this Ordinance.

## **ARTICLE 8.5 FINAL PLATS**

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### **Sec. 8.5.1 Applicability**

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Final Plats shall be required for all Subdivisions.

### **Sec. 8.5.2 Application**

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#### **A. Final Plat Applications Requirements:**

1. Applications for Final Plat approval shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department. Seven copies and a digital file of the Final Plat shall be filed with the application.
2. Written certification from the design engineer that the Subdivision's road and drainage infrastructure and any other required improvements have been constructed in accordance with the approved plans.
3. The Final Plat shall be drawn in ink on a material specified by the Register of Deeds Office for recording, on sheets 22 inches by 34 inches in size, and at an engineer's scale of one-inch equals 100 feet or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire Subdivision. Where necessary, the size of the Plat may be adjusted to a smaller scale than one-inch equals 100 feet with the approval of the Zoning and Planning Director.

#### **B. The Final Plat Shall Show the Following:**

1. All proposed divisions of land shall be shown, including: each Lot showing Lot Lines, with bearings and distances; all Rights-of-Way; all Drainage Easements; names of all Streets; the locations of all Utility Rights-of-Way, and Utility Easements; all Structures; and all sites reserved or dedicated for public uses.
2. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of Applicant, and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
3. Block and Lot numbers suitably arranged by simple system.
4. The full names of adjacent landowners and Streets where known or available shall be given (with the Parcel identification numbers), and all intersecting boundaries or property lines shall be shown. Names of adjacent Property Owners may be omitted in established residential platted Subdivisions; however, legal block and Lot numbers and County Parcel identification numbers are required.
5. Certificates:
  - a. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
  - b. A notarized statement of Dedication by the Property Owner of Streets, Rights-of-Way, Easements, and any other sites for public or private use and warranty of title of property offered for dedication. If any change in ownership is made subsequent to the submission of the Plat and prior to the granting of final approval, the notarized statement of dedication shall be corrected accordingly.
  - c. For any public dedication, a warranty deed for the transfer of the Right(s)-of-Way(s), Easement(s), or other sites for public use to the County on legal documents of the form suitable to the County must be provided.
  - d. A statement that any Easements for utilities or other encroachments in the area to be dedicated for Streets, highways, drainage or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the Easement and/or Utility company.





6. All Easements shall include their location, width, and centerline.
7. The approved Office of Ocean and Coastal Resource Management (OCRM) Critical Line with signed approval statement on the Final Plat.
8. At the Zoning and Planning Director's discretion, the Applicant/surveyor may be required to show buffers and Setbacks on Lots less than one acre in size or on newly created Lots that may appear to have encroachment of Structures into a buffer or Setback. A 1,600 square foot buildable area with a minimum width of 20 feet must be shown within the Setbacks.
9. A United States Army Corps of Engineers (USACE) approved jurisdictional determination (AJD) is required.
10. High land acreage and low land acreage (If applicable, Freshwater Wetland acreage and acreage within the Office of Ocean and Coastal Resource Management Critical Line).
11. Tree Surveys on Lots of one acre or less are to include Grand Trees on the entire Lot. Tree Surveys of Grand Trees may be requested upon site inspection if Lots greater than one acre appear to be unbuildable due to the presence of Grand Trees. All Grand Trees within 40 feet of the property line must be shown on the Plat.
12. Tree Surveys of all Grand Trees are required within access Easements, Drainage Easements, and Rights-of-Way. All Grand Trees within 40 feet or with canopies that encroach into the proposed Easement must be shown on the Plat.
13. Ownership and maintenance status of the Lot access shall be indicated for any newly-created Lots.
14. A vacant block shall be provided on each page of the Plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
15. A statement indicating the flood zone(s), valid as of the date of approval of the Final Plat.

**C. Accompanying Data**

1. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate of title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Zoning and Planning Director.
2. In Subdivisions where existing public water and public Sewer systems have been extended and/or a new system installed, a certification of inspection and associated operating permits from the South Carolina Department of Health and Environmental Control (DHEC) shall be submitted.
3. Restrictive covenants affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law.
4. Should the Landowner/Developer decide to utilize Article A.2, *Private Road Standards*, of Appendix A, the following notes shall be placed on the Plat:
  - a. Any future Subdivision of this Parcel, or road construction or extension of the existing roads shown hereon shall require compliance with applicable Charleston County Ordinances. Before Charleston County will consider acceptance of any Dedication of roads into the County road system, the Property Owner(s) shall construct the roads to County of Charleston Road Construction Standards;
  - b. It is hereby expressly understood by the Property Owner, Developer, or any subsequent purchaser of any Lots shown on the plat that the County of Charleston is not responsible for the maintenance of the Streets, roads, common areas, drainage systems, and any other municipal services which include, but are not limited to, garbage disposal, public sewage, fire protection or emergency medical service;
  - c. Be aware that the County of Charleston is not responsible for drainage and flooding problems relevant to the real property, and that emergency vehicles may have difficulty accessing the property;
  - d. No public funds shall be used for the maintenance of the roads shown on the Plat; and
  - e. This approval in no way obligates the County of Charleston to maintain the Easement or Right-of-Way until it has been both: (1) constructed to County standards and (2) accepted for maintenance by Charleston County Council; and



- f. Existing and proposed ingress/egress Easements and/or private Rights-of-Way that provide access to the Lots created by this Plat must be constructed, inspected, and approved in compliance with the Charleston County Zoning and Land Development Regulations Ordinance in the location shown on this Plat and shall be constructed from their point of connection to an existing publicly owned and maintained Right-of-Way to the Lot(s) proposed for Development prior to the issuance of Zoning Permits for new construction of Structures, with the exception of Additions/renovations to existing Structures that are legally permitted and new construction of Accessory Structures. In addition, Street Signs on named ingress/egress Easements and private Rights-of-Way shall be installed and inspected in compliance with the Charleston County Zoning and Land Development Regulations Ordinance.
  5. *Letters of Coordination.* Letters of Coordination are required which acknowledge that the County and other agencies will be able to provide necessary public services, facilities, and programs to service the development proposed, at the time the Subdivision Plat is processed.
  6. In all areas of special flood hazards where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all Subdivision proposals and other proposed Developments containing at least five Lots or five acres, whichever is less.
- D. **Certification of Approval.** When the Zoning and Planning Director has approved the Plat, a certificate noting such approval and carrying the signature of the Zoning and Planning Director shall be placed on the original drawing of said Plat.

### **Sec. 8.5.3 Zoning and Planning Director—Review and Decision**

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Within 45 days of receipt of a complete Final Plat application, the Zoning and Planning Director shall review the proposed Final Plat and the reports from the Public Works Director and other affected agencies and respond to the Applicant regarding status of the Final Plat application.

### **Sec. 8.5.4 Acceptance of Dedications**

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Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require County Council acceptance of Dedication. Documents or instruments granting Easements within the area to be dedicated must provide that:

- A. Future relocation or replacement costs of any encroachments, including, but not limited to Utilities, due to maintenance or construction of public improvements, is to be borne solely by the Easement holder/Utility company; and
- B. The County will not be responsible for costs relating to future relocation or replacement of utilities or other encroachments made necessary by maintenance and/or construction of public improvements; and
- C. All expenses pertaining to said relocation shall be paid for by the Easement holder/Utility company; and
- D. Relocation shall be completed within 90 days from receipt of written request by the County or as otherwise agreed to by the County.

### **Sec. 8.5.5 Recording**

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Approved Final Plats shall be recorded by the Zoning and Planning Director with the Register of Deeds within 30 days of final approval. Notice to the Applicant shall be sent within a reasonable time following the date of the recording with the Register of Deeds. New deeds must be recorded simultaneously with Plats when:

- A. The ownership of the previously platted Lots is changing; and/or
- B. The simultaneous recording of deeds and Plats is otherwise required by this Ordinance.

### **Sec. 8.5.6 Appeals of Zoning and Planning Director's Final Plat Decision**

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Any Person with a substantial interest in a Final Plat decision of the Zoning and Planning Director may appeal the decision to the Planning Commission by filing an appeal with the Zoning and Planning Director within 30 calendar days after the actual notice of the decision.

- A. **Appeal Powers.** In exercising the appeal power, the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision being appealed. In acting upon the appeal, the Planning Commission shall be authorized only to determine whether the decision of the Zoning and Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Zoning and Planning Director, with directions to obtain such evidence and to reconsider the decision in light of such evidence.
- B. **Consideration of Evidence.** The Planning Commission's decision shall be on the record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.
- C. **Burden of Persuasion or Error.** In acting on the appeal, the Planning Commission shall grant to the Zoning and Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
- D. **Approval Criteria.** An appeal shall be sustained only if the Planning Commission finds that the Zoning and Planning Director erred.
- E. **Vote Required.** A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning Commission. At least two-thirds of the members present, and voting shall be required to reverse a Final Plat decision of the Zoning and Planning Director.

**[Commentary—Appeals of Zoning and Planning Director and other Subdivision-related Administrative Decisions (including decisions to reject applications as incomplete), shall be processed in accordance with Article 3.14, Appeals of Subdivision-Related Administrative Decisions, described in CHAPTER 3, Development Review Procedures.]**

### **Sec. 8.5.7 Appeals of Planning Commission's Decision**

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- A. Any Person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after actual notice of the Planning Commission's decision.
- B. At any time prior to appeal of a Planning Commission decision on a Final Plat (appeal) decision, the Applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings. A vote of the Planning Commission in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this Ordinance. Prior to beginning talks, applicable time limits for review and action on Complete Applications must be extended by mutual agreement of the Applicant and Planning Commission.

## **ARTICLE 8.6 MARKERS**

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### **Sec. 8.6.1 Placement and Timing of Markers**

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Markers shall be set in accordance with the minimum state standards practice for land surveying.

## **ARTICLE 8.7 LOTS**

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### **Sec. 8.7.1 Layout and Design Generally**

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Each Lot shall be laid out and designed to provide a 1,600 square foot buildable area with a minimum width of 20 feet, while complying with all other standards and requirements of this Ordinance.

### **Sec. 8.7.2 Size**

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- A. Lots shall comply with the Lot Area standards of the Zoning District in which the property is located, as well as all other applicable standards of this Ordinance.
- B. Depth of residential Lots shall not exceed five times the width of the Lot (a 1:5 ratio).
- C. The Zoning and Planning Director may allow the Lot Width to depth ratio of 1:5 to be exceeded when any of the following conditions occur:
  - 1. When attached dwellings are proposed;
  - 2. Where additional depth is provided for marsh frontage Lots when the Lot Width to depth ratio is met and the property line is extended into the marsh or the property is bisected by or fronts on Freshwater Wetlands;
  - 3. A Minor Subdivision of a parent tract, provided the following requirements are met:
    - a. The minimum Lot Frontage for each Lot is not less than 250 feet;
    - b. In no case shall the average Lot Width be less than 250 feet with the minimum Lot Width at any one point less than 200 feet;
    - c. The property to be subdivided is located in an RM, AG-15, AG-10, or AG-8 Zoning District; or
  - 4. All of the following criteria are met:
    - a. The parcel is in a Rural or Agricultural Zoning District;
    - b. The parcel is greater than 1 acre in size; and
    - c. The Applicant has submitted to staff a complete Subdivision application and approval from SCDHEC for water and wastewater compliance prior to applying for this exemption.
- D. Prescribed Lot Width requirements shall be for at least two-thirds of the depth of the Lot.

### **Sec. 8.7.3 Access**

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- A. Double-Frontage Lots shall be avoided except where essential to provide separation of residential Development from major Roadways or to overcome specific disadvantages of topography and orientation. An Easement with a minimum width of ten feet may be required to restrict access from the major Street or other area.
- B. All Lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.
- C. All Flag Lots, Cul-de-Sac Lots, and privately accessed Lots shall comply with the International Fire Code, as adopted by County Council.
- D. All ingress/egress Easements and private Rights-of-Way shall be: constructed in the location shown on the approved, recorded Plat; constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained Right-of-Way to Lot(s) proposed for Development; and inspected pursuant to Sec. A.2.5 , *County Inspection*, of this Ordinance.
- E. The Zoning and Planning Director may allow use of a portion of an ingress/egress Easement or private Right-of-Way that was constructed prior to July 18, 2017 that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress Easement or private Right-of-Way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the Applicant submits letters from the providers of emergency services for the Subject Properties stating they can access all properties utilizing the ingress/egress Easement or private Right-of-Way; and (3) all future portions of the ingress/egress Easement or private Right-of-Way comply with the International Fire Code.



## Sec. 8.7.4 Flag Lots

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Flag Lots shall only be authorized when the Zoning and Planning Director determines that such Lot configurations are necessary to address Development constraints that are present on the site (e.g., Lot Width or wetland issues).

- A. **Permitted Use of Flag Lots.** Flag Lots may be authorized when the Zoning and Planning Director determines that they will:
1. Facilitate subdivision of a long narrow Parcel that has sufficient area but insufficient width to be otherwise subdivided.
  2. Eliminate multiple access points to Collector or Arterial Roads.
  3. Allow reasonable Development when the buildable area of a Parcel is restricted due to the presence of a natural resource or the irregular shape of a Parcel.
- B. **Prohibited Use of Flag Lots**
1. Flag Lots shall not be used to avoid the Development of Streets otherwise required by this Ordinance when the effect of such Flag Lots would be to increase the number of access points (driveways) on a publicly dedicated road Right-of-Way.
  2. Flag Lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, platting can be accomplished by landowners of adjoining Parcels joining together to provide a full width Right-of-Way and road section.
- C. **Standards For Flag Lots**
1. Flag Lots shall have direct access to Streets that comply with this Ordinance.
  2. The area within the flagpole portion of a Flag Lot shall not be counted as Lot Area for the purpose of meeting the minimum Lot Area requirements of this Ordinance.
  3. The flagpole portion of a Flag Lot shall have a minimum width of 20 feet for its entire depth, and the depth or length of the flagpole shall not exceed 450 feet.
  4. As a condition of approval for a Flag Lot, an encroachment permit must be obtained from the appropriate agency governing access, and an Access Easement Agreement for shared access between the owner of the Flag Lot and the lot from which the Flag Lot was created is recorded in the Office of the Charleston County Register of Deeds.
  5. Dwelling groups are allowed on Flag Lots if they comply with all other the requirements of this Ordinance.

## ARTICLE 8.8 TREE PRESERVATION

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### Sec. 8.8.1 Tree Surveys

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Tree surveys shall comply with the following:

- A. Lots within subdivisions shall be laid out and designed to provide a buildable area on each Lot that does not require the removal of Grand Trees.
- B. Tree protection standards are described in Chapter 9, *Development Standards*, of this Ordinance.
- C. Tree Surveys on Lots of one acre or less shall include Grand Trees on the entire Lot. Tree Surveys of Grand Trees may be requested upon site inspection if Lots greater than one acre appear to be unbuildable due to the presence of Grand trees. Tree surveys must include all Grand Trees on the Subject Parcel and within 40 feet of the property line.
- D. Tree Surveys of all Grand Trees and Grand Tree canopies must be shown within access Easements, Drainage Easements, and Rights-of-Way.

## ARTICLE 8.9 PEDESTRIAN WAYS

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### **Sec. 8.9.1 Applicability**

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Pedestrian ways shall be provided in all major Subdivisions within the Urban and Suburban Areas of the County. Pedestrian ways shall be located on at least one side of proposed infrastructure and connect to common areas as well as to adjacent Parcels from the parent Parcel. The Zoning and Planning Director shall be authorized to require pedestrian ways along both sides of proposed infrastructure.

### **Sec. 8.9.2 Placement**

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Paved pedestrian ways within publicly dedicated Rights-of-Way shall conform to the construction details for paved sidewalks contained in *Charleston County Road and Drainage Construction Standards*, Appendix A. Unpaved, alternative surface walkways that are not within a Right-of-Way or Drainage Easement, and bike trails or walking trails that are designed to connect neighborhoods and provide access to common areas may be provided when approved by the Zoning and Planning Director.

### **Sec. 8.9.3 Timing of Sidewalk Installation**

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The installation of required sidewalks within proposed publicly dedicated Rights-of-Way can be postponed until after the Final Plat has been recorded, provided the following criteria have been met:

- A. The other required road and drainage system improvements have been completed and accepted;
- B. All Final Plat conditions and stipulations have been finalized;
- C. An approved Financial Guarantee is posted of an amount sufficient to guarantee completion of the required sidewalk improvements (150 percent of the actual cost, verified by the Directors of the Public Works and Zoning and Planning Departments and certified by the Subdivision project engineer, a minimum of \$10,000) within a time period not to exceed two years. The financial guarantee shall be in the form of a no-contest, irrevocable bank letter of credit or performance and payment bond underwritten by an acceptable licensed corporate surety, subject to County attorney approval. Prior to bond approval from the County attorney, the Applicant shall submit a complete, detailed, and itemized unit cost estimate for the completion costs of the proposed public sidewalk. Subject to the bond approval, the Applicant shall also agree to the terms and conditions below:
  1. Upon completion of the improvements as required by this Chapter, written notice thereof shall be given by the Applicant to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the Applicant has defaulted, County Council will assess the individual Applicant the cost of the improvements over and above the surety amount.
  2. In no instance will the bond issuer or bond holder be authorized to extend for the Applicant the completion date originally stipulated.
  3. Prorated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
  4. The acceptance of performance bonds in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the Charleston County Building Code, before an occupancy permit can be issued by the County Building Inspections Services Director.
- D. The Subdivision Developer must be issued an encroachment permit for construction of the entire Subdivision sidewalk system within the proposed Right-of-Way.



The required two-year Maintenance Guarantee period for the constructed public sidewalk will start once the entire sidewalk system has been completed and approved. The construction of the sidewalk on each individual Lot must be completed prior to issuing the Certificates of Occupancy.

## **ARTICLE 8.10 STREET NAMES, STREET SIGNS, AND ADDRESSES**

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### **Sec. 8.10.1 Street Names**

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Street names proposed by the Applicant must be placed on reserve with the Charleston County 9-1-1 Consolidated Dispatch Center prior to submitting a Plat. See Article 3.15, *Addressing and Street Names*.

### **Sec. 8.10.2 Street Signs**

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Installation and maintenance of Street Signs on public and private roads or Easements are the responsibility of the Applicant, Developer, Home Owners Association, or Property Owners in accordance with the Charleston County Road Construction Standards in Appendix A, *Charleston County Road and Drainage Construction Standards*, of this Ordinance and MUTCD Standards Street signs for named ingress/egress Easements and public and private Right-of-Way shall be installed and inspected pursuant to Sec. A.2.5, *County Inspection*, of this Ordinance.

Private road Signs installed within Charleston County Public Rights-of-Way shall conform to the applicable requirements APPENDIX A, *Charleston County Road and Drainage Construction Standards*. Once installed, the Sign must pass inspection pursuant to Sec. A.2.5, *County Inspection*, prior to acceptance for public maintenance.

### **Sec. 8.10.3 Effect of Subdivision on Existing Addresses and/or Street Names**

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The process of subdividing property and/or creating access to a Lot(s) may affect the addresses on the Subject Property and/or adjacent properties and may affect the names of existing roads and/or Easements. It is the responsibility of the Applicant to ascertain from the Zoning and Planning Department and Charleston County 9-1-1 Consolidated Dispatch Center (CDC) if the proposed Subdivision will impact existing addresses or road/Easement names and comply with the following requirements prior to Final Plat approval:

- A. If the proposed Subdivision will affect addresses on the subject property and/or adjacent properties, the Applicant must submit affidavits signed by all owners of all affected properties stating they are aware of the pending address changes and understand that their addresses will be changed by the CDC following approval and recording of the proposed Subdivision.
- B. If the proposed Subdivision requires existing roads or Easements to be named or renamed, the Applicant must work with affected Property Owners to file a road name/road name change petition, along with a Plat showing the proposed location of the road/Easement to be named/renamed, with the CDC for review and approval. Upon approval of a road name by the CDC, the Applicant shall submit to the Zoning and Planning Department a revised Plat showing the road/Easement name in the approved location, the road name/road name change petition, and documentation of the CDC approval. If such road naming/renaming results in the changing of addresses, the requirements of subsection A above shall also apply.

## **ARTICLE 8.11 UNDERGROUND UTILITIES AND SERVICES**

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All electrical, telephone, cable television, and similar distribution lines providing service to a Development site should be installed underground.

## **ARTICLE 8.12 WATER SUPPLY AND SEWAGE DISPOSAL**

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In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all Subdivisions of proposed new Lots shall be served by approved water and sewer systems. For the purpose of Article 8.12, *Water Supply and Sewage Disposal*, a wastewater and/or water treatment facility connection is required when the wastewater and/or water treatment service provider indicates through their sewer/water availability letter(s) that these services are available, and the proposed Lot(s) are granted permission to connect to the existing sewer/water system by means of a sewer/water Utility Service Lateral connection to each Lot(s). If the wastewater and/or water treatment service provider indicates through their sewer/water availability letter(s) that these services are only available by having Sewer/water Mains extended, then these services are considered not available. If not available, the Applicant must either make these services available by extending the water/sewer main(s) apply to the South Carolina Department of Health and Environmental Control (SC DHEC) for individual on-site wastewater and/or well system(s) for each lot(s). Where annexations are necessary for connection to a treatment facility, the wastewater/water service shall be considered not available. Where a party would have to obtain an Easement to cross adjacent property for connection to a treatment facility, the wastewater/water service shall be considered not available.

- A. If water/Sewer service is available, as defined above, at or prior to Final Plat approval, the Applicant must provide documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met for each proposed Lot(s). If sewer/water utility service is required and the proposed Subdivision contains four or fewer Lots, the Applicant may obtain Final Plat approval by complying with Sec. 8.3.1.H of this Ordinance.
- B. If water/sewer service is not available, as defined above, prior to Final Plat approval, the Applicant must provide documentation from SC DHEC that ensures all new Lots have met minimum soil requirements for the installation of an individual on-site wastewater and/or well system. If SC DHEC indicates that a sewer/water connection is required for the proposed Lot(s), the Applicant must make the service available by complying with all requirements of the applicable sewer/water provider and submitting documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met prior to Final Plat approval.

This provision shall not be interpreted to require that Subdivisions be annexed in order to obtain public water or sewer service. All new Lots created are to have a means of wastewater disposal, either by individual wastewater systems (septic system approved by SC DHEC) or physical Sewer Utility service lateral connection(s) installed. New Lots may be created without a means of wastewater disposal, provided that they comply with the provisions of Sec. 8.3.1.G, Non-Buildable Lots, or Sec. 8.3.1.H Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County of this Ordinance.

## **ARTICLE 8.13 MAINTENANCE GUARANTEES (SURETY)**

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### **Sec. 8.13.1 Maintenance Guarantees**

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Right-of-Way and stormwater management/drainage systems that are to be dedicated to Charleston County for public maintenance shall be under warranty for all defects and failures for a period of two years. In the event that the Zoning and Planning Director determines that an existing public Right-of-Way or drainage system is altered or significantly improved by a third party, a Maintenance Guarantee as detailed within this section shall be required. Prior to Final Plat approval, the Developer shall provide written verification of financial responsibility for the correction of any defects and/or failures in those related improvements that will be dedicated to the county. The warranty shall be in an amount of at least 20 percent of the construction costs. The cost amounts shall be verified by the Public Works Director. The warranty shall be effective for a period of two years from the date of acceptance by the County Council. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond underwritten by an acceptable corporate surety. Payment is subject to County Attorney approval of the guarantee to determine that the interests of Charleston County are protected. The Public Works Director shall maintain surveillance over the system and provide written notification to the Developer if Repair work is required during the warranty period. The Public Works Director shall identify defects not considered to be a public safety issue and notify the Developer of such defects. The Developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not completed within the approved schedule, the Public Works Director shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Director, with reimbursement from the bonding company.

## **ARTICLE 8.14 CONSERVATION SUBDIVISIONS**

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### **Sec. 8.14.1 Purpose And Intent**

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Conservation Subdivisions implement the Charleston County Comprehensive Plan by encouraging residential Development in the Rural Areas to maintain rural character and conserve land, promoting compact Development form, and preserving natural features. The guidelines for site development emphasize setting aside and conserving the most sensitive areas of a site, with the Development of Building Lots on the remaining less sensitive areas.

### **Sec. 8.14.2 Compliance With The Charleston County Comprehensive Plan**

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Conservation Subdivisions implement Rural Guideline 3 of the Comprehensive Plan, which states “Develop gross densities at the higher range of the recommended future land use when Clustering or Conservation Design is used, as exhibited in Figure 3.1.3, to offset the provision of significant amounts of Preserved land, especially in the Rural Residential and Rural Agricultural Future Land Use categories.” Conservation Subdivisions shall comply with the applicable Rural Area Purpose and Intent and Rural Guidelines contained in Chapter 3 of the Charleston County Comprehensive Plan.

### **Sec. 8.14.3 Applicability**

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Conservation Subdivisions shall be allowed within the RR, Rural Residential, and AG-8, Agricultural Preservation, Zoning Districts. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Conservation Subdivision regulation is stated in this Article, the regulations of the applicable Zoning District and all other applicable provisions of this Ordinance shall apply.

### **Sec. 8.14.4 Procedures**

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The Preliminary Plat and Final Plat Subdivision regulations outlined in Chapter 8, *Subdivision Regulations*, of this Ordinance shall apply to conservation Subdivisions. A pre-application Sketch Plan review meeting with County staff shall be required prior to Preliminary Plat submittal.

### **Sec. 8.14.5 Process**

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The Conservation Subdivision process shall include:



- A. **Resource Analysis/Mapping.** The Applicant shall identify and map significant natural and cultural resources within the Development boundaries. The resource analysis shall identify two categories of resources: primary Conservation Areas and secondary Conservation Areas. Primary Conservation Areas include bodies of water, wetlands, floodplains, wildlife habitat, significant vegetation (particularly Grand Trees and Protected Trees), Historic Buildings, and any historical or archaeological sites. Secondary Conservation Areas include, but are not limited to, areas of active agricultural use(s), scenic vistas, and lands with recreational opportunities. The resource analysis may also show any resources and protected Open Space on neighboring Parcels, through aerial photography and other readily accessible documentation, which may enhance the proposed Conservation Subdivision. All Conservation Subdivision applications shall include a resource analysis map and calculations for the Conservation Area.
- B. **Sketch Plan Review.** The Applicant shall schedule a pre-application sketch plan review meeting with County staff. At that time, the Applicant shall submit a detailed sketch plan delineating Conservation Areas and cluster Lot Development areas based on the resource analysis map. Significant cultural and natural resources identified on the resource analysis map shall be included in Conservation Areas. The sketch plan review is intended to ensure that the property improvements are in compliance with conservation Subdivision requirements of this Ordinance and the Comprehensive Plan.
- C. **Preliminary Plat Review and Approval.** Based on the resource analysis map and sketch plan review, the Applicant shall submit a Plat for Preliminary Plat review and approval, in compliance with the requirements of this Article and with CHAPTER 8, *Subdivision Regulations*, of this Ordinance. The Preliminary Plat shall identify the Conservation Areas and cluster Lot Development areas.
- D. **Final Plat Review and Approval.** The Applicant shall submit a conservation Subdivision Plat for Final Plat review and approval, in compliance with the requirements of this Article and with Chapter 8, *Subdivision Regulations*, of this Ordinance. The Final Plat shall identify the Conservation Areas and cluster Lot Development areas.

**Sec. 8.14.6 Density/Intensity and Dimensional Standards**

Conservation subdivisions shall be subject to the following Density/Intensity and Dimensional Standards:

Table 8.14.6 CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS		
	RR Zoning District	AG-8 Zoning District
<b>MINIMUM CONTIGUOUS SITE AREA</b>	3 acres	30 acres
<b>MAXIMUM DENSITY</b> Note: Maximum Density shall be calculated based on the total highland acreage and shall not include freshwater wetland or OCRM Critical Line area acreage.	1 Dwelling Unit per 2 acres when 30% to 49.9% of total site area is delineated as a Conservation Area	1 Dwelling Unit per 6 acres when 30% to 49.9% of total site area is delineated as a Conservation Area
	1 Dwelling Unit per acre when 50% or more of total site area is delineated as a Conservation Area	1 Dwelling Unit per 4 acres when 50% or more of total site area is delineated as a Conservation Area
<b>WATERFRONT DEVELOPMENT STANDARDS</b>	See Sec. 8.14.7 for Lots abutting an OCRM Critical Line	
<b>MINIMUM LOT AREA</b>	Variable but must establish min. 1,600 square foot buildable area with a minimum width of 20 feet, and meet all Zoning and Planning, SCDHEC, Building Services, and Fire Department requirements	
<b>MINIMUM LOT WIDTH: DEPTH RATIO</b>	Depth of the Lot shall not exceed 5 times the width of the Lot (1:5 ratio)	
<b>MINIMUM SETBACKS AND BUFFERS</b>		
	Front Yard	25 feet
	Side Yard	10 feet
	Rear Yards	10 feet
	Perimeter Buffers	See Sec. 8.14.9.C
<b>OCRM Critical Line Setbacks and Buffers</b>	See Sec. 8.14.7 for Lots abutting an OCRM Critical Line	
<b>MAXIMUM LOT COVERAGE (includes all impervious surfaces)</b>		



**Table 8.14.6 CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS**

	RR Zoning District	AG-8 Zoning District
Lot less than 15,000 square feet in size	25%	
Lot 15,000 square feet or greater in size	3,750 square feet	
<b>MAXIMUM HEIGHT</b>	35 feet	

**Sec. 8.14.7 Waterfront Lot Standards**

One of the following standards must be utilized to determine the Lot configuration and number of Lots to be located along an OCRM Critical Line.

- A. When a 50-foot to 74.9-foot Setback from the OCRM Critical Line is utilized on private Lots in a Conservation Subdivision:
  - 1. The total number of waterfront Lots created shall not exceed the total number of waterfront Lots that could be developed based on a 135-foot Lot Width average.
  - 2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.14.9.C below.
  - 3. A Private Dock or Joint Use Dock may be utilized.
- B. When a minimum 75-foot Setback from the OCRM Critical Line is utilized on private Lots in a Conservation Subdivision:
  - 1. The total number of waterfront Lots created shall not exceed the total number of waterfront Lots that could be developed based on a 100-foot Lot Width average.
  - 2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.14.9.C below.
  - 3. If a Dock is desired, a Joint Use Dock shall be utilized.
- C. When a 100-foot Setback from the OCRM Critical Line is utilized as protected Open Space through a Conservation Area in a Conservation Subdivision:
  - 1. The total number of Lots created shall only have to meet the dimensional standards listed in Sec. 8.14.6, above, and shall not be calculated based on any Lot Width average.
  - 2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.14.9.C below.
  - 3. If a Dock is desired, a Community Dock must be utilized; however, the Community Dock shall be exempt from the Special Exception requirement.

**Sec. 8.14.8 Conservation Area Standards**

Conservation Areas shall be located to preserve significant resources and shall comply with the following requirements:

- A. Conservation Areas shall be detailed on each Sketch Plan and recorded with the Final Plat or separate instrument.
- B. Conservation Areas may include unimproved land, agricultural lands, natural landscapes, landscaped areas, improved recreation areas, recreational Buildings, and Structures that are totally accessory to agricultural or recreational uses, as well as Freshwater Wetland areas and surface water pursuant to the requirements of this Article. OCRM Critical Line Area shall not qualify as part of the Conservation Area. Conservation Areas shall not be occupied by Streets, drives, parking areas, or Structures, other than agricultural or recreational Structures.
- C. When a Conservation Area includes existing Freshwater Wetlands, only 75 percent of the area of such Freshwater Wetlands shall qualify as part of the Conservation Area
- D. When a Conservation Area includes existing or proposed water bodies or watercourses, only 50 percent of the area of such water bodies and/or watercourses shall qualify as part of the Conservation Area.



- E. If the Conservation Area is forested at the time of the Resource Analysis/Mapping, then the lesser of (i) at least 75 percent of the Conservation Area; or (ii) the gross acreage of the Conservation Area which is forested at the time of the Resource Analysis/Mapping, shall be maintained in an undisturbed canopy.
- F. To the extent reasonably feasible, the Conservation Area shall be contiguous and not divided into unconnected small Parcels.
- G. Conservation Areas shall be provided within each phase of the conservation Subdivision in sufficient amounts to serve the expected population of that phase.
- H. The Applicant must have proof of commitment from the entity that will be responsible for the Conservation Area prior to the recording of a Plat. Conservation Areas shall be conveyed prior to recording the Final Plat, in accordance with one of the methods listed below:
  - 1. By Dedication to the County as publicly owned Open Space. Parks, Conservation Areas, and recreation facilities proposed for dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the Applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or
  - 2. By leasing, conveying, or retaining title to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the Conservation Area(s) to Open Space and/or agricultural or recreational uses.

#### **Sec. 8.14.9 Conservation Subdivision Design Standards**

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Generally, a Conservation Subdivision has three primary characteristics: smaller Building Lots; more Open Space; and protection of cultural and natural features and agricultural lands.

- A. **Vehicular Access.** The requirements of APPENDIX A, *Charleston County Road and Drainage Construction Standards*, of this Ordinance shall apply. Lots shall be configured to minimize the amount of Roadway and driveway length. Shared driveways shall be utilized in order to minimize impervious surfaces through the reduction of Pavement area. The use of pervious materials for driveway construction is required.
- B. **Pedestrian Access.** Pedestrian access shall be provided from all residential Lots to the Conservation Area(s) through a continuous system of pervious walkways and/or trails. Access corridors in an Easement a minimum of 10 feet in width shall be utilized to separate clusters of contiguous Lots and to connect the Conservation Area(s) to the Right-of-Way and trail system.
- C. **Buffers.** The conservation Subdivision Development shall be designed to preserve existing non-invasive vegetation. A 35-foot minimum natural undeveloped buffer shall be Preserved along the external perimeter and/or property line of the conservation Subdivision Development, as well as along all OCRM Critical Lines, in order to protect natural features and retain the rural community character. The buffer may be included within the Conservation Area(s) or within individual Parcels.

#### **Sec. 8.14.10 Accessory Dwelling Units Within a Conservation Subdivision**

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One maximum 600 square foot detached Accessory Dwelling Unit is allowed on Lots that do not abut an OCRM Critical Line. Accessory Dwelling Units shall not be permitted on waterfront Lots.



## **CHAPTER 9 | DEVELOPMENT STANDARDS**

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### **ARTICLE 9.1 PURPOSE AND APPLICABILITY**

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- A. Unless expressly stated, the articles in this Chapter apply to Development occurring on property within unincorporated Charleston County.
- B. The regulations contained in this Chapter are intended to:
  - 1. Protect the public health, safety, and general welfare;
  - 2. Promote harmonious, orderly, sustainable, and resilient Development;
  - 3. Foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial Development within the unincorporated areas.
  - 4. Implement the goals, objectives, and policies of the Comprehensive Plan;
  - 5. Facilitate safe transportation, access, vehicular circulation, and parking;
  - 6. Assure the protection and preservation of natural resources, such as Trees and wetlands;
  - 7. Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and Streets, to moderate climatic effects, and to minimize noise and glare;
  - 8. Prioritize low-impact design strategies in order to increase the resilience of Charleston County and preserve the landscape and character of the Lowcountry;
  - 9. Implement basic architectural standards, Right-of-Way buffer standards, and Sign standards that will promote attractive, well-designed Development, foster balanced streetscapes, and reduce visual clutter along major Roadways, thus enhancing safe traffic flow; and
  - 10. Ensure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.
- C. At the discretion of the Zoning and Planning Director, the land use buffer and other Development standards contained in this Chapter may be modified for properties in the Industrial Zoning District that contain existing development on multiple Parcels.

### **ARTICLE 9.2 TREE PROTECTION AND PRESERVATION**

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#### **Sec. 9.2.1 General**

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- A. Trees are essential natural, invaluable economic, and priceless aesthetic resources. They play a critical role in purifying air and water, providing wildlife habitat, enhancing natural drainage, and managing stormwater and sediment. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. For these and other reasons, this Article is intended to enhance the health, safety and welfare of Charleston County and its citizens and visitors.
- B. **Applicability and Exemptions.**
1. The provisions of this Article apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.
  2. The following are exempt from the provisions of this Article:
    - a. Single family detached residential Lots of record are exempt except for those relating to Grand Tree documentation, protection and replacement. This does not exempt applications for Major or Minor Subdivisions from the requirements of Sec. 9.4.4, *Landscape Buffers*.
    - b. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing Easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines, or other Easements shall not be exempt from the provisions of this Article.
    - c. Removal of Trees for “bona fide forestry operations” shall comply with state law.
    - d. Removal of Trees for Bona Fide Agricultural Uses pursuant to Sec. 3.8.2, *Exemptions, Sub-Paragraph A*, provided this exemption does not apply to the Grand Tree documentation, protection, and replacement requirements of this Ordinance.
    - e. Removal of trees for safe clearance of aircraft as required by federal law or the establishment of facilities exclusively dedicated to Aviation operations are exempt.
    - f. Removal of Trees on properties in the Industrial (IN) District pursuant to the following conditions:
      - i. Tree removal shall not occur prior to Site Plan Review approval;
      - ii. This exemption does not apply to Live Oak species of Grand Trees or any Protected Trees within required buffers and Parking Lots; and
      - iii. A mitigation plan for Grand Trees, Protected Trees, and any Trees removed in violation of this Ordinance is required pursuant to Sec. 9.2.6, *Tree Replacement*, prior to Site Plan Review approval.
  3. The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) are hereby exempt from the provisions of this Article with the following exceptions:
    - a. All Tree species measuring six inches or greater Diameter at Breast Height (DBH) that are located in Rights-of-Way along Scenic Highways shall be protected and where necessary, may require a variance from the BZA for removal pursuant to Sec. 9.2.5, *Tree Removal, Sub-Paragraph B* and Sec. 9.2.6, *Tree Replacement*.
    - b. Grand Tree Live Oak species in all present and proposed Rights-of-Way and Easements shall be protected and where necessary, may require a variance from the BZA.
    - c. All Grand Trees other than Live Oak species in all present and proposed Rights-of-Way and Easements not located on a Scenic Highway are protected but may be permitted administratively for removal when mitigated pursuant to Sec. 9.3.5, *Tree Replacement*.
- C. **Definition of "Tree Removal."** For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall



foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director.

**D. Measurements and Definitions.**

1. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate Tree. If a multi-trunk Tree splits below the four and one half foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and counted as one tree, unless the trunks are of different species. Any trunk measuring less than eight inches DBH is not included in the calculation.
2. For trees between a four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.
3. All Grand Trees are prohibited from removal unless otherwise exempted by this Ordinance, a Grand Tree Removal Permit is issued, or if the removal is part of an approved Bona Fide Forestry Operation.
4. Limited removal is allowed only when specified in this Article.

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**Sec. 9.2.2 Administration**

**A. Zoning Permit Required.**

1. Removal of Grand and Protected Trees is prohibited prior to the issuance of a Zoning Permit, which may be issued after a Tree plan is approved by the Zoning and Planning Director, pursuant to Sec. 9.2.3, *Tree Plans and Surveys*.
  2. *Excess Canopy (Limb) Removal.*
    - a. Removal of three or more limbs with an individual diameter of six inches or greater requires a Zoning Permit.
    - b. Removal of any size limbs contributing to more than 100 continuous linear feet of canopy over public Roadways requires Variance approval from the BZA. This requirement does not preclude SCDOT, CCPW, or other entities from maintaining height clearances at a minimum of 14 feet, width clearances within designated travel ways, and removing unprotected Trees along Rights-of-Way for road widening projects.
- B. Tree plans prepared by a licensed surveyor, civil engineer, forester, arborist, or landscape architect are required on all non-exempt Parcels before Zoning Permit is issued.

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**Sec. 9.2.3 Tree Plans and Surveys**

**A. General.**

1. Tree plans of the same scale as, and superimposed on, a Development site plan or Preliminary Plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, along with the canopy size and shape, and trunk location.
2. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect registered in the State of South Carolina.
3. The survey shall include all Trees to be protected or preserved, and those scheduled to be removed, including dead and damaged Trees. In cases where a previously approved recorded Plat is utilized for the purpose of Tree plans, the name, address, phone number, signature, and seal of the licensed surveyor, civil engineer, or landscape architect registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black-and-white aerial photograph or print of equal quality may be substituted in cases where the Director determines that it would provide the same



information as a Tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and Trees within required buffers must be surveyed and mapped.

- B. Refer to Sec. 8.4.2, *Application*, Sub-Paragraph A.4.
- C. **Commercial, Industrial, and Multi-Family, Civic/Institutional, and Other Uses.**
  - 1. All Tree surveys must show the location, number, size, and species of all Trees with eight or more inches DBH, including those scheduled to be removed.
  - 2. When there are no Trees that are eight or more inches DBH, documentation to that effect shall be provided from a licensed surveyor, civil engineer, forester, arborist, or registered landscape architect.
- D. Agricultural and Single-Family Detached Residential Uses must show all Grand Trees within 40 feet of the area of construction land disturbance, Rights-of-Way, and Easements, and in conjunction with the Subdivision regulations at the time a Zoning or Building Permit application is made.

#### **Sec. 9.2.4 Required Tree Protection**

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- A. **General.**
  - 1. All Grand Trees and any other Trees required to remain on a site must be protected during construction and Development of a Parcel. Tree protection must be shown on all Development plans prior to site plan approval. A site inspection of the Tree barricades must be scheduled by the Applicant with the Zoning and Planning Department for approval prior to the issuance of permits or the start of Development activities.
  - 2. Prior to issuance of a Zoning Permit, a pre-construction planning conference is required for on-site Tree preservation with the Zoning and Planning Director or staff representative, the Applicant(s), and any appropriate parties for determining if there is need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction office, and dumpsters.
- B. Prior to the start of Land Development activities, protective Tree barricades shall be placed around all Required Trees in or near Development areas. The barricades shall be constructed of wood, metal, or plastic fencing or other materials approved by the Zoning and Planning Director, and include a top rail. Tree barricades shall be placed beneath the canopy Drip Line or one-and -one-half feet times the DBH of the Tree as a radius from the trunk, whichever is greater. Other protective devices or construction techniques may be used as approved by the Zoning and Planning Director. Three inches of mulch shall be installed and maintained within all Tree barricade areas. The mulch shall remain in place throughout Development activities. The area within the Tree barricade shall remain free of all Building materials, dirt, fill, and other construction debris, vehicles, and Development activities. All Required Trees are also subject to the requirements of Sec. 9.4.6, *Landscape Materials Standards*, and Article 11.3, *Enforcement Responsibility and Complaints*.
- C. In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals.
- D. Limited Clearing and Grubbing may be authorized by the Zoning and Planning Director prior to the installation of Tree barricades on sites that exhibit unusually heavy undergrowth and where access to the interior of the site and its Protected Trees is impractical. Limited Clearing shall be for the express purpose of accessing the property and Protected Trees to erect the Required Tree barricades and silt fencing. Such limited Clearing shall be done with hand tools, push or walk -behind equipment, or lightweight bush-hog type equipment designed for brush and undergrowth Clearing and which is not capable of removing vegetation greater than three inches in diameter. Under no circumstances may metal-tracked bulldozers, loaders, or similar rider/operator equipment be allowed on site until the Tree barricades are erected and a Zoning Permit is issued.





- E. Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean.
- F. Prior to issuance of a Zoning Permit for uses other than Single-Family Detached Residential, the following numbers of Trees with a DBH of eight inches or greater shall be preserved and protected pursuant to the requirements of this Ordinance. Preservation and protection of native Trees is to be prioritized.
  - 1. 20 Trees per acre; or
  - 2. Any number of Trees with a combined DBH of at least 160 inches per acre.
- G. When Lots lack a sufficient number of Trees to meet the requirement for DBH/number of Trees per acre, this requirement shall be fulfilled by existing Trees and must equal 40 inches per acre combined DBH. On Lots with less than 40 inches per acre combined DBH, additional Trees shall be planted on the Lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Zoning and Planning Director.
- H. Required drainage improvements, such as Detention and retention ponds and wetlands, may be subtracted from the area used to calculate Tree preservation requirements.

### **Sec. 9.2.5 Tree Removal**

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- A. Permits for Tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning and Planning Director:
  - 1. Trees are not required to be retained by the provisions of this Article.
  - 2. Trees are diseased, dead, or dying. Documentation may be submitted by a qualified tree care professional and approved by the Zoning and Planning Director;
  - 3. Trees pose an imminent safety hazard to nearby Buildings, pedestrian, or vehicular traffic (as determined by the Zoning and Planning Director or a qualified construction professional); or
  - 4. Removal of Required Trees has been approved by the Board of Zoning Appeals.
- B. Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees.
- C. In the event that a Tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning and Planning Director may waive requirements of this Article. Documentation shall later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified professional and photographs supporting the Tree Removal emergency.
- D. The Zoning and Planning Director may require replacement of Required Trees that are removed where it is determined that death or disease resulted from negligence.
- E. Violations and penalties are specified in CHAPTER 11, *Violations, Penalties, and Enforcement*, of this Ordinance.

### **Sec. 9.2.6 Tree Replacement**

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- A. Tree replacement shall be required accompanying Development on all non-exempt properties in the manner described below:
  - 1. When replacement Canopy Trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch Caliper.
  - 2. The Zoning and Planning Director or Board of Zoning Appeals is empowered to require Trees of larger Caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.
- B. When Trees of eight inches DBH or greater have been removed in violation of this Ordinance, replacement Trees shall be planted in the same general area according to a replacement schedule approved by the Zoning and Planning Director.
- C. Where sites were cleared of Trees prior to the adoption of this Article or have been cleared subsequently for activities exempted from this Article, replacement Trees shall be planted, the combined Caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, Caliper, and placement shall be approved by the Zoning and Planning Director.
- D. The Tree Fund is established to receive monies exacted from tree removal violation fines or other Tree removal mitigation, to include, but not limited to, removal, damage, destruction, or as defined in Sec. 9.2.1.C of this Chapter, and as a form of mitigation when planting of the Required Trees is determined to be detrimental to the overall health of existing Trees or impractical for the intended site design. The Zoning and Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two-and one-half inch Caliper Trees installed to the American Association of Nurserymen Standards. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and fee determination by the Zoning and Planning Director. If the Applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this Ordinance. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.
- E. When Trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the Subject Property are responsible for the mitigation of the removed Trees as outlined and agreed or subject to Sec. 9.2.6.D of this Chapter.

### **Sec. 9.2.7 Inspections and Final Approval**

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- A. The Zoning and Planning Director may periodically visit Development sites prior to completion to monitor compliance with the Tree plan approved for a project.
- B. Prior to issuance of a Certificate of Occupancy by the Director of Building Services, the Zoning and Planning Director shall issue a statement of approval attesting to the Developer's compliance with the site plan approved for the project (including landscaping, parking, drainage, etc.). The Director of Building Services shall withhold Certificates of Occupancy pending verification of compliance. It is the responsibility of the owner or agent to contact the Zoning and Planning Director regarding the compliance inspection, which will occur within five working days of contact. Failure to obtain a Certificate of Occupancy prior to occupying or using the Building for its intended purpose will result in ticketing and fines.
- C. The Zoning and Planning Director may approve a delayed schedule for planting materials (provided by the Applicant's contractor) when the immediate planting schedule would impair the health of the Plants. When a delayed planting schedule is approved, the Applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials and installation in accordance with the American Association of Nurserymen Standards. This is designed to include severe weather, such as droughts, heat waves, and floods. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and the bond amount shall be determined by the Zoning and Planning Director.



- D. Within three years of the issuance of the Certificate of Occupancy, the Zoning and Planning Director may perform a site inspection to verify the health of Trees and landscaping that were retained to meet the requirements of this Article and which may have suffered damage due to insufficient protective measures during Development.
- E. Each Required Tree or Plant determined by the Zoning and Planning Director to be diseased or injured to an extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of disease or injury shall rest with the Applicant, who must provide documentation from a qualified landscaping professional. Any Tree or landscaping damaged during or as a result of construction shall be repaired to the satisfaction of the Zoning and Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree or landscaping damage must be repaired prior to issuance of a Certificate of Occupancy.
- F. The owners of a non-exempt property or properties shall be responsible for the maintenance of all Required Trees. No department or agent of the County of Charleston is in any way responsible for the maintenance of Required Trees on private property. All approved and required landscaping must be maintained throughout occupancy of site.

## ARTICLE 9.3 OFF-STREET PARKING AND LOADING

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### Sec. 9.3.1 General

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- A. **Applicability.**
  - 1. *New Development.* The off-street parking and loading standards of this Article apply to the establishment of new uses/businesses, new Building construction, redevelopment, or reconstruction pursuant to Art. 3.7, *Site Plan Review*, of this Ordinance.
  - 2. *Expansions and Alterations.* The standards of this Article apply when an existing Structure or use is expanded, enlarged, or substantially improved pursuant to Art. 3.7, *Site Plan Review*, of this Ordinance. Additional off-street parking and loading spaces will be required only to serve the enlarged, expanded, or substantially improved area, provided that in all cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing and expanded) must equal at least 75 percent of the minimum ratio established in Table 9.3.2, *Off-Street Parking Requirements*.
- B. **Timing.** Required Parking spaces and drives shall be ready for use and approved by the Zoning and Planning Director prior to issuance of a Certificate of Occupancy.
- C. **Reductions.** The Zoning and Planning Director is authorized to reduce the number of Required Parking spaces by no more than 10 percent when ten or more spaces are required, and the following conditions exist:
  - 1. All parking utilizes pervious materials. This excludes required parking outlined in Sec. 9.3.6, *Accessible Parking*;
  - 2. The site can support the minimum number of required parking spaces and meet the buffering and landscaping requirements and all other Development standards in this Ordinance; or
  - 3. The reduction in parking is necessary to meet the regulations contained in Article 9.2, *Tree Protection and Preservation*.
- D. The allowable reductions described above exclude Medical Offices and Restaurant uses. Any approved change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Ordinance unless parking and loading spaces are provided in accordance with this Article.

### Sec. 9.3.2 Off-Street Parking Requirements

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A. **Minimum Requirements.** Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with Table 9.3.2, *Off-Street Parking Schedule*.

<b>Table 9.3.2, Off-Street Parking Schedule</b>	
USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
<b>AGRICULTURAL USES</b>	
<b>AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING, AND SUPPORT</b>	
Animal and Insect Production; Apiculture	None
Horticultural Production; Aquaculture; Mariculture; Concentrated Animal Feeding Operations	1 per employee
Hemp Crop Production and/or Processing	1 per employee, if processing
Winery	1 per employee plus 1 per 100 square feet of tasting room area
Agricultural Processing	1 per employee
Agricultural Sale or Service	1 per 500 square feet of Floor Area plus 4 per acre of outdoor sales/display/storage area
Roadside Stand	1 per 150 square feet of Floor Area plus 4 per acre of outdoor sales/display/storage area
Community Garden	1 per employee plus 2 spaces per acre
<b>FORESTRY AND LOGGING</b>	
Bona Fide Forestry Operations	None
Lumber Mill, Planing or Saw Mill	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of Floor Area
<b>RESIDENTIAL USES</b>	
<b>ASSISTED LIVING</b>	
Assisted Living	1 per 3 beds
<b>MANUFACTURED HOUSING</b>	
Manufactured Housing Unit	2 per Dwelling Unit
Manufactured Housing Park	2 per Manufactured Housing Unit plus 1 guest parking space per every 4 units
<b>MULTI-FAMILY DWELLING</b>	



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Dwelling, Multi-Family; Duplex; Triplex and Fourplex	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Dwelling Group	2 per Dwelling Group
Dwelling, Single-Family Attached	2 per Dwelling Group
<b>SHORT-TERM RENTAL</b>	
Short-Term Rental Property: Limited Home Rental (LHR), Extended Home Rental (EHR), and Commercial Guest House (CGH)	1 per permitted bedroom plus the required parking for the applicable use
<b>SINGLE-FAMILY DWELLING</b>	
Dwelling, Single-Family Detached	2 per Dwelling Unit
<b>OTHER RESIDENTIAL USES</b>	
Transitional Housing	1 per 2 beds plus 1 per every 2 employees
Child Caring Institution; Emergency Shelter	1 per 4 beds plus 1 per every 2 employees
Affordable and Workforce Dwelling Unit: Dwelling, Single-Family Detached; Dwelling, Single-Family Attached; Dwelling Group; and Duplex	1 per Dwelling Unit (requires Special Exception approval from the Board of Zoning Appeals)
Affordable and Workforce Dwelling Unit: Multi-Family; Triplexes; and Fourplexes [1]	1 per studio or 1-bedroom unit; 1.5 per 2-bedroom unit; and 2 per 3-bedroom and larger units (requires Special Exception approval from the Board of Zoning Appeals)
Group Residential	1 per bed
Farm Labor Housing	0.5 per bed
<b>CIVIC/INSTITUTIONAL</b>	
<b>COURTS/PUBLIC SAFETY</b>	
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
Correctional Institution	1 per 2 employees



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Parole Office or Probation Office	1 per employee plus 1 per 200 square feet of Floor Area
Safety Services	1 per 2 employees
<b>DAY CARE SERVICES</b>	
Family Home; Group Home	1 per 3 beds plus 1 per employee in single shift
Adult Day Care Service; Child Care Center	1 per employee plus 1 per 5 children/adults
Day Camp	1 per employee plus 1 space per camp vehicle parked on premises
<b>DEATH CARE SERVICES</b>	
Cemetery	1 per full time employee
Funeral Services	1 per 3 seats plus 1 per employee
<b>EDUCATIONAL SERVICES</b>	
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee plus vehicle stacking spaces per Article 9.3.8
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.) plus vehicle stacking spaces per Article 9.3.8



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
School, Secondary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.) plus 1 per 8 students and vehicle stacking spaces per Article 9.3.8
Higher Education Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Personal Improvement Education	1 per every 3 students plus 1 per employee
<b>HEALTH CARE SERVICES</b>	
Medical Office	1 per 150 square feet of Floor Area
Community Residential Care Facility; Residential Treatment Facility for Children or Adolescents	1 per 5 beds
Counseling Service	1 per 150 square feet
Intermediate Care Facility for Individuals with Intellectual Disabilities	1 per bed plus 1 per employee
Hospital; Hospice Facility	1 per 2 beds plus 1 per 300 square feet of Floor Area of Administrative and Medical Offices
Home Health Agency; Health Care Laboratory; Outpatient Facility for Chemically Dependent or Addicted Persons; Rehabilitation Facility	1 per 200 square feet of Floor Area with a minimum of 4 spaces
<b>MUSEUM, HISTORIC SITE, AND SIMILAR INSTITUTIONS</b>	
Library or Archive; Museum	1 per 300 square
Nature Exhibition; Botanical Garden; Historic Site	1 per employee in a single shift plus 2 spaces per acre
Zoo	10 plus 1 per employee in single shift
<b>POSTAL SERVICE</b>	
Postal Service, United States	1 per 150 square feet of Floor Area



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
<b>RECREATION AND ENTERTAINMENT</b>	
Community Recreation	1 per 250 square feet of gross Floor Area
Fishing, Hunting, or Recreational Guide Service	5 per employee
Golf Course or Country Club	1 per employee plus 4 per golf green and 1 per 75 square feet of indoor seating area plus 1 per 150 square feet of outdoor seating area for accessory restaurant or Bar use
Parks and Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Recreation and Entertainment, Indoor	1 per 3 seats or 1 per 200 square feet of Floor Area, whichever is greater
Recreation and Entertainment, Outdoor	1 per 200 square feet of public activity area plus, Swimming Pool-1 per 200 square feet of water surface area Tennis-2 spaces per court Basketball- 5 spaces per court Athletic Field- 15 spaces per diamond or field
Drive-In Theater	30 per screen plus 1 per employee
Golf Driving Range	1 per tee plus 1 per employee
Outdoor Shooting Range	1 per range position plus 1 per 200 square feet of indoor office area





**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Special Event	1 per 5 fixed seats, 1 per every three attendees, or 1 per every 3 persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if off-site parking is provided by recorded parking agreement and transportation between off-site parking areas and event locations is provided.
<b>RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS</b>	
Business, Professional, Labor, Political Organization; Social or Civic Organization; Social Club or Lodge; Religious Assembly	1 per 5 fixed seats, 1 per every three attendees, or 1 per every 3 persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if off-site parking is provided by recorded parking agreement and transportation between off-site parking areas and event locations is provided.
<b>UTILITIES AND WASTE-RELATED USES</b>	



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Utility Service, Major	1 space per employee plus 1 per stored vehicle for Parcels with habitable structures
Utility Service, Minor	None
Waste-Related Use; Septic Tank Installation, Cleaning, or Related Service	1 per employee
Solid Waste Disposal Facility (Public or Private)	1 per collection container plus 1 per employee
<b>COMMERCIAL</b>	
<b>ACCOMODATIONS</b>	
Hotel or Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
RV (Recreational Vehicle) Park; Campground	1 per employee plus 1 per recreational vehicle and camp site
<b>ANIMAL SERVICES</b>	
Stable, Commercial	1 per 2 stalls
Stable, Private	1 per 5 stalls
Kennel; Pet Store or Grooming Salon; Small Animal Boarding	1 per 300 square feet of Floor Area plus 1 per employee
Veterinary Service	3 spaces per each veterinarian or allied professional
<b>FINANCIAL SERVICES</b>	
Bank or Financial Service	1 per 300 square feet of Floor Area plus vehicle stacking spaces per Art. 9.3.8
Short-Term Lender	1 per 300 square feet of Floor Area
<b>FOOD SERVICES AND DRINKING PLACES</b>	
Bar or Lounge	1 per 75 square feet of indoor patron area plus 1 per 150 square feet of outdoor patron area and 1 per employee
Catering Service	1 per 400 square feet of floor area



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Restaurant, Fast Food	If inside seating: 1 per 75 square feet indoor patron area plus 1 per 150 square feet outdoor patron area plus vehicle stacking spaces per Article 9.3.8 If no inside patron area: 1 per employee plus 1 per 150 square feet outdoor patron area plus vehicle stacking spaces per Article 9.3.8
Restaurant, General	1 per 75 square feet indoor patron area plus 1 per 150 square feet outdoor patron area and 1 per employee
Sexually Oriented Business	1 per 200 square feet of Floor Area and 1 per employee
<b>INFORMATION INDUSTRIES</b>	
Communication Service; Data Processing Service; and Publishing Industry	1 per 300 square feet of Floor Area
Communications Tower	None
<b>OFFICES</b>	
Administrative or Business Office; Government Office; Professional Office	1 per 300 square feet of Floor Area
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>	
Convention Center or Visitors Bureau	4 per 1,000 square feet of Floor Area
Heavy Construction Service or General Contractor; Special Trade Contractor (Office/Storage)	1 per 300 square feet of office area plus 1 per 600 square feet of indoor storage area and 4 spaces per acre outdoor storage/display/sales area
Billboard	None
<b>PARKING, COMMERCIAL</b>	



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Parking Lot; Parking Garage	1 per employee
<b>RENTAL AND LEASING SERVICES</b>	
Charter Boat or other Recreational Watercraft Rental Service	1 per rental boat or watercraft plus 1 per employee
Heavy Duty Truck or Commercial Vehicle Rental or Leasing; Commercial or Industrial Machinery or Equipment; Construction Tools or Equipment	1 per rental vehicle plus 1 per employee in single shift
Consumer Goods Rental Center	1 per 200 square feet of Floor Area not including storage plus 1 per employee
Self-Service Storage	3 spaces plus 1 space per employee and 1 space per 100 units
Vehicle Rental or Leasing	1 per 2,500 square feet of display, 1 per 250 square feet of indoor enclosed floor space
<b>REPAIR AND MAINTENANCE SERVICES</b>	
Boat Yard	1 per employee
Repair Service, Consumer; Vehicle Repair or Service	2 per employee or service bay, whichever is greater
Repair Service, Commercial	1 per 400 square feet of office area plus 1 per 2 employees
<b>RETAIL SALES</b>	
Nonstore Retailer	1 per employee plus 2 spaces for deliveries
Fuel Dealer, Heating Oil Dealer; Liquified Petroleum Gas (Bottled Gas) Dealer	1 per employee plus 2 spaces for deliveries
Home Improvement Center	1 per 400 square feet of Floor Area
Food Sales; Liquor, Beer, or Wine Sales; Convenience Store	1 per 172 square feet of Floor Area
Food Truck	1 per employee plus 1 per 200 square feet of outdoor seating area plus vehicle stacking spaces per Article 9.3.8



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Retail Sales or Service, General	1 per 300 square feet indoor floor area+5 spaces per acre outdoor storage/display/sales area
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Duplicating or Quick Printing Service; Private Postal or Mailing Service	1 per 300 square feet of Floor Area
Pawn Shop; Warehouse Club or Superstore	1 per 200 square feet of Floor Area
Gasoline Service Station	1 per 200 square feet of gross Floor Area plus vehicle stacking spaces per Article 9.3.8
Truck Stop	1 per employee plus truck space parking plus spaces as required for associated restaurants or Motels
Vehicle Sales; Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer	1 per 2,500 square feet of outdoor display area plus 1 per 250 square feet of Floor Area
Vehicle Parts, Accessories, or Tire Stores	1 per 300 square feet of Floor Area (10 space minimum)
<b>RETAIL OR PERSONAL SERVICES</b>	
Consumer Convenience Service	1 per 200 square feet of Floor Area and 1 per employee plus vehicle stacking spaces per Art. 9.3.8
Hair, Nail, or Skin Care Service	2 per employee or work station, whichever is greater
Job Training or Placement Service; Personal Improvement Service	1 per 200 square feet of Floor Area
Physical Fitness or Health Club; Tattoo Facility	1 per 300 square feet of Floor Area



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Services to Buildings or Dwellings; Landscaping and Horticultural Service	1 per employee plus 1 space for deliveries and 1 space per each company vehicle to be dispatched from site
<b>VEHICLE AND WATERCRAFT STORAGE</b>	
Vehicle Storage	1 per 2 employees
Impound Yard; Towing Facility	1 per 300 square feet of Floor Area plus 1 per 4,000 square feet of motor vehicle storage area
Boat Ramp	20 per ramp plus spaces as required for associated docks
Community Dock; Commercial Dock	1 per wet slip
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
<b>WHOLESALE SALES</b>	
Wholesale Sales; Clay or Related Products, Construction Material Wholesaler; Flower, Nursery Stock, or Florists' Supplies Wholesaler; Petroleum Wholesaler	1 per 600 square feet for 1st 12,000 square feet plus 1 per 900 square feet for remaining area (over 12,000 square feet)
<b>INDUSTRIAL</b>	
<b>INDUSTRIAL SERVICES</b>	
Laundry, Dry Cleaning, or Carpet Cleaning Plant	1 per employee plus 1 per 3 washing/drying machines if provided for customer use
Photo Finishing Laboratory	1 per 200 square feet of Floor Area
Research and Development Laboratory	1 per 400 square feet
Scrap and Salvage Service	1 per employee plus 2 per acre
<b>MANUFACTURING AND PRODUCTION</b>	
Artisan and Craftsman	1 per 200 square feet



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Manufacturing and Production; ; Aircraft Manufacturing and Production, including Related Parts; Chemical Manufacturing and Production; Clay or Related Products, Furniture, Cabinets or Related Products, Toy or Artwork, or Wood Products Manufacturing and Production; Pulp Mill or Paper Mill, Rendering Plant; Slaughter House and Meat Packing; Stone or Shell Products Manufacturing and Production	1 per 400 square feet of office area plus 1 per 2 employees
Microbrewery and Distillery	1 per employee plus 1 per 100 square feet of tasting room area
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>	
Warehouse and Distribution Facility	1 per 300 square feet office area plus 1 per 600 square feet for 1 <sup>st</sup> 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Container Storage Facility; Grain Terminal and Elevator; Stockpiling of Sand, Gravel, or other Aggregate Materials; Fuel Storage Facility; Storage or Manufacturing of Weapons or Ammunition	1 per employee
Freight Forwarding Facility	1 per employee plus 1 per company vehicle
<b>OTHER USES</b>	
<b>RECYCLING SERVICES</b>	
Recycling Center	1 per employee
Recycling Collection Facility	1 per recycle collection container plus 1 per employee
<b>RESOURCE EXTRACTION/MINING</b>	
Resource Extraction/Mining	None
<b>TRANSPORTATION</b>	
Aviation; Private Air Strip	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Railroad Facility	1 per 2,400 square feet
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle



**Table 9.3.2,  
Off-Street Parking Schedule**

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Taxi or Limousine Service	1 per employee plus one per vehicle that provides service
Urban Transit Service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit vehicle
Water Transportation	1 per two seats of transportation vehicle plus 1 per employee
<p>[1] Transit-Oriented Development. If the Affordable and/or Workforce Dwelling Unit: Multi-Family; Triplex; and/or Fourplex Development is located within 1,200 feet walking distance of an approved Charleston Area Regional Transportation Authority (CARTA), TriCounty Link, or Lowcountry Rapid Transit (LCRT) stop, the number of required parking spaces can be reduced to the following minimums: one space per studio or one-bedroom unit; one space per two-bedroom unit; and one and a half spaces per three-bedroom and larger units, with Special Exception approval from the Board of Zoning Appeals.</p>	

- B. The minimum off-street parking requirements of a non-residential use resulting from a change of use in an existing Building are not applicable if the following criteria are met:
  1. The amount of off-street parking available for the existing use meets or exceeds the minimum requirements for that use; and
  2. No modifications to the Building or site related to the new use will result in a reduction or elimination of off-street parking.

**Sec. 9.3.3 Rules for Computation**

- A. **Multiple Uses.** Lots containing more than one use must provide parking and loading in an amount equal to the cumulative total for all uses, unless otherwise approved according to Sec. 9.3.4, *Shared Parking*.
- B. **Fractions.** When the calculation of required parking spaces results in a fractional parking space, in all cases, the result is rounded up to the nearest whole number.
- C. **Measurements.** The independent variables for parking calculations are measured as follows:
  1. The phrase "per sf" means that the number of parking spaces is calculated based on the square feet of gross Floor Area devoted to the use, excluding storage or common areas devoted to hallways, stairwells, elevators, bathrooms, mechanical rooms, and other spaces incidental to the principal use, provided.
  2. The phrase "per employee" means that the number of parking spaces is based on the number of full-time employees, part-time equivalent employees, and volunteers on the work shift when the maximum number of employees are present.
- D. **Occupancy-Based Standards.** For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of Persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces. Occupancy-based





standards may be approved by the Zoning and Planning Director, if the parking calculation based on Table 9.3.2, *Off-Street Parking Schedule*, is not compatible with the proposed use.

- E. **Unlisted Uses.** For a use not specifically listed in Table 9.3.2, *Off-Street Parking Schedule*, the Zoning and Planning Director shall apply the standard(s) specified for the listed use that is deemed to be a subcategory of, or most functionally similar to, the proposed use.

#### Sec. 9.3.4 Shared Parking

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- A. Off-street parking facilities for separate uses may be provided collectively if the total number of Shared Parking spaces is adequate to serve all uses in a Development.
- B. All parking spaces that serve Buildings or uses must be located within 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to a remote parking area. Parking Lot use must be permitted on subject Parcel, pursuant to Table 6.1-1, *Use Table*.
- C. An Applicant requesting Shared Parking shall submit a Shared Parking plan analysis to the Zoning and Planning Director that clearly demonstrates the feasibility of Shared Parking. The Shared Parking plan must be approved by the Zoning and Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed Development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Approvals will only pertain to the specific uses addressed in the Shared Parking plan. Any change in use(s) will require a new Shared Parking plan.
- D. Shared Parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks. Pervious surfaces are preferred for pedestrian accesses, provided such accesses are compliant with Sec. 9.3.5, *Accessible Parking*.

#### Sec. 9.3.5 Location

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- A. **On-Site Parking.**
1. Except as expressly stated, all required off-street parking spaces must be located on the same Lot as the Principal Use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public Right-of-Way, or property line.
  2. Parking Lots in Office (O) and Commercial (C) districts containing more than ten parking spaces shall be located to the side or rear of the Principal Structure's front Facade or within a courtyard surrounded by a Structure on at least three sides.
- B. **Off-Site Parking.** Off-site parking is defined as the required parking not located on the Parcel which the Principal Use is located. Off-site parking is allowed provided it meets the following standards.
1. A maximum of 50 percent of the required parking spaces may be located off-site. Required parking spaces reserved for persons with disabilities shall not be located off-site.
  2. Off-site parking must be located within 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to a remote parking area. Off-site parking spaces may not be separated from the use that it serves by Street Rights-of-Way with a width of 80 feet or more, unless a grade-separated pedestrian walkway, traffic control, or shuttle bus service is provided to the remote parking area.
  3. Off-site parking areas serving uses located in non-residential Zoning Districts must be located in such non-residential Zoning Districts. Off-site parking areas serving uses located in residential or agricultural Zoning Districts may be located in any Zoning District.
  4. In the event that an off-site parking area is utilized, a written, recorded agreement is required. An attested copy of such agreement between the owners of record must be submitted to the Zoning and Planning Director for review and approval. Recording of the agreement with the Register of Deeds must take place before issuance of a Zoning Permit, Building Permit, or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may



be revoked only if all required off-street parking spaces will be provided in accordance with this Article.

If any of the above standards cannot be met, a Special Exception approval pursuant to Art. 3.6, *Special Exceptions*, shall be required.

### Sec. 9.3.6 Accessible Parking

All parking shall comply with the requirements of the Americans with Disabilities Act (ADA) including, but not limited to, the requirements for ADA reserved parking signs and ADA parking markings. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

- A. **Number of Spaces.** The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as shown in Table 9.3.6, *Accessible Parking Schedule*. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Total Parking Spaces Provided	Minimum Number of:		
	Accessible Spaces	Van-Accessible Spaces	Car-Accessible Spaces
1—25	1	1	0
26—50	2	1	1
51—75	3	1	2
76—100	4	1	3
101—150	5	1	4
151—200	6	1	5
201—300	7	1	6
301—400	8	1	7
401—500	9	2	7
501—1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

- B. **Minimum Dimensions.** All parking spaces reserved for persons with physical disabilities shall comply with the parking space dimension standards of this Section, as shown in Figure 9.3.6 *Design Illustration*, provided that access aisles of the required width shall be provided immediately abutting such spaces, as follows:
1. *Car-Accessible Spaces:* five-foot-wide access aisle located abutting the designated parking space.
  2. *Van-Accessible Spaces:* eight-foot-wide access aisle located abutting the designated parking space.

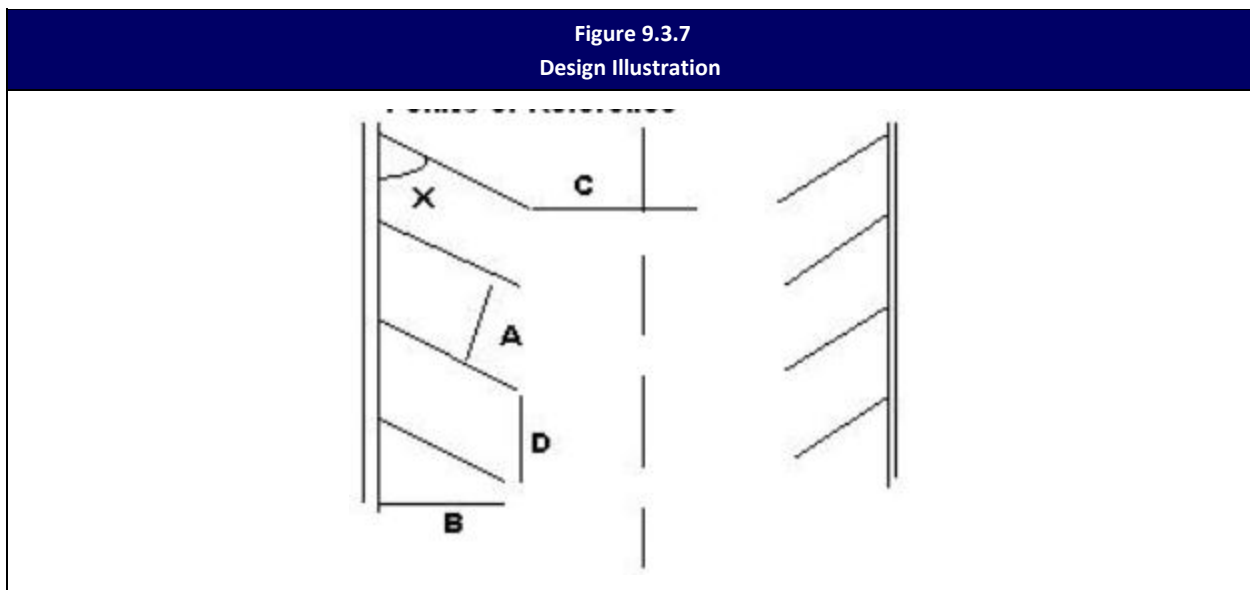
### Sec. 9.3.7 Design

- A. **Parking Lot Design.** Dead-end Parking Lot layouts that cause or contribute to poor vehicular circulation are prohibited unless determined by the Zoning and Planning Director that all other site configurations and options to comply with the required number of parking spaces have been exhausted.
- B. **Dimensional Standards.** Drive aisle widths and parking space dimensions shall comply with the standards in Table 9.3.7, *Aisle Width and Parking Space Dimensions*.
- C. **Compact Spaces.**

1. Up to 30 percent of parking spaces may be designed for use by cars smaller than full-size cars.
2. Compact spaces must be located in continuous areas and may not be interspersed with spaces designed for full-size cars.
3. Compact spaces must be clearly designed by Pavement marking and labeled as “Compact Cars Only.”
4. Stall dimensions for compact spaces are reduced to 7'-6" X 15.
5. Compact spaces cannot be used as required ADA parking spaces.
6. Compact spaces cannot be used as required Electric Charging Stations.

Table 9.3.7-1 Aisle Width and Parking Space Dimensions				
X°	Stall Width (A)	Stall Depth (B)	Aisle Width (C)	Skew Width (D)
60°	9' 0"	17' 0"	17' 0"	10' 5"
	--	--	*One Way	--
45°	9' 0"	19' 1"	11'0"	12'9"
	--	--	*One Way	--
30°	9'0"	16' 10"	9' 0"	18' 0"
	--	--	*One Way	--
0°	9' 0"	23' 0"	12' 0"	--
	--	--	*One Way	--
90°	9' 0"	18' 0"	23' to 27'	--
	--	--	*Two Way	--

Note: Two-way drive aisles in parking areas shall always require a minimum width of 23 feet.



C. **Landscaping.** See Article 9.4, *Landscaping, Screening, and Buffering*.

D. **Markings and Surface Treatment.**

1. ADA reserved parking signs and ADA parking markings shall be in compliance with the Americans with Disabilities Act.



2. Each parking space must be identified by surface markings at least four inches in width, which must be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, maneuvering, queuing, and storage of vehicles.
  - a. No more than 70 percent of all developable land within Parcels may be impervious, unless approved by the Zoning and Planning Director.
  - b. 30 percent of parking spaces must have a pervious surface.
3. One-way and two-way ingress and egress driveways shall be marked by directional arrows.
4. *Unpaved Parking Areas.*
  - a. All parking spaces must have a minimum four-inch Curb stop to delineate the location of each space and to prevent Encroachment onto adjoining properties, Rights-of-Way, or landscaped or pervious areas.
  - b. All Parking Lots must have an all-weather surface, such as gravel, slag, or another approved pervious surface, excluding asphalt shingles. Ingress and egress drives serving unpaved Parking Lots accessed from a paved Street must be paved from the edge of the Street pavement for a minimum distance of 20 feet into the Subject Property.
  - c. For surfaces that cannot be marked with directional arrows, directional signage is required to mark one-way ingress and egress driveways.

**E. Access.**

1. Required Parking spaces shall not have direct access to a Street or highway, nor may they be configured in a way that requires backing into or otherwise re-entering a Street or highway. Access to Required Parking spaces shall be provided by on-site ingress and egress drive. Access drives shall be a minimum of 20 feet wide and have an all-weather surface.
2. Curb Cuts for ingress and egress drives may not be wider than 30 feet; however, ingress and egress that is separated by a median strip may be expanded to a maximum width of 60 feet.
3. Curb cuts for ingress and egress drives are allowed in accordance with Table 9.3.7-2, *Number of Ingress/Egress Drives*:

Table 9.3.7-2 Number of Ingress/Egress Drives	
LENGTH OF PROPERTY FRONTAGE	MAXIMUM NUMBER OF DRIVES
250 feet or less	1[1]
251 feet to 1,500 feet	2
1,500 feet or more	3

Table Notes:

1. On frontages of 250 feet or less, a pair of one-way drive may be substituted only if the agency responsible for the maintenance of the intersecting Right-of-Way determines the design feasible.

4. Ingress and egress drives shall be located at least 100 feet from the edge of Right-of-Way of any Street intersection. If the subject Lot has less than 100 feet of Frontage and is not within a common Development with other points of access, the Zoning and Planning Director may alter this requirement by the minimum necessary to provide reasonable access. Ingress or egress drives other than those designated as entrance or exit drives are prohibited.
5. Access to Dwelling Units shall comply with the International Fire Code, as adopted by County Council.
6. A pair of one-way drives must be separated by at least 100 feet and must comply with the vision clearance requirements contained in Art. 9.7, *Vision Clearance*.
7. Stop signs and stop bars shall be installed as required by the Director of the Zoning and Planning Department and Director of the Public Works Department.



### Sec. 9.3.8 Use and Maintenance

- A. **Use.**
1. Off-street parking areas shall be used solely for parking licensed, Motor Vehicles in operating condition.
  2. Spaces may not be used for the display of goods for sale or lease, Motor Vehicle repair or service work of any kind, display of signs, or for long-term storage of vehicles, boats, motor homes, campers, Manufactured Housing Units, or Building materials.
- B. Off-street driveways, parking surfaces, drive aisles, and traffic control devices shall be kept in good condition and parking space lines and Pavement markings on paved Lots shall be kept clearly visible at all times.

### Sec. 9.3.9 Vehicle Stacking

- A. **Minimum Number of Spaces.** Off-street stacking spaces shall be provided as shown in Table 9.3.9, *Vehicle Stacking Requirements*.

Table 9.3.9, Vehicle Stacking Requirements		
Activity Type	Minimum Spaces	Measured From
Bank teller lane	3	Teller Window
Automated teller machine	2	ATM
Restaurant drive-through	5	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Restaurant, drive-through	4	Pick-Up Window, if no Order Box exists
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Dry Clean Service	3	Pick up Window
Gasoline pump island	2	Pump Island
Other	Determined by Zoning and Planning Director	

- B. **Design and Layout.** Required stacking spaces are subject to the following design and layout standards:
1. Spaces must be a minimum of nine feet by 18 feet.
  2. Spaces may not impede on- or off-site traffic movements or maneuvering into or out of parking spaces.
  3. Spaces must be separated from other internal driveways by directional markings for traffic movement and safety.
  4. The Zoning and Planning Director may require pick-up and drop-off loop drives with sufficient vehicle stacking lanes to prevent vehicle backups into internal travel lanes and Parking Lots for school, adult and child day care facility, public assembly, and conference facility uses.
  5. Stacking lanes shall be designed with an abutting 12-foot-wide bypass lane.

### Sec. 9.3.10 Off-Street Loading

- A. **Spaces Required.** For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.



- B. **Size of Space.** Each off-street loading space shall be of a size commensurate with the Buildings to be accommodated. In no case shall required off-street loading spaces encroach upon off-street parking spaces required under this Article.
- C. **Location.** All required off-street loading spaces shall be located on the same Lot as the Building which they are intended to serve.
- D. **Ingress and Egress.** Off-street loading drives shall be located at least 25 feet from any Street intersection.
- E. **Loading Spaces Adjacent to Sidewalks.** Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with Curbs or other barriers as to provide adequate protection for pedestrians.
- F. **Maneuvering Areas.** All off-street loading spaces shall be provided with adequate off-street maneuvering areas.
- G. **Buffering and Screening.** All off-street loading spaces shall be landscaped, screened, and buffered in compliance with Article 9.4, *Landscaping, Screening, and Buffering*.

### **Sec. 9.3.10 Pedestrian Ways**

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- A. **Where Required.** Paved pedestrian ways shall:
  - 1. Be provided in all non-residential Development and Major Subdivisions within the Urban and Suburban Areas of the County; and
  - 2. Link surrounding Roadways with Building entrances and between the proposed Development and uses on adjoining Lots.
- B. **Placement.** Paved pedestrian ways within public Rights-of-Way shall conform to the construction details for paved sidewalks contained in Appendix A, *Charleston County Road and Drainage Construction Standards*.
- C. Pervious and low-impact surfaces are encouraged. Alternative-surface walkways may be used outside of Rights-of-Way when deemed appropriate to surrounding development characteristics by the Zoning and Planning Director. All pedestrian ways must comply with ADA requirements.

## **ARTICLE 9.4 LANDSCAPING, SCREENING, AND BUFFERS**

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### **Sec. 9.4.1 Applicability**

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Unless expressly exempted, the landscaping, screening and buffering standards of this Article shall apply to all new Development with the exception of Single-Family Detached Dwelling Units, Manufactured Housing Units not located in Manufactured Housing Parks, and all new major Roadways that serve Residential Major Subdivisions. Minor Subdivisions may be required to provide landscaping, screening or buffering on major Roadways when the Zoning and Planning Director determines that such landscaping, screening or buffering is necessary to ensure that the purposes of this Ordinance are met. When modifications or Additions are being made to an existing Building or site, the standards of this Article shall apply to those portions of the subject Parcel that are directly affected by the proposed improvements, as determined by the Zoning and Planning Director, provided that when modifications or Additions are proposed that would increase the number of parking spaces, the area of vehicular use areas, or gross Floor Area of buildings by more than 25 percent (above existing), the entire Parcel shall be brought into compliance with all applicable standards of this Article. Before calculating the percentage of area for redevelopment and improvement, any proposed demolition of Structures and parking is subtracted from the existing gross Floor Area of Buildings and number of parking spaces.

### **Sec. 9.4.2 Exhibits**

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Drawings included as exhibits at the end of this Chapter are meant to complement the language of the Ordinance. In the event of a conflict with the text of the Ordinance, the text shall apply.

### **Sec. 9.4.3 Parking, Loading, and Vehicular Use Area Landscaping**

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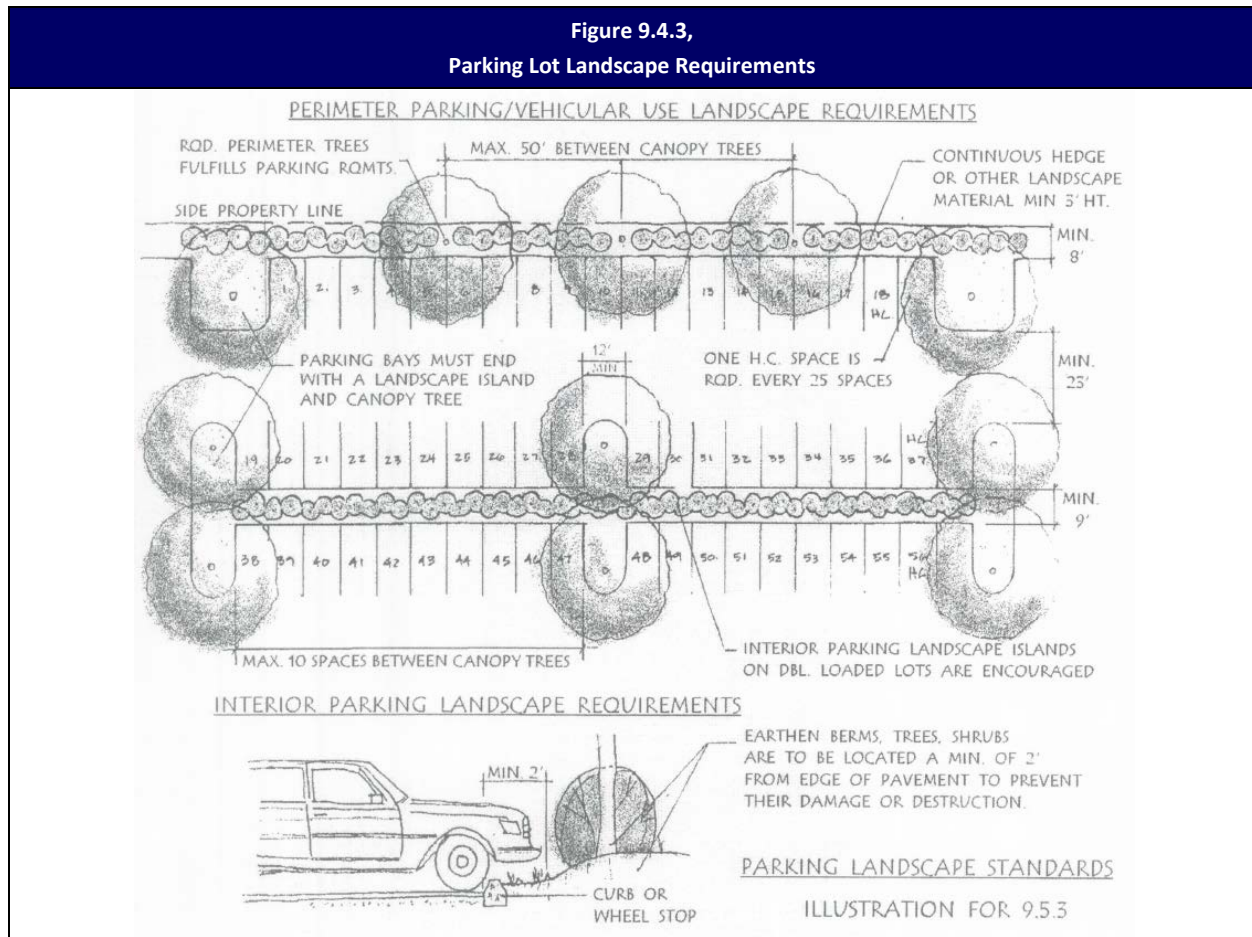
#### **A. Parking, Loading and Vehicular Use Area Perimeters.**

1. *Required.* Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street surface parking, loading, and vehicular use areas.
2. *Exemptions.*
  - a. Parking areas for the exclusive use of Single-Family Detached Dwelling Units or agricultural uses where there are no on-site customers and less than 10 employees are exempt from these requirements.
  - b. Any off-street parking, loading, or vehicular use area that is or will be entirely screened from view by an intervening Building or Structure or by a buffer on the Subject Property provided to satisfy the standards of this Article are exempt from the perimeter landscaping requirements.
3. *Standards.*
  - a. A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading, and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility Easements exist along property lines, the perimeter landscape area shall be located adjacent to the Easement. No buffer plantings will be allowed within any Easement of record, without written approval of the Easement holder.
  - b. Required perimeter landscape areas shall be planted as follows:
    - i. One Canopy Tree shall be provided for each 50 linear feet along the perimeter of all parking, loading, or vehicular use areas. These Trees may be used to satisfy the interior Parking Lot landscaping requirements outlined below.
    - ii. A combination of a hedge with Trees, Shrubs, ornamental grasses, or an approved Fence, Wall, or earthen Berm shall be used to form a continuous landscape screen of at least three feet in height (at maturity) within the perimeter landscape area;
    - iii. All portions of the perimeter landscape area not planted with Shrubs or Trees or covered by a Wall or Fence barrier shall be planted in grass or wood-based mulch and inorganic Ground Cover, including rock and wood chips; and
    - iv. Parked vehicles may overhang a landscaped area provided curbing or wheel stops are installed to prevent damage to any plants within the required perimeter landscape area. Landscaping, Walls, Fences, or earth Berms will be so located as to prevent their damage and/or destruction by overhanging vehicles.

#### **B. Interior Areas.** The following interior Parking Lot landscaping requirements apply to all Parking Lots except those exclusively serving single-family residential or agricultural uses.

1. Each single- or double-loaded Parking Lot bay must terminate with a Tree island. A minimum of one landscape island shall be provided and evenly disbursed for maximum canopy coverage for each 10 parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 162 square feet (minimum nine feet x 18 feet) or 324 square feet (minimum 9 feet x 36 feet).
2. Each required landscaping island shall contain at least one Canopy Tree per each 162 square feet. Canopy Trees in these islands must be planted in line with the parking stripes (between vehicles) and may be used to satisfy the Parking Lot Tree requirements, subject to all Parking Lot bays terminating with a Tree island. (See Figure 9.4.3, *Parking Lot Landscape Requirements*)
3. All Parking Lot islands shall be landscaped with a combination of mulch and/or Ground Cover. Pavers, pavement, and similar hard surfacing shall not be permitted within a Parking Lot island.

4. Curbs, wheel stops, or other protective barriers shall be installed around all required landscape islands, as approved by the Zoning and Planning Director. Protective barriers, such as Curbs, wheel stops or other edging material, must complement on-site drainage patterns. This may require utilizing Curb Cuts, open Fencing, and appropriate placement of Berms.
5. Landscaping provided to meet the standards of Sec. 9.4.4, *Landscape Buffers*, shall not satisfy the interior Parking Lot landscaping requirements. Canopy Trees planted to meet the Landscape Buffer requirements may be counted toward the interior Parking Lot landscaping requirements provided the buffer is immediately adjacent to the Parking Lot perimeter.



## Sec. 9.4.4 Landscape Buffers

### A. Right-of-Way Buffers.

1. *Applicability.* Right-of-Way buffers shall be required adjacent to road Rights-of-Way and ingress/egress Easements for all uses except for agricultural and Residential Uses existing on or prior to November 20, 2001. Minor Subdivisions may not have to comply with the requirements of this Section if the Zoning and Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.
2. *Buffer Types by Roadway.* Landscape Buffers are required along Roadways in accordance with Table 9.4.4-1, *Buffer Types by Roadway*. Streets, Rights-of-Way, and ingress/egress Easements not indicated in this table shall comply with the Type B buffer requirements.
3. *Development within Buffer Areas.*





- a. No Development, storage, or display may occur within required buffer areas except for sidewalks and permitted drives and Signs;
- b. All buffer areas shall accommodate the required Plant materials;
- c. Drainage swales and stormwater Detention ponds may be placed in the buffer only when Protected Trees and Grand Trees are not endangered and when they meander through the buffer in a natural manner; and
- d. Stormwater Detention ponds may not occupy more than 25 percent of the buffer depth.

Table 9.4.4-1, Buffer Types by Roadway		
Abbapoola Road	G Main Road (Limehouse Bridge to Maybank Hwy.)	I
Ashley Hall Road	B Main Road Corridor Overlay Zoning District	[3]
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	B Main Road (Bees Ferry Road to Limehouse Bridge)	G
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	E Manse Road	G
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	I Mark Clark Expressway	I
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line) [1]	J Mary Ann Point Road	E
Bears Bluff Road	I Mathis Ferry Road [1]	G
Bees Ferry Road	G Maybank Highway Corridor Overlay Zoning District [Johns Island]	[2]
Belvedere Road	G Maybank Highway Corridor Overlay Zoning District [James Island]	[4]
Betsy Kerrison Parkway [1]	I Maybank Highway (Main Road to Rockville)	I
Bohicket Road [1]	I Meeting Street	B
Botany Bay Road [1]	I Murraywood Road	G
Brownswood Road	G Old Georgetown Road	G
Cane Slash Road	G Liberia Road	G
Chisolm Road	G Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	B
Chuck Dawley Boulevard	B Old Jacksonboro Road	G
Coleman Boulevard	B Old Pond Road	G
Doar Road	G Old Towne Road	B
Dorchester Road	A Orange Grove Road	B
Eddingsville Beach Road	G Orleans Road	B
Edenvale Road	G Parkers Ferry Road	G
Fort Johnson Road [1]	E Patton Avenue/Fickling Hill Road	G



Hamlin Road	E	Peters Point Road	G
Harborview Road	B	Pine Landing Road	G
Highway 162	G	Plow Ground Road	G
Highway 165	G	Raccoon Island Road	G
Highway 17 (Hwy. 41 to County Line)	I	Rifle Range Road	E
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	G	River Road [1]	I
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	B	Riverland Drive [1]	G
Highway 17 (west of Isle of Palms Connector including bypass)	B	Rivers Avenue	B
Highway 174 (Highway 164 to Edisto Beach) [1]	I	Rutledge Road	G
Highway 174 (Highway 17 to Highway 164)	E	Saint Andrews Boulevard	B
Highway 41	G	Savannah Highway [Bees Ferry Rd. to County Line] otherwise C	E
Highway 45	G	Seewee Road	G
Humbert Road	E	South Santee Road	G
Hyde Park Road	G	Steamboat Landing Road (Jenkins Hill to Steamboat Creek)	G
James Island Bridge/Highway 61 Connector	C	Tibwin Road	G
James Island Expressway	G	Toogoodoo Road	G
Liberia Road	G	Venning Road	E
Long Point Road (SPA Wando Terminal to I-526)	B	Wappoo Road	B
Long Point Road (Outside of MP-O District) [1]	G	Wescott Road	G
Magwood Road	E	Willtown Road	G

[1] Denotes Scenic Road designation that shall require protection under the provisions of this Ordinance of all Trees 6 inches or greater in Diameter Breast Height (DBH) which are located within Rights-of-Way.  
 [2] Buffer type as described in the Johns Island Maybank Highway Corridor Overlay Zoning District.  
 [3] Buffer type as described in the Main Road Corridor Overlay District.  
 [4] Buffer type as described in the James Island Maybank Highway Corridor Overlay Zoning District.

5. *Buffer Depth and Planting Standards.* (See Table 9.4.4-3)
6. The Zoning and Planning Director is authorized to reduce the depth of a required Right-of-Way buffer as follows:
  - a. A required Right-of-Way buffer may be reduced by up to one-third its depth when the following circumstance exist:
    - i. The Parcel is located on a Corner Lot with required Right-of-Way buffers of feet or more; or
    - ii. The area of all the required buffers, including land use buffers and Tree protection areas, exceeds 30 percent of the site.



- b. A required Right-of-Way buffer of 35 feet or less located within the Urban/Suburban Area defined by the Urban Growth Boundary (UGB) and not within an Overlay Zoning District may be reduced as follows:
  - i. When no parking or vehicular use area is located between the building and the Right-of-Way, the required buffer may be reduced to no less than eight feet (Type A land use buffer) provided the site layout and building elevations meet all applicable sections of Article 9.5, *Architectural and Landscape Design Standards*.
  - ii. When no more than 10 parking spaces are located between the Building and the Right-of-Way the required buffer may be reduced to no less than 15 feet (Type B buffer) provided the site layout and Building elevations meet all applicable sections of Article 9.5, *Architectural and Landscape Design Standards*.
  - iii. Buffers required on Parcels that are part of redevelopment that preserves existing Structures may be reduced up to a depth no less than 10 feet (Type A land use buffer) in order to meet the parking and Tree preservation requirements of this Ordinance.
- c. The Zoning and Planning Director may require additional site improvements., including but not limited to, enhanced Building architecture and materials and/or increased plant material sizes and Density when a buffer reduction is granted.

#### **B. Land Use Buffers.**

1. *Applicability.* Land use buffers shall be provided in accordance with the standards of this Section. In the case of conflict between the land use buffer requirements of this section and those contained in CHAPTER 6, *Use Regulations*, of this Ordinance, the land use buffer requirements contained in CHAPTER 6, *Use Regulations*, shall govern.
2. Single-Family Detached Dwelling Units on individual Lots are exempt from the land use buffer requirements of this Section.
3. The Zoning and Planning Director is authorized to modify or waive the buffer or landscape planting requirements and may require that additional plant material be added within remaining buffers or elsewhere on the site, as described below:
  - a. When buffers will not serve any useful purpose due to the location of the following as determined by the Zoning and Planning Director: fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance; uses; vehicles; buildings; structures; or storage; parking; loading; display or service areas; or
  - b. The Zoning and Planning Director is authorized to allow a one-third reduction of required buffers, if all required buffers would exceed 25 percent of the site proposed for Development.
4. *Determination of Required Buffers.* The following procedure shall be used in determining which of the buffer types in Table 9.4.4-2, *Land Use Buffers*, apply:
  - a. Determine the type of proposed use for the site being developed. (Column 1);
  - b. Determine the residential use type (if residential) or the Zoning District that exists on the adjacent Parcel. This is the "Adjacent Site's Use or Zoning";
  - c. At the intersection of the proposed use and the use or zoning of the adjacent site, identify the land use buffer type (A, B, C, D, E, or F) required along the developing site's boundary(ies); and
  - d. Lastly, refer to Table 9.4.4-3, *Buffer Depth and Landscaping Standards*, for the applicable buffer type.
5. *Land Use Buffer Table.* Land use buffers are required along Side and Rear Yards in accordance with the requirements of the following table:



Table 9.4.4-2, Land Use Buffers

Proposed Use	Use or Zoning of Adjacent Site								
	Residential Type			Civic/Institutional	Commercial Type		Industrial Type		Agricultural
	1	2	3		1	2	1	2	
Agricultural	F	F	F	-	-	-	-	-	-
Residential Type 1	-	A	B	B	B	C	E	F	F
Residential Type 2	A	-	A	B	B	C	B	F	F
Residential Type 3	B	A	-	A	B	C	B	F	F
Civic/Institutional	B	B	A	-	B	C	D	E	-
Commercial Type 1	B	B	B	-	-	C	D	E	-
Commercial Type 2	C	C	C	-	-	-	D	D	-
Industrial Type 1	E	E	D	-	-	B	-	A	-
Industrial Type 2	F	F	F	-	-	B	A	-	-

General Notes:

Residential Use Types:

Type 1 = Single family Detached and undeveloped Residential Lots; Type 2 = Duplex and Single family Attached; Type 3 = Triplexes, Fourplexes, and Multi-Family and all other residential use types, including Manufactured Housing Parks

Commercial Use Types:

Type 1 = Any commercial use allowed by right in an RO, GO, or NC district and undeveloped Commercial Lots; Type 2 = all other commercial uses

Industrial Use Types:

Type 1 = Any industrial or commercial use that is first allowed in an industrial (IN) Zoning District and undeveloped Industrial Lots; Type 2 = Waste-Related uses and Recycling Centers.

6. *Buffer Depth and Landscaping Standards.*



**Table 9.4.4-3, Buffer Depth and Landscaping Standards**

Standard	Buffer Type									
	A	B	C	D	E	F	G	H	I	J
<b>MINIMUM BUFFER DEPTH</b> (feet from property line) [1]	10	15	20	25	35	40	50	60	75	100
<b>MINIMUM LAND USE BUFFER LANDSCAPING (Plants per 100 linear feet) [2] [3]</b>										
Canopy Trees [4]	2	2	2	3	4	5	6	7	9	12
Understory Trees (at least 50 percent evergreen)	3	3	4	4	6	7	9	10	12	15
Shrubs	20	25	30	35	40	45	50	55	60	75

**TABLE NOTES:**

1. Buffers may be traversed by permitted driveways and pedestrian ways.
2. The retention of natural buffers is required along all road or street Rights-of-Way of Buffer Type C designation or greater. The Zoning and Planning Director is authorized to waive or modify the minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.
3. Bradford Pears cannot be used to fulfill any of the Tree requirements of this Ordinance. Any exotic species proposed by a designer are subject to approval by the Zoning and Planning Director.
4. Palmetto Trees may be substituted to fulfill the Canopy Tree requirements. These Trees are to be planted at a ratio of three Palmetto Trees for each Canopy Tree and are to be planted in groupings of three.

**GENERAL NOTES:**

1. The Zoning and Planning Director shall be authorized to require the installation of Berms within required buffers where deemed necessary to protect the visual quality of a road corridor or ensure land use compatibility.
2. All Trees with a Diameter Breast Height (DBH) of eight inches or greater within buffers shall be preserved.

**C. General.**

1. *Location of Buffers.* Buffers shall be located along the perimeter of a Lot or Parcel and shall extend to the boundary of the Lot or Parcel. They shall not be located on any portion of public Right-of-Way. Where drainage or other utility Easements exist along property lines, required Landscape Buffers shall be located adjacent to the Easement and may be reduced in width by the width of the Easement, but in no case shall the buffer width be less than 10 feet and shall be located adjacent to the Easement. Required buffers shall be noted on all Plats, plans and permit requests submitted for review and approval under this Ordinance.
2. *Plant Material within Buffers.* Plant material shall be selected and spaced properly to allow the Plants to thrive considering site specific conditions. Plant materials located adjacent to public Drainage Easements and Right-of-Ways shall be selected and placed so as not to impede access or maintenance, including low-lying lateral branches. Additionally, plant material within required buffers that contain Utility Easements shall be selected and located to minimize pruning for future maintenance and clearance of such Utilities. All selections are subject to the review and approval of the Zoning and Planning Director and may also require modifications (substitutions and relocation) of plant materials on proposed landscape plans when necessary to assure access and ease of maintenance to any Easements or Rights-of-Way and to preserve the public health, safety, and welfare.
3. *Use of Buffers.* The Zoning and Planning Director is authorized to allow On-Premises Signs, Fences, Walls, Berms, mailboxes, access to community Boat Ramps, permitted driveways, and sidewalks within required buffers. Other improvements may be allowed within buffers if the Zoning and Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse effect on adjacent property.

**Sec. 9.4.5 Landscape Plans**



Landscape and planting plans submitted to meet the requirements of this Article shall be drawn to the same scale as the Site Plan. Trees and Shrubs shall be depicted at maturity. Landscape plans shall be prepared by a licensed, registered Landscape Architect whenever the area of land disturbance or Development activity exceeds one acre or when the total area of proposed Building footprint exceeds 5,000 square feet. For all other projects, use of a licensed registered Landscape Architect or Landscape Designer familiar with the growth habits and characteristics of plant material available in the Charleston area is recommended.

**Sec. 9.4.6 Landscape Material Standards**

**A. Plant Materials.**

1. *Existing Plant Materials.* Utilization of vegetation and Plant materials that exist on a Parcel prior to its Development may be used to satisfy the landscaping standards, provided they meet the size and locational requirements of this Article, is strongly encouraged.
2. *Size.* Unless otherwise expressly stated, all Plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

Table 9.4.6, Plant Material Size	
PLANT TYPE	MINIMUM SIZE
Canopy Tree	2 1/2 inches caliper and 12 feet in height
Understory/Ornamental Tree	Eight feet (height)
Evergreen/Conifer Tree	Five feet (height)
Shrubs	Three gallon and 18 inches to 24 inches in height or spread

TABLE NOTE: At least 50 percent of the required Understory Trees shall be evergreens. Any Plant material that grows to an ultimate height of less than 18 inches shall be considered Ground Cover and shall not be used to fulfill any of the Shrub requirements of this Ordinance.

3. *Species.* Species of Plant material used to satisfy the requirements of this Article shall be indigenous to the Charleston County area or cultivated to survive in this climate. However, the use of indigenous Plants is preferred. No single Plant species shall represent more than 40 percent of the total landscape plantings, except for projects whose landscape requirements for Canopy Trees are less than 10 Trees.
4. All Plants installed to satisfy the requirements of this Section shall meet or exceed the Plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and either balled-and-burlapped or container-grown.
5. *Additional Landscape Treatment.* All required landscape and buffer areas, including drainageways and detention/retention ponds, not dedicated to Trees, Shrubs or preservation of existing vegetation shall be landscaped with grass, Ground Cover, or another landscape treatment, excluding sand, rock, or Pavement. All grass areas are to be installed using proper and accepted landscape methods to assure germination and erosion control.

**B. Berms and Landscape Structures.**

1. *Fences and Walls.* Fences and Walls used as screens shall be at least 95 percent opaque, with a minimum height of six feet. Fences must provide an opening for surface water flow every 20 linear feet.
2. *Berms.* Earthen Berms shall have a minimum height of three feet, with a slope not to exceed 3:1, which may vary depending on the soil type and plant materials used. The toe of any Berm shall be located at least three feet from any Right-of-Way or property line.

**Sec. 9.4.7 Installation, Maintenance, and Replacement**



- A. **Installation.** All landscaping shall be installed according to American Association of Nurserymen Standards and sound nursery practices in a manner designed to encourage vigorous growth. Sites for Plant materials shall be prepared or improved in accordance with American Association of Nurserymen Standards for soil preparation and drainage. Subsurface drainage shall be provided where Berms, elevated planting areas, or other proper surface drainage do not exist.
- B. **Irrigation.** The Zoning and Planning Director is authorized to require the installation of automatic irrigation (sprinkler) systems when deemed necessary to ensure plant survival and proper growth.
- C. **Maintenance and Replacement.** Required Trees, Shrubs, Walls, Fences, and other landscape features shall be considered elements of the project in the same manner as parking, Building materials, etc. The landowner, or successors in interest, shall be jointly and independently responsible for the following:
  1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed, and in accordance with acceptable horticultural practices, including American National Standards Institute (ANSI) standards for Tree Care Operations and American Association of Nurserymen Standards;
  2. The repair or replacement of required landscape Structures (e.g., Fences) to a structurally sound condition;
  3. The regular maintenance, repair, or replacement of any landscaping required by this Section and shown on the approved site plan; and
  4. Continuous maintenance of the site as a whole. When replacement of Trees, Plant material, or other landscape features is required, such replacement shall be accomplished within the shorter of one growing season, one year, or such time-frame required by the Zoning and Planning Director.

## **ARTICLE 9.5 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS**

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### **Sec. 9.5.1 Purpose and Applicability**

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The purpose of these standards is to promote attractive, well-designed, and sustainable Development that is built to human scale and sensitive to the character of the Lowcountry; to promote and protect the appearance, character, and economic value of new Development; to encourage creativity in new Development (as opposed to homogeneity or "look-alike" projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movement and access.

These standards shall apply to all Developments that are subject to Site Plan Review pursuant to Art. 3.7 of this Ordinance.

### **Sec. 9.5.2 Architectural Design Guidelines**

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The intent of the Architectural Design Guidelines is to assure respect for the character, integrity, and quality of the built and natural environments of the county; it is not intended to stifle innovative architecture. The following criteria shall be used in evaluating applications:

- A. **General Design.**
  1. Single, large Building masses shall be avoided. Structures with walls of more than 1,500 square feet should incorporate fascias, canopies, arcades, Building Setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their Street-facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 square feet or less. Properties in Industrial Zoning Districts shall be exempt from these standards, except for any Street-Facing Facade.
  2. All elevations of a Structure shall be in harmony, one with another, in terms of scale, proportion, detail, material, color, and high design quality.



3. The side and rear elevations of Buildings shall be as visually attractive as the front elevation, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design. Properties in Industrial Zoning Districts shall be exempt from these standards.
4. All Structures within a proposed Development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that Buildings must look alike to achieve a harmony of style. Harmony of style can be created through property considerations of scale, proportion, detail, materials, color, site planning, and landscaping.
5. The scale of Buildings and Accessory Structures (including canopies) shall be appropriate to the scale of Structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.
6. Long, monotonous Facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line, shall not be permitted.
7. The architectural design and material finish of Buildings, signage, gasoline pump canopies, and other necessary Structures shall be compatible with one another and with adjacent and surrounding Structures where such Structures are substantially in compliance with these requirements.
8. Structures that are of symbolic design for reasons of advertising shall not be permitted. A symbol or symbols attached to a Building shall not be allowed unless it is secondary in appearance to the Structure and landscape and is an aesthetic asset to the Building and surrounding area.
9. The location and dimension of Wall Signs shall be indicated upon the architectural elevations of proposed Structures and shall maintain compatibility with the architectural features of the Structure.

**B. Building Materials.**

1. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating shall be prohibited as an exterior Building material along any Building elevation visible from public Rights-of-Way.
2. Metal siding shall not cover more than 40 percent of the exterior Building along any Building elevation visible from public Rights-of-Way.
3. Mirrored glass with a reflectance greater than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any Building.
4. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the Building.
5. Any Building exterior elevation shall consist of architectural materials that are equal in quality, appearance, and detail to all other exterior elevations of the same Structure. Nothing in this Section shall preclude the use of different materials on different exterior elevations of the same Structure so long as those materials maintain the architectural unity and integrity of the entire Structure.
6. Shingles, metal standing seam, tile, or other roofing materials with similar appropriate texture and appearance shall be utilized. Flat roofs will not be discouraged where they are appropriate to the design theme of a Structure.

**C. Building Color.**

1. Color shades shall be used to unify the Development.
2. Color combinations of paints shall be complementary. In no case shall garish colors be permitted. In general, no more than three different colors per Building shall be allowed.

**D. Multiple-Building Developments.** Each individual Building within a Development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in Building mass and outdoor spaces, complementary relationships to the Street, similar window and door patterns, and the use of complementary Building materials in terms of color, shades,





and textures. Monotony of identically designed multiple Building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, shadow lines and contrasting shapes may also be used to provide visual interest.

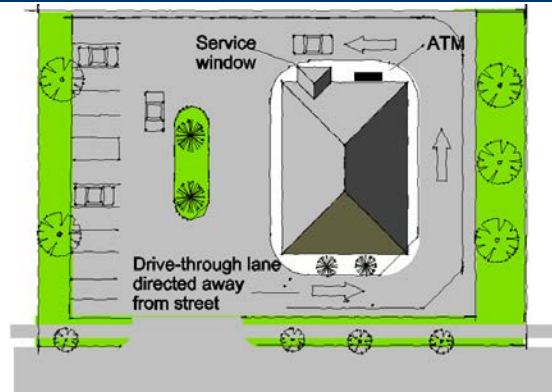
**E. Building Orientation.**

1. Where it is reasonably practical, proposed Buildings shall not impede scenic rural views from the adjacent road, from existing Buildings, or from natural settings.
2. Buildings should be oriented in a manner that minimizes land disturbance and limits impact to the natural features on the site.
3. To the maximum extent feasible, primary Facades and entries should face the adjacent street. Except in Industrial districts, a main entrance shall face the adjacent Street or a connecting walkway with a direct pedestrian connection to the Street limiting crossings through Parking Lots or driveways.
4. Buildings shall be oriented so that loading areas shall not face Residential districts or uses, existing Rights-of-Way, or from planned future Rights-of-Way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial Development if and only if they are screened from view by the use of fencing or Walls which are compatible with the overall architectural scheme of the project.
5. All corner Developments shall have Buildings located close to the corner. The majority of the parking shall be located behind the front-most Facades of the Building.
6. Buildings in all Developments shall address the Street with the majority of the parking to the side and rear.
7. All Buildings shall be sited so that a direct relationship with the primary street is established. The architecture, landscaping, and Building siting must work in concert to create a unified appearance.
8. Buildings shall be sited so that gasoline pump dispensers are located to the side of the Building or located behind the Building(s) so that the Building(s) is between the pumps and the primary Street or Easement Frontage. If located on a Corner Lot, the Building(s) shall be situated in the corner of the Lot at the intersection.
9. The following shall be required for Gasoline Service Stations without convenience stores: A combination of landscaping and architectural Wall at least four feet in height shall be required to screen the gasoline pump dispensers from the Right of Way or Easement.

**F. Mechanical Equipment and Trash Receptacle Screening.** Locations of all mechanical equipment and dumpsters shall be shown on all site plans. All mechanical equipment and trash receptacles shall be shielded and screened from public view, Mechanical equipment shall be shielded with Walls, Fencing, or landscaping that entirely screens the equipment. Dumpsters shall be screened with a minimum six-foot opaque Fence or Wall on all four sides and located toward the side or rear of the Principal Structure.

**G.** All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive-through services shall be located to the side or rear of Buildings. For the purpose of this Section, the side or rear shall mean the area behind a projected line running parallel from the front (Street facing) side(s) of the Structure to the side property lines. This concept is depicted in the graphic below:

**Figure 9.5.2, Drive-through Equipment**



**H. Fencing.**

1. Any proposed Fencing that will be constructed within a Right-of-Way Buffer shall not exceed four feet in height. Chain-link, wire, and barbed wire Fencing are prohibited within Right-of-Way Buffers. An architectural detail and Fence location plan shall be submitted to the Zoning and Planning Director for review and approval for all such Fencing.
2. When 10 or more parking spaces are located between the Right-of-Way and front Façade of a Building, an architectural Wall of at least 30 inches shall be required within the Right-of-Way Buffer to further screen the parking.

**Sec. 9.5.3 Landscaping Design Guidelines**

The purpose and intent of Landscaping Design Guidelines is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize impact to existing drainage patterns, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping shall be used strategically to reduce the amount of stormwater runoff and provide transition between neighboring properties. The following criteria shall be used in evaluating applications:

**A. General Design.**

1. Landscaping within landscape beds that are a minimum of two feet wide shall be required along the foundation of all Buildings, except for points of entry. For Buildings in Industrial Zoning Districts, foundation plantings shall be required only along Facades with Right-of-Way or Easement Frontage. The scale of the proposed landscaping shall be in proportion to the Building.
2. Landscaping does not only include Trees and plantings but also paving, benches, fountains, exterior lighting fixtures, Fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but also for their aesthetic value and must complement the whole.
3. All Utility lines in the suburban areas such as electric, telephone, CATV, or other similar lines serving individual sites as well as all Utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All Utility pad fixtures and meters should be shown on the site plan. The necessity for Utility connections, meter boxes, and the like, should be recognized and integrated with the architectural elements of the site plan.
4. Ease of pedestrian access between proposed Developments and adjacent Developments shall be a required consideration in the Development of a proposed project's site and circulation plans.
5. At least 10 percent of the site shall be undisturbed open space that is either part of, or contiguous with, the perimeter buffer.



**B. Parking/Drives.**

1. Parking areas and driveways shall be constructed with material that is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject. All-weather pervious surfaces shall be utilized wherever possible.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the Building.
3. Drive-through access shall be integrally designed with the Building and not dominate the design. Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), Post Offices or Utilities.

**C. Site Lighting.** Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicular traffic. A lighting plan with photo-metrics showing the entire site and 10 feet over the property line shall be prepared by a lighting specialist and comply with the following criteria:

1. Maximum average foot-candles shall not exceed five-foot candles as depicted on photometric plans with a maximum not to exceed 12 foot candles close to light sources. Maximum foot candles under gasoline canopies and outdoor sales Lots shall not exceed 30 foot candles.
2. All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot candle above the background measured at the Lot Line of any adjoining residential or agricultural Parcel, public Right-of-Way, and OCRM Critical Line Buffer.
3. Lighting shall enhance the overall aesthetics of the site.
4. Security lighting shall be provided, particularly at pedestrian walkways.
5. Lighting shall be integrated with architectural design of the Buildings.
6. Light sources (light bulbs) shall be shielded so that the bulb or diode is not visible and to reflect down onto the ground and not out onto the Streets or neighboring property.
7. Lighting in outdoor seating areas shall be screened from adjacent properties and Rights-of-Way.
8. Any site lighting used as striping or graphically around or on a structure shall be considered a Sign.
9. Site lighting for recreational fields is exempt from the requirements of this Section, except for Sec. 9.5.2.C.2.
10. Low-voltage landscape lighting is exempt from the requirements of this Section.

## **ARTICLE 9.6 TRAFFIC IMPACT STUDIES**

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### **Sec. 9.6.1 Purpose**

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- A. A Traffic Impact Study is a specialized engineering study that evaluates the effects of a proposed Development on the surrounding transportation network.
- B. Review and Decision-Making Bodies use a Traffic Impact Study to evaluate whether a proposed Development is appropriate for a site given its projected impact on the transportation network and the type of transportation improvements necessary to accommodate the Development. A Traffic Impact Study enables Review and Decision-Making Bodies to:
  1. Evaluate the impact of site-generated traffic on the quality of traffic flow within a reasonable distance of the Development site;
  2. Evaluate the impact of site-generated traffic on affected intersections in the vicinity of the Development site;
  3. Evaluate traffic operations and impacts at site access points under projected Peak Hour traffic volumes;
  4. Evaluate the impact of the proposed Development on existing residential Subdivision Streets in the vicinity of the site;



5. Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards; and
6. Ensure the provision of adequate facilities for pedestrians, transit users, and bicyclists.

### **Sec. 9.6.2 General**

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- A. All Traffic Impact Studies shall be signed by a Professional Engineer (PE) registered to work in South Carolina, unless exempted from this requirement by the Public Works Director.
- B. Traffic Impact Studies are required if the proposed Development contains one or more of the following:
  1. 100 or more vehicle trips;
  2. Drive-through service;
  3. More than 6 fuel dispensing units;
  4. More than 10,000 sq ft of existing and/or new nonresidential Development;
  5. Five or more acres;
  6. Restaurants with more than 4,000 square feet of gross Floor Area;
  7. 45 or more Dwelling Units; or
  8. Resource Extraction uses.

A Traffic Impact Study for proposed Developments that do not meet the above requirements may be required, at the discretion of the Zoning and Planning Director.

- C. The completion date of any Traffic Impact Study submitted to satisfy the requirements of this Article shall be no more than six months prior to the date the application is submitted to the County.
- D. Development projects shall not be phased or subdivided in order to avoid the requirement to conduct a Traffic Impact Study. The Zoning and Planning Director may consider two or more Developments represented as separate projects to be a single Development for the purposes of Traffic Impact Study. This determination shall consider the following factors, which may indicate a common Development effort:
  1. Unified ownership or common management of the projects;
  2. Voluntarily shared infrastructure, or infrastructure that is specifically designed to accommodate both Developments;
  3. A reasonable closeness in time between the construction of one development and the submission to the County of an application for a subsequent Development;
  4. A common advertising scheme or promotional plan for the projects; and/or
  5. Any information provided by the Applicants indicating the Development projects are being phased or subdivided to avoid the requirements of this Article.
- E. Each study shall reflect the cumulative impacts of the Development, including all existing and planned/future land uses located on both unincorporated and incorporated properties in the study area.
- F. When a Traffic Impact Study is required, the type and scope of the study shall be determined by the Directors of the Zoning and Planning and Public Works Departments. The Traffic Impact Study elements shall include, but not be limited to:
  1. *Type of Study.* The possible types of report letter reports, full traffic impact analysis reports, and/or special report (e.g., sight distance survey).
  2. *Study Scope/Definition of Impact Area.* The points of access and key streets and intersections that may be affected by development of the subject tract; traffic recorder and turning movement assessment locations; etc.



3. *Period of Study.* Daily traffic, a.m., p.m. or weekend peak hour, etc.
  4. *Study Scenarios.* Existing conditions; opening year conditions with and without development, and 10 years after opening with and without development; Level of Service/Delay Analysis; Arterial Analysis; existing and planned/future land uses and developments on both incorporated and unincorporated properties; etc.
  5. *Process.* Process for determining trip generation and distribution including, but not limited to: trip generation category, diversion assumptions, and distribution assumptions.
  6. *Growth Rate Assumption.* The rate of growth assumed in background traffic assumptions.
  7. *Pipeline Development.* Developments on both incorporated and unincorporated properties in the impact area that have been approved or are under review.
  8. All Traffic Impact Studies shall include an affidavit stating coordination with the SCDOT office, County Public Works Department, and applicable municipalities. Form of affidavit to be provided by the County.
- G. The Directors of the Zoning & Planning, and Public Works Departments may require that a mutually agreed upon independent consultant be hired by the County to perform required Traffic Impact Studies or to review all or part of a study prepared by the Applicant's consultants. The Directors of the Planning and Public Works Departments are authorized to administer the contracts for such consultants.
1. The Directors of the Zoning and Planning and Public Works Departments shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
  2. The Applicant shall provide an amount equal to the estimate to the Public Works Director who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the Applicant in a timely manner without interest.
  3. The Directors of the Planning and Public Works Departments may require additional fees for the independent review if the actual cost of the review is more than the estimate/amount deposited by the Applicant, and/or if:
    - a. The Decision-Making Body expands the scope of the required review;
    - b. The Applicant substantially amends the application;
    - c. The application fails to fully describe all anticipated traffic impacts associated with the project;
    - d. Additional meetings involving the consultants are requested by the Applicant;
    - e. The consultant's appearance is requested at Planning Commission or County Council meetings beyond what was initially assumed in the initial estimate; and/or
    - f. The consultant's attendance is required at meetings with regional, state, or federal agencies or boards that were not assumed in the initial estimate.

### **Sec. 9.6.3 Requirements**

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A Traffic Impact Studies shall be signed by a Professional Engineer (PE) registered to work in South Carolina, unless exempted from this requirement by the Public Works Director. Traffic Impact Studies shall include the following elements:

- A. All Traffic Impact Studies shall include an affidavit stating coordination with the SCDOT office, County Public Works Department, and applicable municipalities. Form of affidavit to be provided by the County.
- B. All Traffic Impact Studies for proposed Developments within the Urban/Suburban Area, as defined in the Charleston County Comprehensive Plan, shall assess alternative modes of transportation and provide a Letter of Coordination from CARTA.



**C. Existing Condition Survey.**

1. *Street System Description.* The Street system shall be described including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and Curb Cuts.
2. *Traffic Volumes.* Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and "Design" peak hour volumes. AADT may be derived from current counts of the South Carolina Department of Transportation (if available) and peak hour volumes shall be done from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.
3. *Capacity Analysis.* Existing capacity of signalized and unsignalized intersections.
4. *Other.* Other items may be required at the discretion of the Zoning and Planning and/or Public Works Directors depending upon the type and scale of the project. These may include, but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

**D. Future without Development.** Capacity analysis is to be provided for opening year and plus ten-year for key intersections (and Roadway segments where appropriate) without the Development but including any planned/future Developments on both incorporated and unincorporated properties. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Zoning and Planning and/or Public Works Directors.

**E. Future with Development.**

1. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers Trip Generation manual unless the Zoning and Planning and/or Public Works Directors determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from the Institute of Transportation Engineers.
2. The projected trips shall be distributed onto the Road network.
3. Capacity analysis for opening year and plus ten-year for key intersections (and Roadway segments where appropriate).
4. Level of Service/delay analysis for intersections and an arterial analysis shall be provided.
5. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, Curb Cut locations, or similar requirements.
6. An evaluation/comparison of the no build condition to the proposed Development condition including mitigation of additional traffic shall also be provided to maintain or improve the existing Level of Service at intersections and corridors within the study area.

**F. Mitigation Plan.** Where the analysis indicates that the proposed Development will create deficiencies in the impact area, the study shall recommend mitigating improvements, including cost estimates.

1. The primary objectives of mitigation are to:
  - a. Reduce the impact of increased traffic resulting from the proposed Development on the Road network;
  - b. Maintain the line of sight at adjacent intersections;
  - c. Install traffic signals at intersections if warranted; and
  - d. Address safety concerns.



2. The Developer is responsible for funding and constructing the recommended improvements attributable to the proposed Development. A mitigation plan may propose a cost-sharing agreement with other parties responsible in part for traffic impacts or agencies undertaking Roadway improvement projects included in the Traffic Impact Analysis
3. The design and construction of improvements shall be in accordance with specifications of the Zoning and Planning and/or Public Works Directors and, where appropriate, the South Carolina Department of Transportation.
4. Where a Review or Decision-Making Body determines that a mitigation plan does not adequately to address the traffic impacts of the project, this may serve as a basis for denial of the Site Plan, preliminary Plat, final Plat, or Planned Development District zoning map amendment request. The Decision-Making Body shall provide to the Applicant, in writing, the reasons for its determination.

#### **Sec. 9.6.4 Updates to Approved Traffic Impact Studies**

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- A. The Director of the Zoning and Planning Department or Public Works Department may require updates to a previously approved Traffic Impact Study when:
  1. Construction of the proposed Development does not commence within two years of the date of the Traffic Impact Study;
  2. The proposed Development is not completed within the timeframe specified in the Traffic Impact Study; or
  3. The Applicant proposes changes in land use or the scale of Development.
- B. Updates to a previously approved Traffic Impact Study shall follow the same procedures specified in this Article for a new study.

### **ARTICLE 9.7 VISION CLEARANCE AND SIGHT DISTANCE VISIBILITY**

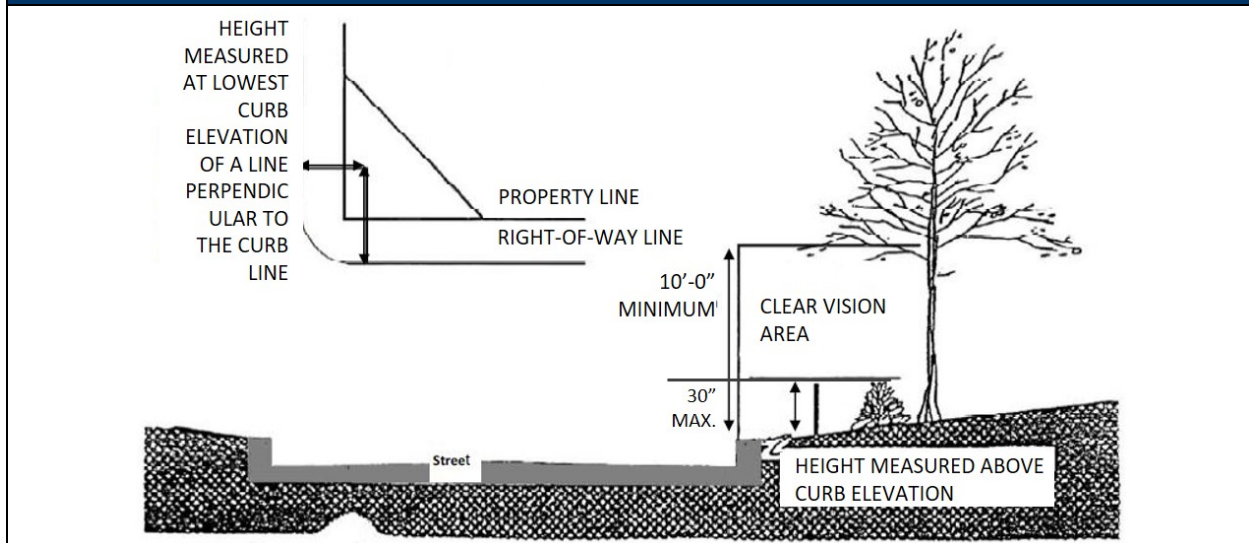
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#### **Sec. 9.7.1 Major Roadways**

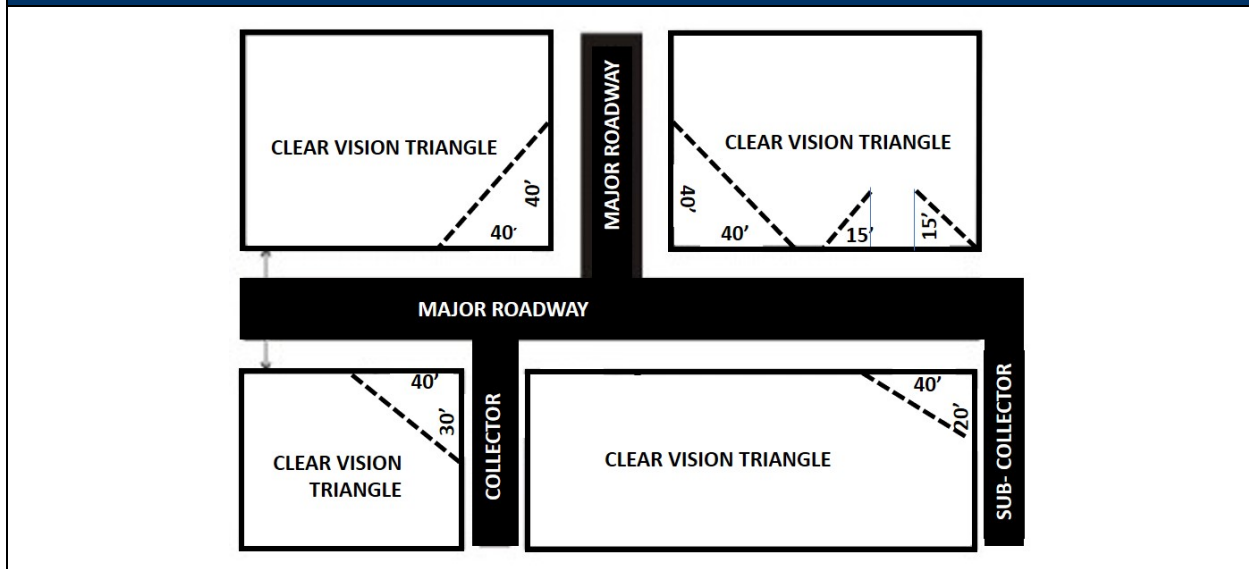
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Corner Lots on major Roadways shall have no Structure or obstruction that obscures travel vision from a height of 30 inches to 10 feet above ground level within a triangular area formed by measuring from the point of intersection of the front and side Lot Lines a distance of 40 feet along the Lot Lines and connecting the points to form a triangle.

**Figure 9.7.1-1**  
**Clear Vision Area**



**Figure 9.7.1-2**  
**Clear Vision Triangle**



### Sec. 9.7.2 Collector Streets

On collector streets, the triangular area formed by measuring from the point of intersection of the front and side Lot Lines is 30 feet. At the intersection of a Collector Street and Major Roadway, the distance along the Lot Line of the Major Roadway is 40 feet. (see Figure 9.7.1-2, *Clear Vision Triangle*).





### Sec. 9.7.3 Sub-Collector Streets

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On sub-collector Streets, the triangular area formed by measuring from the point of intersection of the front and side Lot Lines is 20 feet. At the intersection of a Collector Street or Major Roadway and a Sub-Collector Street, the distances along the Lot Line of the Collector Street and Major Roadway are 20 and 30 feet, respectively. (see Figure 9.7.1-2, *Clear Vision Triangle*).

### Sec. 9.7.4 Private Drives and Private Lanes

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On private driveways of commercial and industrial districts, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet. At the intersection of a sub-collector or Collector Street or a Major Roadway and a private drive or lane, the distances along the Lot Line of the Sub-Collector and Collector Streets and Major Roadway are 20, 30, and 40 feet, respectively. (see Figure 9.7.1-2, *Clear Vision Triangle*).

### Sec. 9.7.5 Sight Distance Visibility

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Sight distance visibility at all exits and/or intersections must meet required sight distance visibility as outlined in the SCDOT Access and Roadside Management Standards Manual (ARMS). Exceptions to these requirements must be justified by a licensed professional engineer and must be approved by the Director of the Zoning and Planning Department and Director of the Public Works Department.

## ARTICLE 9.8 SIGNS

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### Sec. 9.8.1 General Provisions

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#### A. Purpose and Findings.

1. The standards set forth in this Article seek to safeguard life, health, property, general welfare, and traffic safety.
2. The intent is to permit Signs that are of quality design and are appropriate in size, material, and illumination for the location in which they are being placed.
3. This Article seeks to enhance the visual environment of the County by discouraging Signs that contribute to visual clutter, such as Off-Premises Signs, oversized Signs, excessive Temporary Signs, flutter Flags, air dancers, and Sign types prohibited by this Article.

#### B. Administration and Enforcement.

1. *Building and Electrical Code Standards.* All permanent Signs must meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electrical Code as enforced by the Charleston County Building Inspection Services.
2. *Permit Required.* No Sign shall be erected unless the Zoning and Planning Director issues a Zoning Permit in accordance with the procedures of this Ordinance, except those exempt from these provisions pursuant to Sec. 9.8.3, *Special Signs*, and Sec. 9.8.4, *Temporary Signs*.
3. *Purpose of Permitting.* All permitting and approval processes required by this Article are intended to ensure compliance with this Article and various safety codes, as well as to prevent the loss of time, effort, materials, and investment that might otherwise be invested in an unpermitted Sign.
4. *Documentation of Signs.* Upon request, the owner of any existing Sign shall provide the Charleston County Zoning and Planning Director with evidence that documents the size, location, date of construction, and permitting of all Signs existing on the premises.
5. Approval of architectural design documents, recorded deed exhibits, or recorded Plats that include Signs on any portion of the Structure and/or premises do not constitute Zoning Permits for or zoning approval of Signs; a separate Zoning Permit must be issued for each Sign.



- C. **Prohibited Signs.** Except as otherwise permitted by this Ordinance, the following Sign types shall be prohibited:
1. Flashing Signs;
  2. Animated Signs;
  3. Signs Imitating Traffic Devices (Signal);
  4. Signs Imitating Traffic Signs;
  5. Signs Imitating Emergency Services;
  6. Signs in Marshes;
  7. Signs in Rights-of-Way;
  8. Snipe Signs;
  9. Signs Parked on Vehicles;
    - a. Signs placed on, painted on, or affixed to vehicles and/or trailers or other conveyances that are parked on a public Right-of-Way, or on private property so as to be visible from a public Right-of-Way, and where the apparent purpose is to advertise a product or business, or direct people to a business or activity located on the same or nearby property. Such factors as amount of time parked in one location, vehicle registration, location of parked vehicle in relation to availability of alternative parking spaces on-site and the like may be utilized in making this determination.
    - b. This does not prohibit identification signs painted on or affixed to vehicles and trailers, such as small lettering on motor vehicles, where the Sign is incidental to the primary use of the vehicle or trailer.
  10. Roof Signs; and
  11. Off-Premises Signs (except Billboards, Shared Signs, and Bona Fide Agricultural Use Signs as defined by this Ordinance).
- D. **Address Numbers.** The County finds that legible address numbers are needed to facilitate the provision of emergency services. All permanent, Freestanding, On-Premises Signs shall contain address numbers that are at least four inches in height and are reflective. The area devoted to required address numbers is not included in the calculation of maximum Sign area.
- E. **Illumination.** All lighted On-Premises Signs shall comply with all dimensional standards set forth in this Ordinance and the following requirements:
1. Signs may be illuminated externally or internally, except as otherwise stated in this Ordinance.
  2. Light sources to illuminate Signs, with the exception of Neon Signs, shall not be visible from any street Right-of-Way or adjacent property.
  3. No illumination-simulating traffic control devices or emergency services shall be allowed.
  4. All Sign illumination must be from a steady, stationary light source that is directed solely at the Sign. No blinking, flashing, or fluttering lights or other illuminating device that have a changing light intensity, brightness, or color shall be used.
  5. Internally illuminated Signs are subject to the following requirements:
    - a. Illumination must be static in intensity and color;
    - b. Internally illuminated Signs must be constructed with opaque backgrounds so that only letters, numbers, and/or logos are illuminated;
    - c. Signs shall not have light-reflecting or mirrored backgrounds or letters; and
    - d. All finishes shall be non-reflective.
  6. Externally illuminated Signs are subject to the following requirements:



- a. With the exception of electronic Readerboards, the source of the light must be concealed by opaque or semi-transparent covers or recessed within the lighting fixture, so that the bulb or source of the light is not visible; and
  - b. Illumination sources shall be shielded and illuminated Signs shall not be visible from any street Right-of-Way, or cause glare that distracts pedestrians or vehicle drivers, or located/installed so as to create a nuisance for adjacent properties.
- F. **Signs in Disrepair.** Signs in disrepair, as determined by the Zoning and Planning Director, shall be repaired pursuant to the requirements of this Ordinance. Zoning and Building Permits for all repair or renovation work shall be obtained prior to conducting the work. Otherwise, such Signs shall be removed from the premises within 60 days following notice by the Zoning and Planning Director.
- G. **Abandoned Signs.** The Zoning and Planning Director shall give notice to the property owner of record who shall have 30 days to remove the Sign. If the Property Owner does not remove the Sign within 30 days of notification, the County may initiate an enforcement action pursuant to Chapter 11, *Violations, Penalties, and Enforcement*, of this Ordinance. This provision applies to all Abandoned Signs, including those abandoned before April 21, 1999.
- H. **Signs Interfering with Vehicular Vision.**
1. No Sign shall obscure the travel vision from 30 inches to ten feet above ground level in triangular areas formed by measuring from the point of intersection of any Front Lot Line and driveway, a distance of 15 feet along the Front Lot Line and driveway and connecting the points to form a triangle.
  2. No Sign or Structure shall be erected so as to interfere with the vision of vehicles operated along any highway, Street, Road, or driveway, or at any intersection of any Street, highway, or Road with a railroad track. Signs determined by the Zoning and Planning Director to be in violation shall be removed immediately upon notice.
  3. Signs shall also comply with the site triangle standards, as illustrated in CHAPTER 9, *Development Standards*.
- I. Any Sign that does not meet the requirements described in this Article, unless expressly exempt, shall constitute a violation and the provisions of Chapter 11, *Violations, Penalties, and Enforcement*, shall apply.

## Sec. 9.8.2 Freestanding Signs

### A. Freestanding On-Premises Sign Dimensional Standards.

TABLE 9.8.2 FREESTANDING ON-PREMISES SIGNS				
ZONING DISTRICT				
Requirement [1]	Agricultural [2]	Residential [2]	Non-Residential [2]	
Maximum Area	10 (32 with Special Exception) sq. ft.	10 sq. ft.	Bldg. Size (sq. ft.) 0 sq. ft. to 2,499 sq. ft. 2,500 sq. ft. to 24,999 sq. ft. 25,000 sq. ft. to 99,999 sq. ft. 100,000 sq. ft. +	Sign Size = 50 sq. ft. = 100 sq. ft. = 150 sq. ft. = 200 sq. ft.
Maximum Height	12 ft.	6 ft.	20 ft. OR Districts: 6 ft.	
Minimum Height	None	None	None	
Maximum Width (height of sign with face)	N/A	5 ft.	Ratio—Longest side: Shortest side 5:1 (ft.)	
Maximum Length	N/A	5 ft.	Ratio—Longest side: Shortest side 5:1(ft.)	
Setbacks (Front/Int)	5/5 (ft.)	5/5 (ft.)	5/5 (ft.)	



**TABLE 9.8.2 FREESTANDING ON-PREMISES SIGNS**

ZONING DISTRICT			
Requirement [1]	Agricultural [2]	Residential [2]	Non-Residential [2]
<b>Max. No. Sign Faces</b>	2 per Sign	2 per Sign	2 per Sign
<b>Max. No. Signs</b>	2 per Major Road Frontage	1 per Major Road Frontage	1 per Major Road Frontage
<p>[1]Sign regulations for properties located in overlay districts can be found in Chapter 5, Overlay and Special Purpose Zoning Districts. Sign regulations for properties located in overlay districts can be found in Chapter 5, <i>Overlay and Special Purpose Zoning Districts</i>.</p> <p>[2]For Civic/Institutional Uses, Maximum Area 32 sq. ft. in Agricultural and Residential Districts and 100 sq. ft. in all other Zoning Districts.</p>			

1. All Pole-Mounted Signs shall have a Pole Cover.
2. The predominant exterior Sign materials used for Free-Standing Signs shall complement those found on the principal structure, as reviewed and approved through the Site Plan Review process. Materials, design, and color of the Sign shall be the same or similar to those found on the Principal Structure.
3. Signs that are located in Parking Lots, such as Directional Signs, may be internally lit when constructed with routed letters or an opaque background.
4. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for Sign construction and meet all the requirements of this Ordinance.

**B. Shared Freestanding Signs.**

1. Off-premises shared Freestanding Signs are allowed in the Commercial and Industrial Zoning Districts for two or more businesses or residential Developments located on separate Parcels.
2. One Shared Sign is allowed at the location of a jointly shared Curb Cut/entry drive.
3. Multiple users may display copy on multiple shared Signs; however, a user that participates on a shared Freestanding Sign shall not be allowed to erect a single tenant on-premise Freestanding Sign.
4. Participating users must either share a property boundary on at least one side or be part of an approved multi-Parcel Development.
5. The size of a shared Sign face may be one and a half times the size allowed by the accumulated Building square footages of the Structures on the same Lot. Shared Freestanding Signs must meet all other Setback and dimensional standards for Non-Residential Freestanding Signs, including all architectural standards and Overlay District requirements of this Ordinance.

**Sec. 9.8.3 Special Signs**

**TABLE 9.8.3 SPECIAL SIGNS**

Type	Maximum Area per Sign	Maximum Number	Maximum Height	Minimum Setback
Subdivision/Multi-Family I.D. Signs	32 square feet	Two per entrance	12 feet	Five feet
Directional	Three square feet	Unlimited	Four feet [1]	N/A
Flags	60 square feet	Three per Zoning Lot	35 ft. or 15 ft. above highest point of roof	N/A
Sandwich Board/Sidewalk Signs	Nine square feet	Two per established business	Three feet	N/A



TABLE 9.8.3 SPECIAL SIGNS

Type	Maximum Area per Sign	Maximum Number	Maximum Height	Minimum Setback
[1] If attached to a Wall, the Sign height is limited to the first Story of a Structure.				

Maximum size, number, location and height of Special Signs shall conform with Table 9.8.3.A, *Special Signs*, and the following standards:

**A. Flags Used As Signs.**

1. A permit shall be required for the installation of all flagpoles.
2. Applicants must submit with the permit application a scaled site plan giving the location of all flag poles and complete dimensional and installation engineering data.
3. Applicants must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper Utility prior to issuance of permit or installation of flagpole.
4. The American Flag and the Flag of the State of South Carolina are exempt from the provisions for maximum size of Flags and maximum size of flagpoles in Table 9.8.3, *Special Signs*, of this Chapter.

**B. Sandwich Boards/Sidewalk Signs.** A permit may be issued for up to two Sandwich Board Signs per business if:

1. The Sign is located on the property where the business is located.
2. The business is not a home occupation.
3. The Sign is erected only during the hours of operation of the subject business and must be removed daily after close of business.
4. The Sign is not located within any Rights-of-Way or within any pedestrian ways, in a way that would impede or interfere with vehicular or pedestrian use of roads, sidewalks, or seating areas.

**C. Off-Premises Bona Fide Agricultural Use Signs.** Off-Premises Signs advertising products from Bona Fide Agricultural uses, related activities and farm identification may be permitted on properties located in Agricultural or Commercial Zoning Districts, subject to the following requirements:

1. A maximum of one Off-Premises Sign is permitted per Bona Fide Agricultural use;
2. The Applicant shall submit a plan drawn to scale showing the proposed location of the Sign on the property on which the sign is to be placed;
3. The Sign shall comply with the Setback and dimensional requirements of Table 9.8.2. *Freestanding On-Premises Signs*, of this Ordinance. The applicable requirements of Table 9.8.2, *Freestanding On-Premises Signs*, shall be determined based on the Zoning District of the property where the Sign is to be located;
4. The Sign shall be located outside of any Rights-of-Way and Easements, shall comply with the requirements of Article 9.7, *Vision Clearance and Sight Distance Requirements*, of this Ordinance, and shall not be internally or externally illuminated;
5. The Applicant shall submit a signed letter of intent and supporting documentation indicating that the primary use of the property being advertised is a Bona Fide Agricultural use as defined in this Ordinance and that the products and events advertised are grown, produced, and/or will occur on the Bona Fide Agricultural use property; and
6. The Applicant shall submit a signed letter of agreement from the Property Owner of the Parcel on which the Sign is to be located stating that the Property Owner will allow the sign to be erected at the location indicated on the site plan;
7. The Sign shall comply with all other applicable sections of this Ordinance; and
8. Off-Premises Bona Fide Agricultural Use Sign Permits shall be assigned to the property on which the sign is to be located.



- D. Menu boards that are constructed as part of a drive-thru service and instructional kiosks that are constructed as part of a self-service use are not deemed to be Freestanding Signs, and shall be designed to be viewed at a pedestrian-scale.
- E. **Readerboard Signs.**
1. An Electronic Copy Readerboard may be permitted as part of a Freestanding or Wall Sign, provided that documentation has been submitted demonstrating that it complies with all applicable sections of this Ordinance and the following standards:
    - a. The Sign is within the Urban/Suburban Area of the County, as defined by the Urban Growth Boundary (UGB), and is located on a Parcel that:
      - i. Is zoned Community Commercial (CC) or Industrial (IN) and is adjacent to (shares side property boundaries) one or more Parcels in the Community Commercial (CC) or Industrial (IN) Zoning District; or
      - ii. Contains a legally established Civic/Institutional Use as its principal use. If the Parcel shares one or more side property boundaries with Parcels that are zoned Low-Density Residential 4 (R-4), or Special Management 3 (S-3), or that contain Single-Family Detached Dwelling Units, the proposed Electronic Copy Readerboard shall comply with the Special Exception procedures contained in this Ordinance and all other requirements of this Ordinance.
      - iii. The Sign is not located within any of the Overlay or Special Purpose Districts as described in Chapter 5, *Overlay and Special Purpose Zoning Districts*, of this Ordinance.
    - b. The Electronic Copy Readerboard will exhibit low intensity lighting and low intensity, night dimming red or amber text (no graphics) on a black background and the text will not scroll, fade, or move except on and off.
    - c. The copy will not change at intervals less than eight seconds on Electronic Copy Readerboard signs that front on roads with a speed limit of 45 mph or greater and 15 seconds on roads with a speed limit less than 45 mph. On Corner and Double-Frontage Lots, the minimum time interval is based upon the speed limit of the road where the primary access to the property is located.
    - d. The Readerboard must constitute no more than 25 percent of the overall allowable Sign area as defined by Table 9.8.5, *Wall/Facade Signs*.
    - e. Electronic copy Readerboard Freestanding Signs are subject to the following conditions:
      - i. The Sign must be Monument style, maximum 10 feet in height and the Electronic Copy Readerboard must constitute no more than 25% of the overall allowable Sign area as defined by Table 9.8.2, *Freestanding On-Premises Signs*.
      - ii. A maximum of one Readerboard (two-sided) is allowed per Lot for single or multi-tenant structures containing office, commercial, or industrial uses, if attached to permanent Freestanding Signs. The area of the Readerboard is included in the site's total Sign area allowance.
  2. Manual Readerboard Signs are subject to the following conditions:
    - a. The Readerboard must constitute no more than 50 percent of the overall allowable Sign area as defined by Table 9.8.5, *Wall/Facade Signs*.
    - b. The Sign must be Monument style; maximum 10 feet in height and the Readerboard must constitute no more than 50 percent of the overall allowable Sign area as defined by Table 9.8.2, *Freestanding On-Premises Signs*.



### Sec. 9.8.4 Temporary Signs

All Temporary Signs, unless expressly exempt, require a Zoning Permit and shall comply with all other regulations of this Ordinance. Maximum size, number, duration, location, and height of temporary signs shall conform with Table 9.8.4, Temporary Signs, and the following standards:

TABLE 9.8.4 TEMPORARY SIGNS				
Type	Maximum Size	Maximum Number	Maximum Height	Minimum Setback
Real Estate and Project Signs	48 square feet	One per 1500 ft. frontage Maximum: Three per Lot	12 feet Six feet in Residential Zoning Districts	Five feet
Grand Opening and Special Sales Event Signs	50 square feet	Two per Lot including Wind-Blown Signs and Gas-Filled Signs [1]	20 feet	Five feet
Permitted Temporary Special Event Signs	100 sq. ft. 50 sq. ft. in Residential and Agricultural Zoning Districts and no internal illumination	One per Lot	12 feet Six feet in Residential Zoning Districts	Five feet

[1] No maximum number for balloons (max. 3 sq. ft.) and streamers.

- A. Portable signs are permitted in accordance with standards of the National Electrical Code and anchoring provisions of the International Building Code, where applicable.
- B. A site plan and letter of intent indicating the type, amount, and location of the Temporary Sign(s) must be submitted for review.
- C. Signs Subject to Additional Regulations.
  - 1. *Special Sales Event Signs.*
    - a. A legally established business may submit an application for temporary Signs for the advertisement of one Grand Opening and five Special Sales Events per calendar year.
    - b. Permitted date range will be reflected on the Zoning Permit
    - c. Permitted Signs for Grand Openings or Special Sales Events shall be removed no later than 10 consecutive days after being installed.
  - 2. *Permitted Temporary Special Events.*
    - a. A permitted Special Event is allowed one Special Event Sign per event.
    - b. Permitted date range will be reflected on the Zoning Permit.
    - c. Signs for permitted Special Events shall be removed no later than 10 consecutive days after being installed.
  - 3. *Real Estate Signs and Project Signs.*
    - a. Signs 32 square feet or less do not require a Zoning Permit.
    - b. Project Signs shall not be erected prior to issuance of a Building Permit.
    - c. All Signs shall be removed no later than 15 days after the property is sold or the project is completed.
    - d. Signs shall face a maximum of two directions and may be mounted back-to-back or V'ed.



- i. Where Signs are V'ed, the space between panels shall not exceed 3 feet at the point at which panels are closest, and the interior angle formed by Signs shall not exceed 60 degrees. For purposes of these requirements, V'ed Signs shall be counted as one Sign.
      - ii. Where Signs face two directions, whether back-to-back or V'ed, both Signs must be the same standard size.
4. *Political Signs.*
  - a. A Zoning Permit shall be required for temporary political Signs greater than 32 square feet in size. Signs greater than 32 square feet shall be treated as permanent Free-Standing Signs, subject to Sec. 9.8.2, *Free-Standing Signs*, along with applicable County Building Code regulations to ensure that the Signs are adequately designed to be safe and meet current wind load standards to mitigate potential danger to the public.
  - b. All Signs shall:
    - i. Comply with the Sec. 9.8.1.H, *Signs Interfering with Vehicular Vision*;
    - ii. Not interfere with the effectiveness of an official traffic sign, signal, or device; not obstruct or interfere with drivers' views of approaching, merging, or intersecting traffic; and
    - iii. Not create any other public safety hazards.
  - c. Political signs that are not in compliance with this Section will be subject to enforcement measures, as stated in Chapter 11, *Violations, Penalties, and Enforcement*, of this Ordinance and as allowed by Section 7-25-210 of the S.C. Code of Laws. Additionally, the Property Owner, along with the candidate, political party, and/or political organization explicitly listed on a Sign, will be designated as the Sign owners or the responsible parties for the purpose of enforcement action.
5. *Campaign Signs.*
  - a. A Zoning Permit shall not be required for campaign signs 32 square feet or less in size. Signs greater than 32 square feet shall be treated as permanent Freestanding Signs, subject to Sec. 9.8.2, *Freestanding Signs*, along with applicable County Building Code regulations to ensure that the Signs are adequately designed to be safe and meet current wind load standards to mitigate potential danger to the public.
  - b. Campaign signs shall only be posted 45 calendar days prior to a legally scheduled election and must be removed within 15 calendar days after a legally scheduled election.
  - c. All Signs shall:
    - i. Comply with the Sec. 9.8.1.H, *Signs Interfering with Vehicular Vision*;
    - ii. Not interfere with the effectiveness of an official traffic sign, signal, or device; not obstruct or interfere with drivers' views of approaching, merging, or intersecting traffic; and
    - iii. Not create any other public safety hazards.
  - d. Campaign signs that are not in compliance with this Section will be subject to enforcement measures, as stated in Chapter 11, *Violations, Penalties, and Enforcement*, of this Ordinance and as allowed by Section 7-25-210 of the S.C. Code of Laws. Additionally, the Property Owner, along with the candidate, political party, and/or political organization explicitly listed on a Sign, will be designated as the Sign owners or the responsible parties for the purpose of enforcement action.
6. Public notice Signs erected by public agencies are exempt from the regulations of this Article.
7. *Nonconforming Signs.* Refer to Chapter 10, *Nonconformities*, of this Ordinance.





## Sec. 9.8.5 Wall/Facade Signs

### A. General.

1. Wall Signs may be painted on, attached to, or pinned away from the Wall but must not project from the Wall by more than 12 inches.
2. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for Sign construction and meet all the requirements of this Ordinance.
3. The maximum size of the Sign shall be based on one of the frontage facades.
4. The Building Setback from the Street is measured from the property line to the closest point of the Wall/Facade.
5. *Service Stations, Gasoline.*
  - a. The maximum size of the Sign shall not be based on the fueling station canopy.
  - b. Signs under the fueling station canopy are not permitted, with the exception of Directional Signs.

### B. Awning Signs.

- a. The display of copy on awnings is considered a Wall Sign. The awning Sign must meet all dimensional and intensity standards applicable to Wall Signs in this Article.
- b. For purposes of the subsection, the display of copy on an Awning Sign must be located above a display window or entryway.
- c. Text or graphic shall be limited to the face of an awning.

- C. **Single-Tenant Structures.** A maximum of two Signs shall be allowed per Wall/Facade, with a maximum of four per Structure for single-tenant Buildings. The cumulative area of all Signs shall not exceed the square footage of Table 9.8.4, *Wall/Façade Signs*.

TABLE 9.8.5 WALL/FACADE SIGNS		
Single-Tenant Structures		
Building Length Facing Street	Building Setback	Maximum Size (square feet)
50 feet or less	0—99 ft.	50
	100—399 ft.	100
	400 or more ft.	150
More than 50 feet	0—99 ft.	Bldg. Frontage x 1
	100—399 ft.	Bldg. Frontage x 2
	400 or more ft.	Bldg. Frontage x 3

### D. Multi-Tenant Structures.

1. For multi-tenant structures, including Shopping Centers and Retail Centers, each individual unit will be permitted one square foot of Wall signage per each linear foot of unit Frontage, up to a maximum of 100 square feet per Sign.
2. Two Wall Signs are allowed per established business, with the total of all Signs not exceeding the square footage of Sec. 9.8.5.C.1.



## Sec. 9.8.6 Billboards

- A. **Industry Standards.** All Billboards shall be constructed in compliance with Industry Standards.
- B. **Location and Setbacks.** Billboards shall be allowed in those Zoning Districts indicated in CHAPTER 6, *Use Regulations*.

TABLE 9.8.6 BILLBOARDS	
Maximum Length	48 ft.
Maximum Width	14 ft.
Maximum Area	672 sq. ft.
Maximum Height	40 ft.
Minimum Setback ( <i>from property boundary and above ground utility</i> )	25/20 ft.
Location Criteria	
Minimum distance to nearest Billboard	1,000 ft.
Minimum distance to nearest On-Premises Sign ( <i>excluding Signs located on the subject parcel</i> )	500 ft.

- C. **Orientation.**
  1. Signs shall face a maximum of two directions and may be mounted back to back or V'ed.
  2. Where Signs are V'ed, the space between panels shall not exceed three feet at the point at which panels are closest, and the interior angle formed by Signs shall not exceed 60 degrees.
- D. **Compatible Size Signs.** Where Signs face two directions, whether back to back or V'ed, both Signs must be the same standard size.
- E. **Nonconforming Signs.** Refer to Chapter 10, *Nonconformities*.
- F. **Digital or Electronic Billboards.** Digital or Electronic Billboards are permitted in the Industrial Zoning Districts, provided that documentation of compliance with all applicable sections of this Ordinance and documentation that the billboard complies with the following standards are submitted:
  1. No use of location tracking, data collection, or geofencing of any type may be associated with the Digital or Electronic Billboard;
  2. All messages, images or displays on a digital or electronically changing billboard shall remain unchanged for a minimum of eight seconds;
  3. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, scrolling, movement of flow of the message, image or display;
  4. The Digital or Electronic Billboard shall comply with Sec. 9.9.1.E, *Illumination*; and
  5. Proof of approval of the Digital or Electronic Billboard by the South Carolina Department of Transportation (SCDOT).

## ARTICLE 9.9 DRAINAGE DESIGN



Compliance with the most current version of the Charleston County Stormwater Program Permitting Standards and Procedures Manual is required. The requirements of this Ordinance do not supersede any stormwater requirements detailed in the most current version of the Charleston County Stormwater Program Permitting Standards and Procedures Manual.

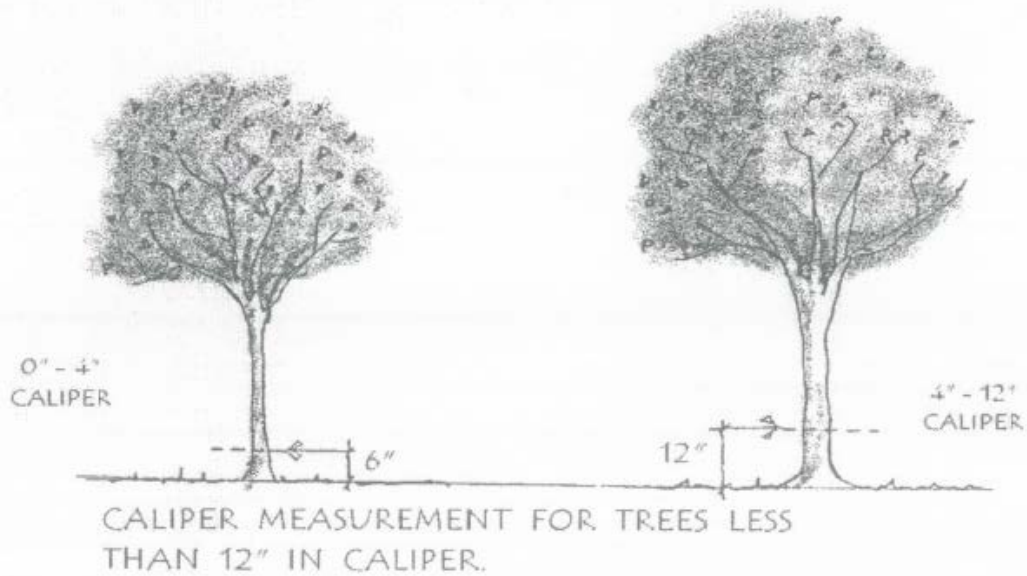
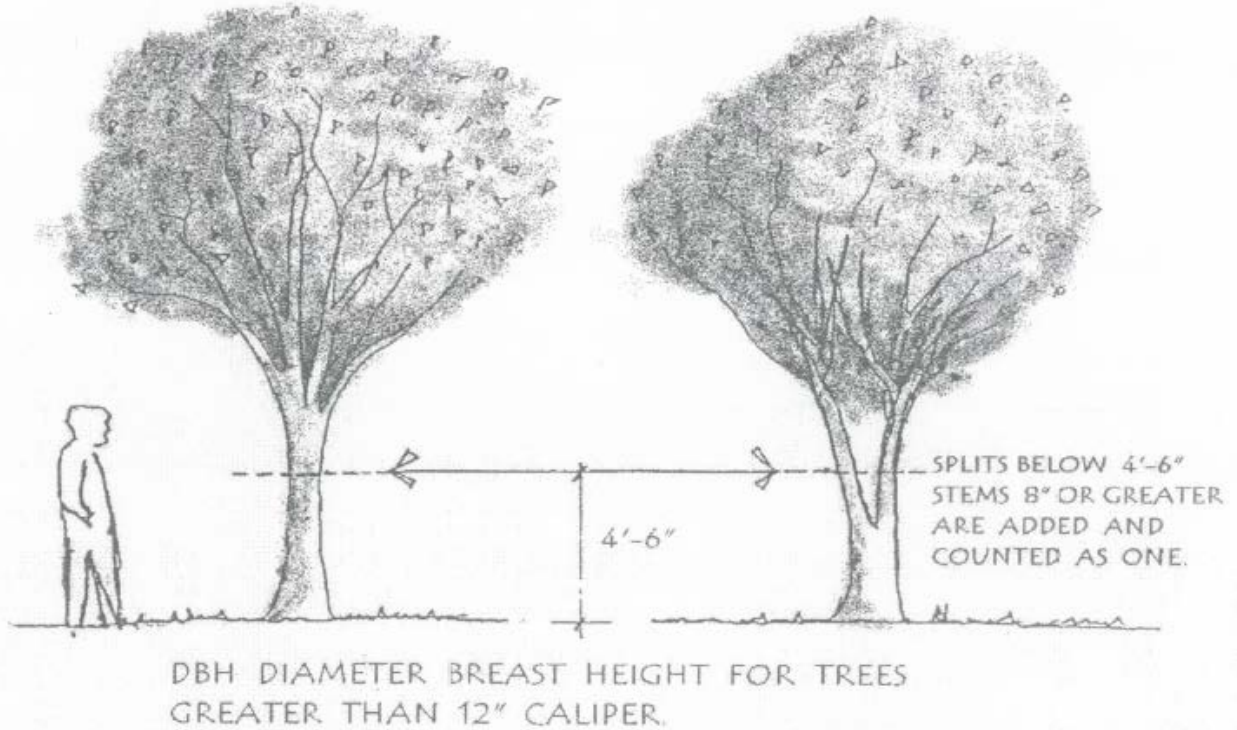
## CHAPTER 9 EXHIBITS

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**Note: The following exhibits are for illustration purposes only. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.**

- 9.E.1 Tree Measurement Methods.
- 9.E.2 Tree Protection Options.
- 9.E.3 Tree Canopy and Tree Trunk Scaled Graphic.
- 9.E.4 Tree Dripline.
- 9.E.5 Excavation within Dripline.
- 9.E.6 Trenching Methods for Utility Lines.
- 9.E.7 Pavement Methods under Dripline.
- 9.E.8 Tree Protection from Fill.
- 9.E.9 Landscape Buffers.
- 9.E.10 Parking Landscape Standards.
- 9.E.11 Site Triangle Standards.

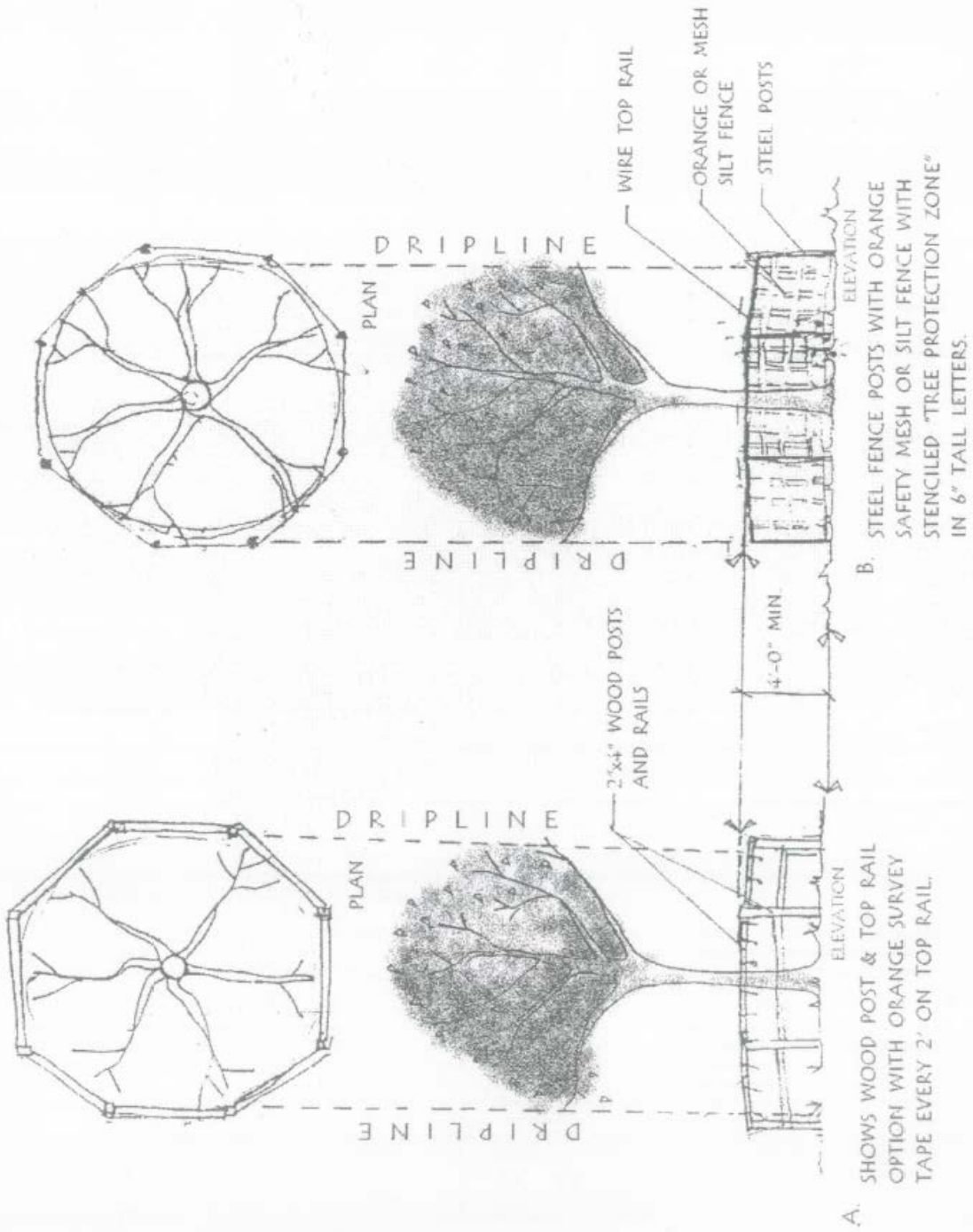
### 9.E.1 Tree Measurement Methods



#### TREE MEASUREMENT METHODS

ILLUSTRATION FOR 9.4.1. D

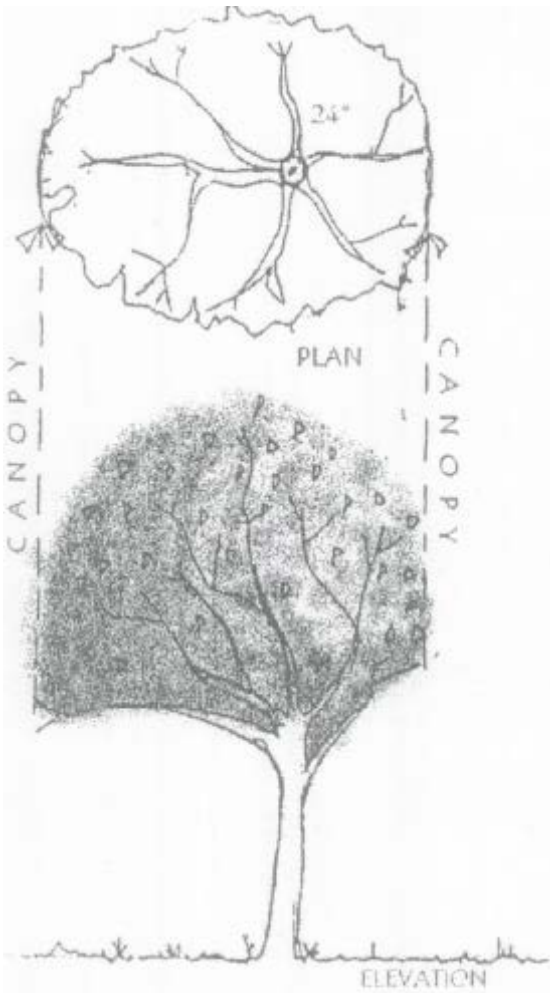
**9.E.2 Tree Protection Options**



TREE PROTECTION OPTIONS

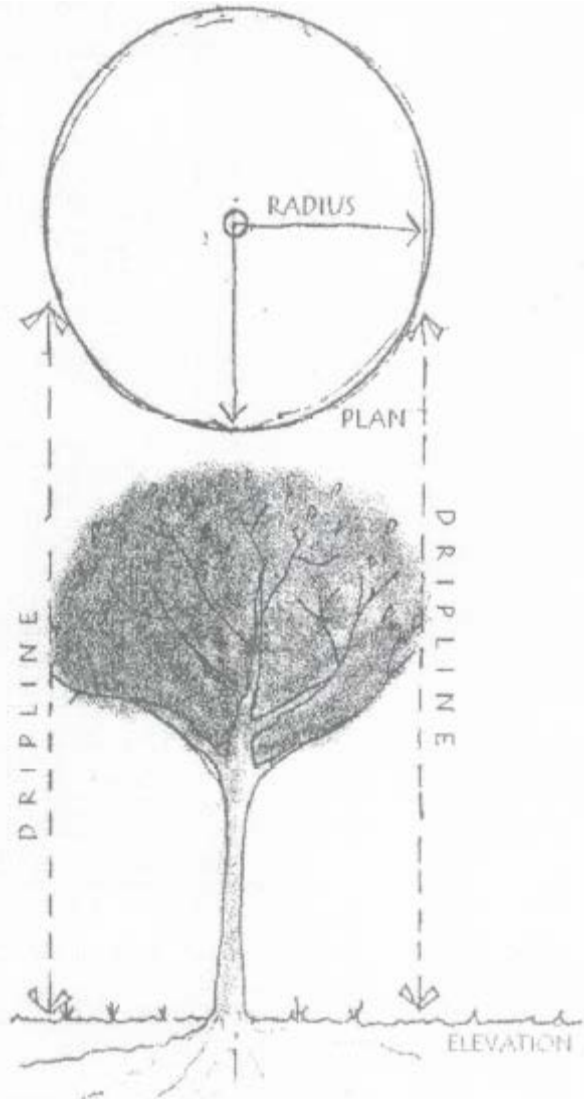
ILLUSTRATION FOR 9.4.4 B

**9.E.3 Tree Canopy and Tree Trunk Scaled Graphic**  
**9.E.4 Tree Dripline**



ACCURATE SCALED GRAPHIC REPRESENTATION OF TREE CANOPY AND TREE TRUNK FOR SURVEYS.

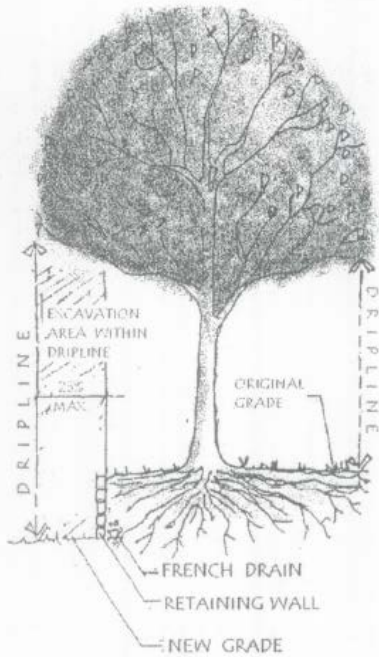
ILLUSTRATION FOR 9.4.3 A



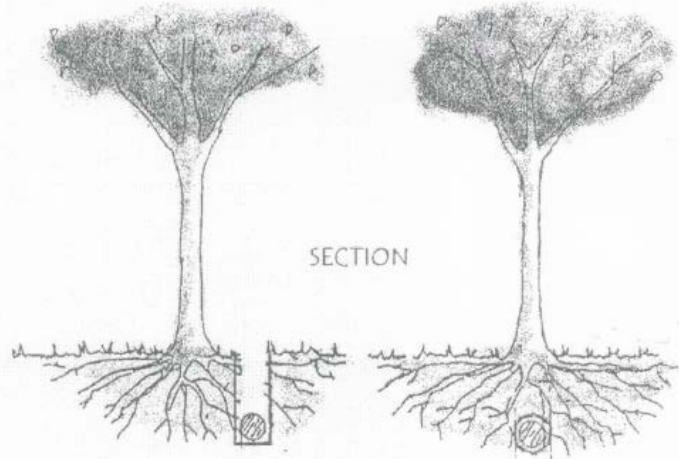
DRIPLINE OF A TREE  
 RADIUS LINE FROM THE TRUNK TO THE OUTER EDGE OF THE CANOPY.

ILLUSTRATION FOR 9.4.4 B

**9.E.5 Excavation within Dripline**  
**9.E.6 Trenching Methods for Utility Lines**

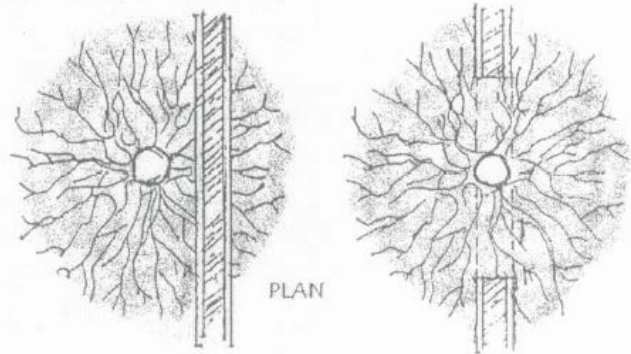


EXCAVATION WITHIN DRIPLINE



A. NOT ACCEPTABLE

B. ACCEPTABLE



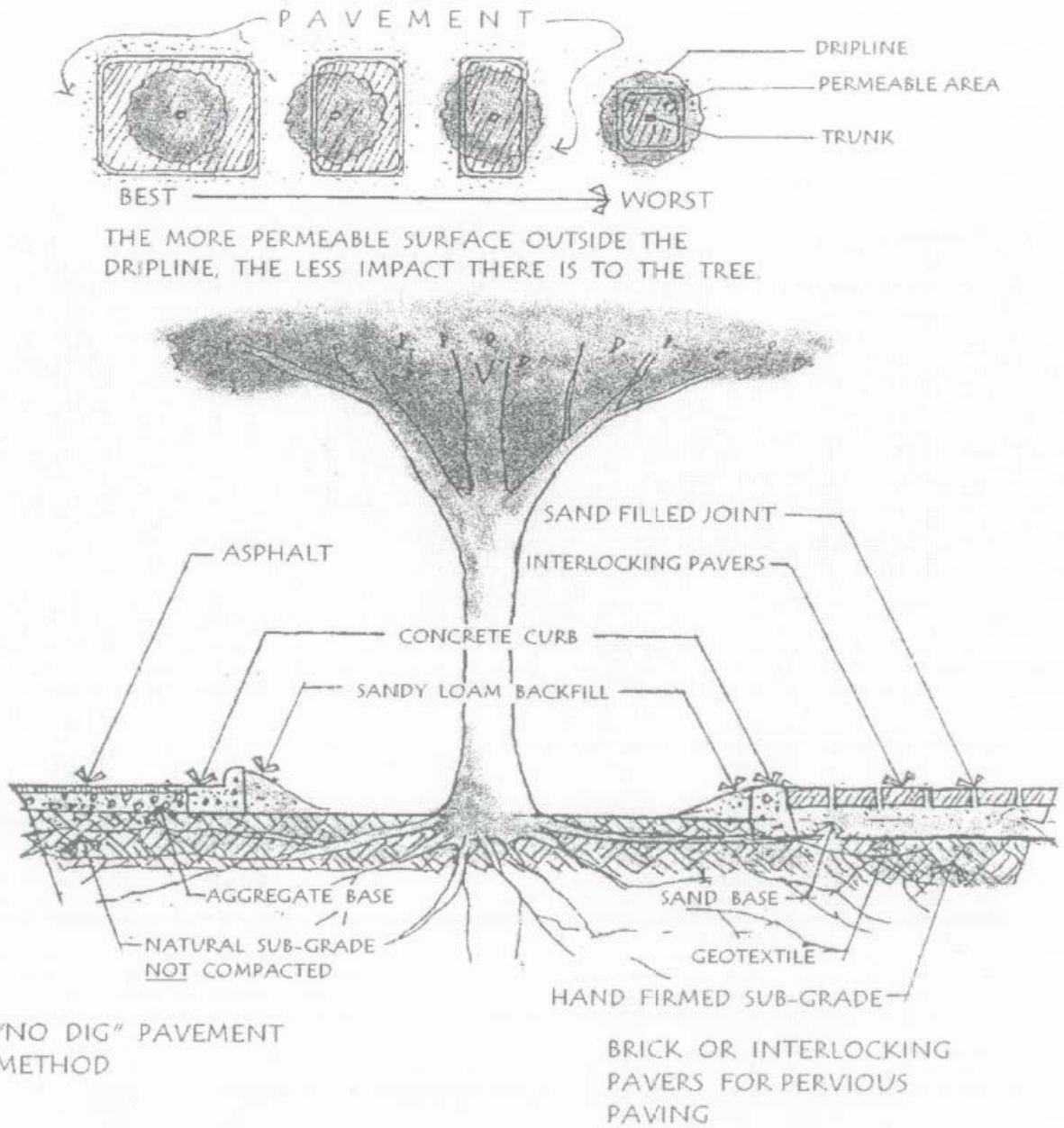
TRENCHING METHODS FOR UTILITY LINES

A. THIS TYPE OF TRENCHING WILL KILL THE TREE.

B. TUNNELING UNDER THE TREE WILL PRESERVE THE IMPORTANT FEEDER ROOTS.

ILLUSTRATION FOR 9.4.4 D

**9.E.7 Pavement Methods under Dripline**

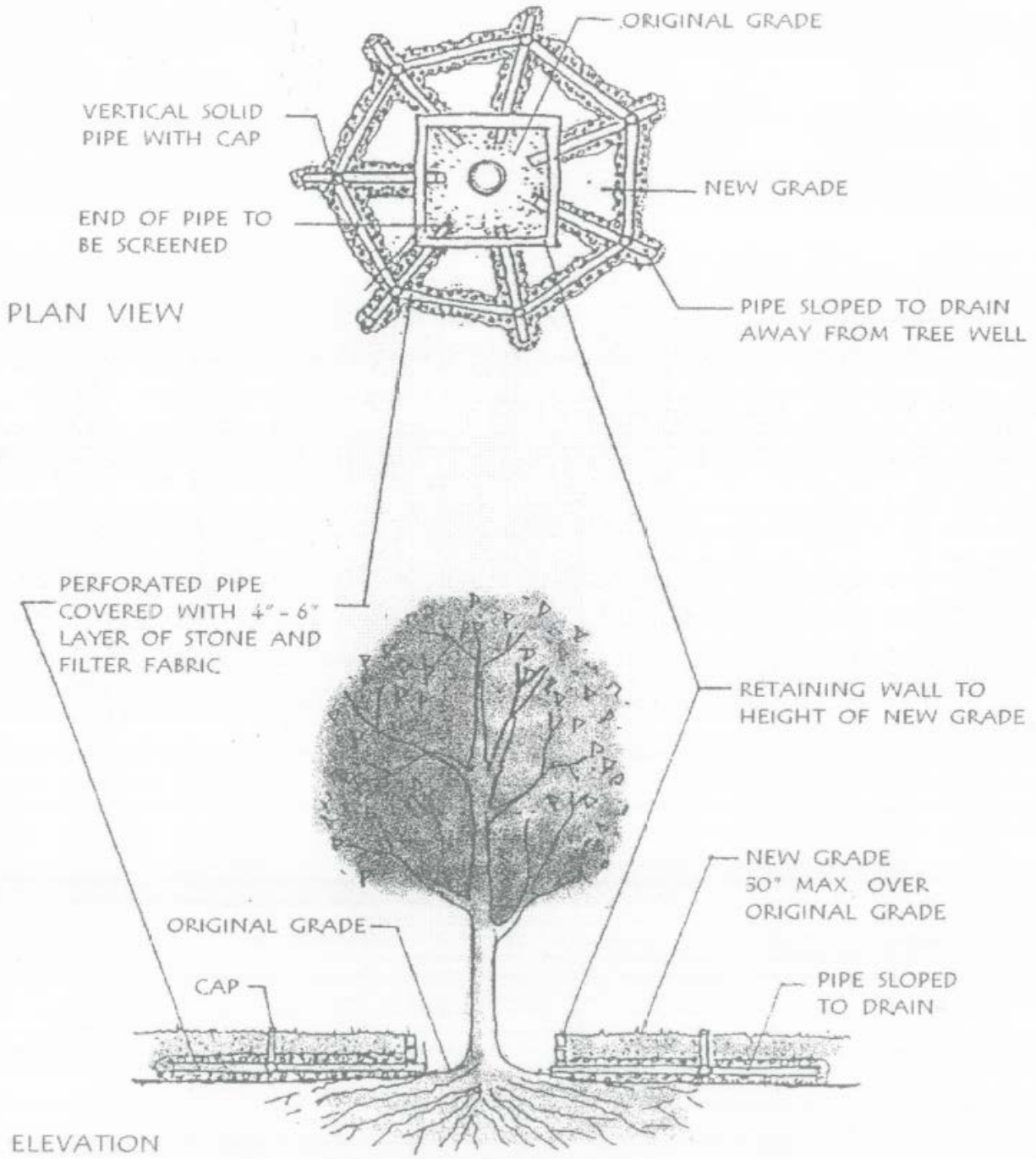


PAVEMENT METHODS UNDER DRIPLINE

ILLUSTRATION FOR 9.4.4-D



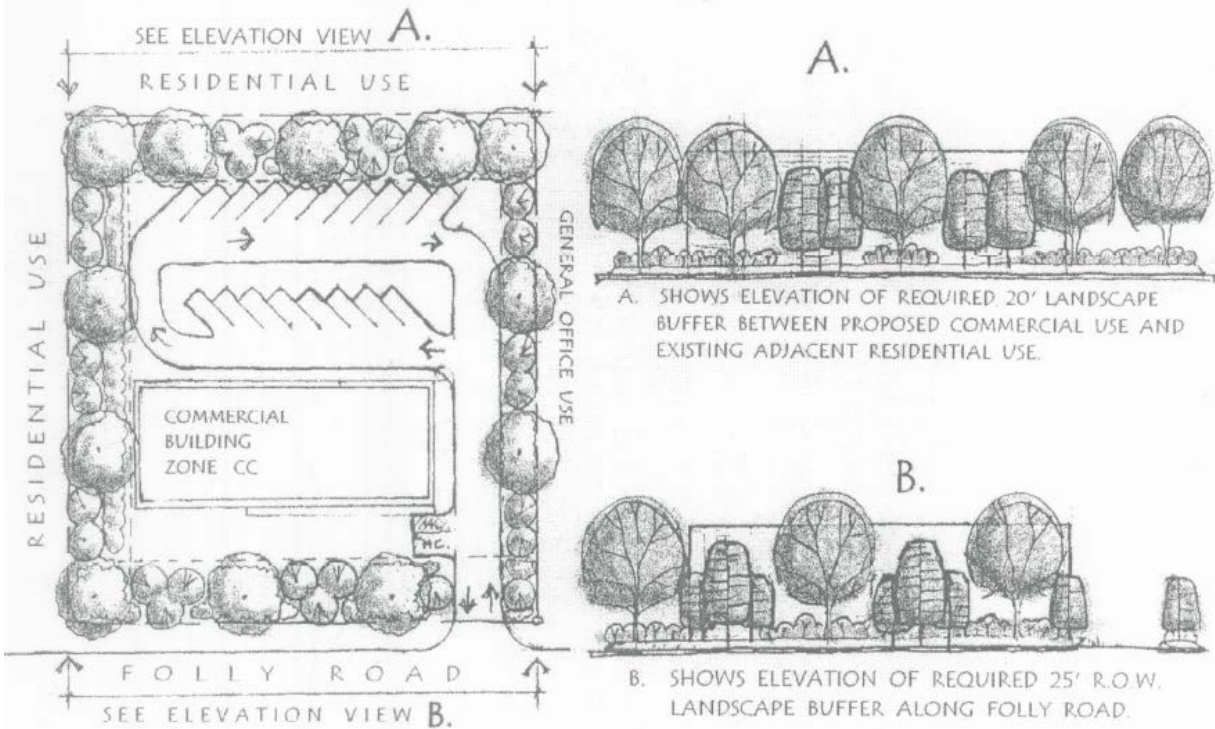
**9.E.8 Tree Protection from Fill**



TREE PROTECTION FROM FILL

ILLUSTRATION FOR 9.4.4 D

## 9.E.9 Landscape Buffers



A. SHOWS ELEVATION OF REQUIRED 20' LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USE AND EXISTING ADJACENT RESIDENTIAL USE.

B. SHOWS ELEVATION OF REQUIRED 25' R.O.W. LANDSCAPE BUFFER ALONG FOLLY ROAD.

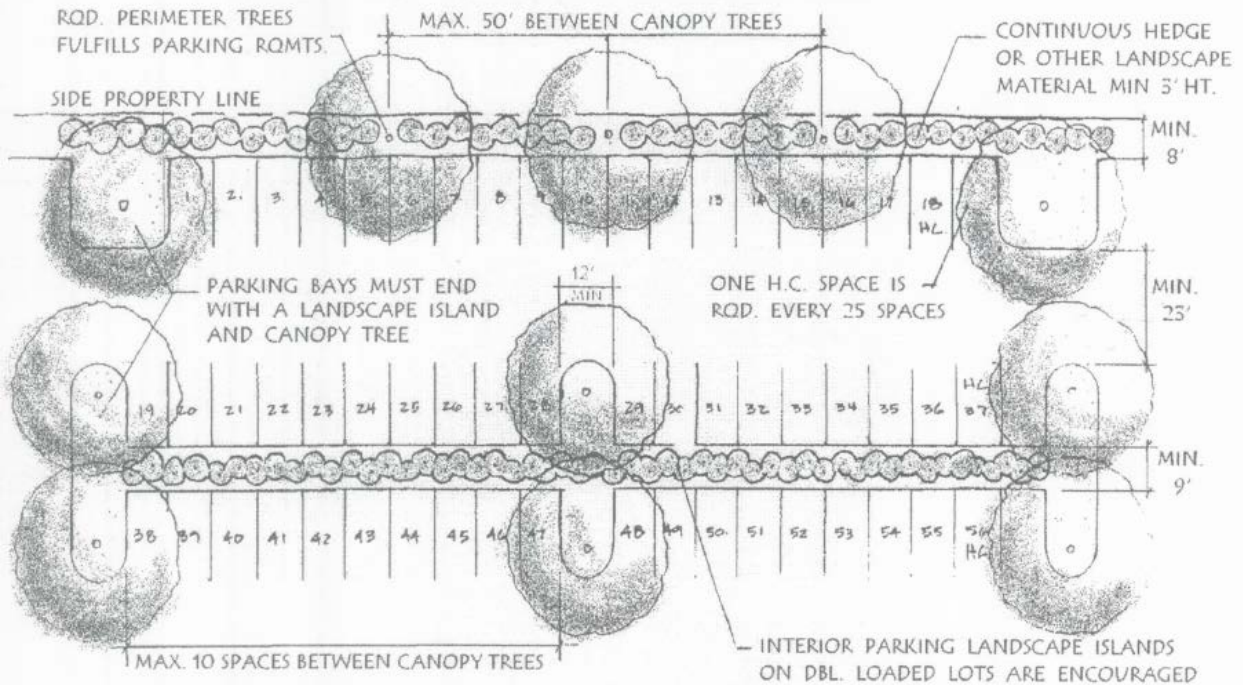
- NOTES
1. THIS EXAMPLE SHOWS THE REQUIRED PARKING IN "SIDE OR REAR" OF BUILDING WHEN THERE ARE 10 OR MORE SPACES.
  2. DIFFERENT ADJACENT USE REQUIRE DIFFERENT SIZE LANDSCAPE BUFFERS RANGING FROM 0 TO 100. SEE THE LAND USE BUFFER TABLE AND LANDSCAPE STANDARDS FOR BUFFER DEPTH AND PLANT MATERIAL REQUIREMENTS.

### LANDSCAPE BUFFERS

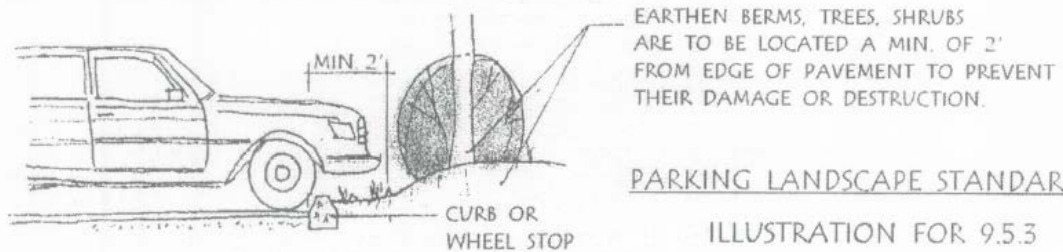
ILLUSTRATION FOR ARTICLE 9.5

## 9.E.10 Parking Landscape Standards

### PERIMETER PARKING/VEHICULAR USE LANDSCAPE REQUIREMENTS



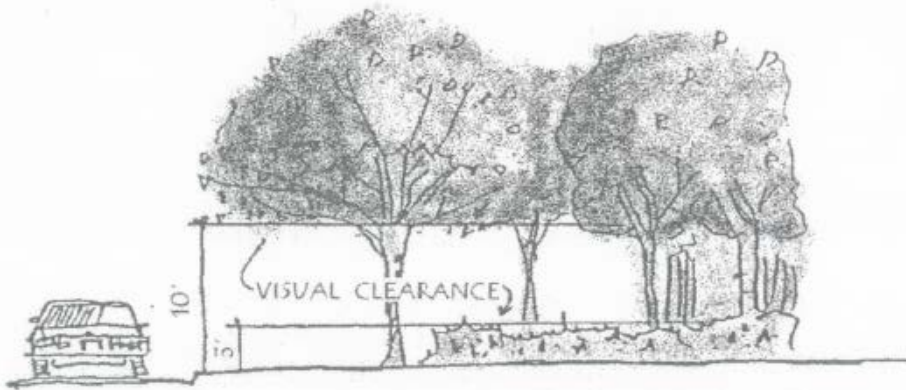
### INTERIOR PARKING LANDSCAPE REQUIREMENTS



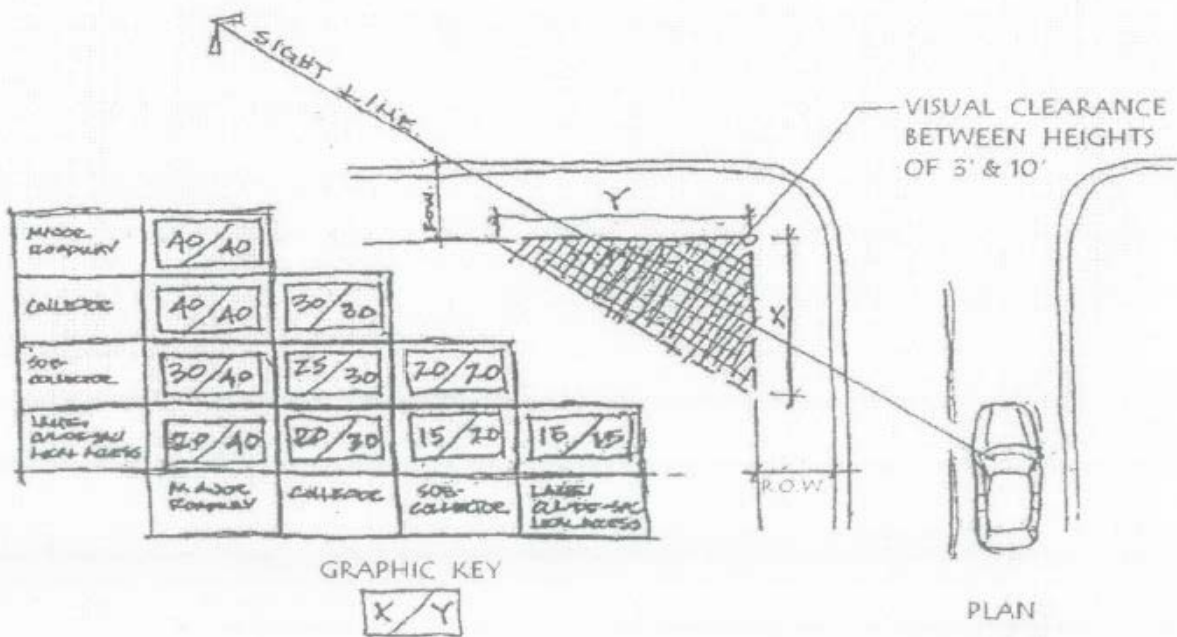
### PARKING LANDSCAPE STANDARDS

ILLUSTRATION FOR 9.5.3

**9.E.11 Site Triangle Standards**



ELEVATION



NOTE: SITE TRIANGLES ARE SUBJECT TO SCDOT APPROVAL AND MAY NEED ADJUSTMENTS FOR ROAD HORIZONTAL AND VERTICAL CURVATURE

## SITE TRIANGLE STANDARDS

ILLUSTRATION FOR ARTICLE 9.10



## **CHAPTER 10 | NONCONFORMITIES**

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### **Contents:**

- ARTICLE 10.1 GENERAL**
- ARTICLE 10.2 NONCONFORMING USES**
- ARTICLE 10.3 NONCONFORMING STRUCTURES**
- ARTICLE 10.4 NONCONFORMING LOTS**
- ARTICLE 10.5 NONCONFORMING SIGNS**

### **ARTICLE 10.1 GENERAL**

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#### **Sec. 10.1.1 Purpose**

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It is the general policy of the County to allow uses, Structures, Lots, Signs, and other situations that came into existence legally—in conformance with then-applicable requirements—to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. This Chapter establishes regulations governing uses, Structures, Lots, and Signs that were lawfully established but that do not comply with one or more existing requirements of this Ordinance. The regulations of this Chapter are intended to:

- A. Recognize the interests of Property Owners in continuing to use their property;
- B. Promote reuse and rehabilitation of existing Buildings; and
- C. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the county as a whole.

#### **Sec. 10.1.2 Authority to Continue**

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Any nonconformity that legally existed on April 21, 1999, or that becomes nonconforming upon the adoption of any amendment to this Ordinance may be continued in accordance with the provisions of this Chapter.

#### **Sec. 10.1.3 Determination of Nonconformity Status**

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The burden of establishing that a nonconformity is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.

#### **Sec. 10.1.4 Repairs and Maintenance**

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Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs are otherwise expressly prohibited by this Ordinance. Nothing in this Chapter shall be construed to prevent Structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Director of Building Services or their designee.

#### **Sec. 10.1.5 Change of Tenancy or Ownership**

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The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

#### **Sec. 10.1.6 Nonconformities Created by Public Action**

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When Lot Area or Setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least 50 percent of the otherwise applicable minimum standard, then that Lot shall be deemed to be in compliance with the minimum Lot Area and Setback standards of this Ordinance.



## ARTICLE 10.2 NONCONFORMING USES

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### Sec. 10.2.1 Definition

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A "Nonconforming Use" is a use that was legally established but which is no longer allowed by the use regulations of the Zoning District in which it is located.

### Sec. 10.2.2 Expansion

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A nonconforming commercial or industrial use shall not be enlarged or expanded unless one of the following conditions exists:

- A. Such expansion eliminates or reduces the nonconforming aspects of the situation; or
- B. The expansion is into a part of the Building or Structure that was lawfully and manifestly designed or arranged for such use, provided that no such expansion shall be allowed if it displaces a conforming use.

### Sec. 10.2.3 Change of Use

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- A. A Nonconforming Use may not be changed to any use other than a use allowed in the Zoning District in which it is located, provided that the Board of Zoning Appeals shall be authorized to approve a change to another Nonconforming Use in accordance with the Special Exception procedures of this Ordinance. In acting upon such requests, the Board of Zoning Appeals shall not be guided by the Special Exception approval criteria of this Ordinance, but rather shall approve the change of use only upon a finding that the new use will be less detrimental to adjacent property and general area than the existing Nonconforming Use.
- B. When a conforming use becomes nonconforming as a result of a Zoning Map Amendment initiated by the Applicant, the Nonconforming Use shall then be removed prior to the issuance of a Certificate of Occupancy for the conforming use.

### Sec. 10.2.4 Loss of Legal Nonconformity Status

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- A. **Abandonment.** If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 36 consecutive months the use shall be considered abandoned. Once abandoned, the use's legal nonconforming status shall be lost and re-establishment of a Nonconforming Use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the Zoning District in which it is located.
- B. **Damage or Destruction.**
  1. No nonconforming commercial or industrial use that is damaged by fire or any other cause shall be restored if the cost of the repair work equals 50 percent or more of the use's total physical replacement cost (which shall consist solely of labor and materials). Determination of physical replacement costs shall be made by the Director of Building Services. When such repairs are allowed to be made, they shall be in full compliance with the regulations of this Ordinance.
  2. A nonconforming Residential Use that is damaged by fire or any other cause may be restored. In such cases, the use may be re-established to the extent that existed before the time of damage (within the pre-existing Structure boundaries [footprint and height]), provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration, or reconstruction begin within 12 months of the date of such damage.

### Sec. 10.2.5 Accessory Uses and Structures

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No use or Structure that is accessory to a principal Nonconforming Use or Structure shall continue after such Principal Use or Structure shall have ceased or terminated, unless it complies with all regulations of this Ordinance.



## **ARTICLE 10.3 NONCONFORMING STRUCTURES**

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### **Sec. 10.3.1 Definition**

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A "Nonconforming Structure" is any Building or Structure that was legally established but which no longer complies with the Density/Intensity and Dimensional Standards of the base Zoning District.

### **Sec. 10.3.2 Use**

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A Nonconforming Structure may be used for any use allowed in the base Zoning District.

### **Sec. 10.3.3 Expansion**

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A nonconforming residential Structure may be enlarged or expanded if such residential expansion follows the outside Wall at ground level, other than porches, Decks, or canopies. The outside Wall (other than porches, Decks or canopies) of a non-conforming residential Structure that does not meet current dimensional standards (Setbacks), shall only be allowed to expand vertically from ground level provided that such expansion does not exceed the maximum height requirements for that Zoning District or encroach into any Setback. All other expansion shall meet all other applicable portions of the Ordinance including Density/Intensity and Dimensional Standards.

### **Sec. 10.3.4 Moving**

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A Nonconforming Structure may be moved in whole or in part to another location if the movement or relocation does not increase the extent of nonconformity.

### **Sec. 10.3.5 Subdivision**

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If a Lot is occupied by a Nonconforming Structure, it may be subdivided provided that subdividing does not create a new nonconformity or increase the degree of nonconformance of the Structure.

### **Sec. 10.3.6 Loss of Legal Nonconforming Status; Damage or Destruction**

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- A. No Nonconforming commercial or industrial Structure that is damaged by fire or any other cause shall be restored if the cost of the repair work equals 50 percent or more of the Structure's total physical replacement cost. Determination of physical replacement costs shall be made by the Director of Building Services. When such repairs are allowed to be made, they shall be in full compliance with the regulations of this Ordinance.
- B. A Nonconforming Residential Structure that is damaged by fire or any other cause may be restored. In such cases, the Structure may be re-established to the extent that existed before the time of damage (within the pre-existing Structure boundaries [footprint and height]), provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration, or reconstruction begin within 12 months of the date of such damage.
- C. Nothing in this Section shall conflict with the requirements of the Federal Emergency Management Agency's (FEMA) Flood Plain Management Regulations.

## **ARTICLE 10.4 NONCONFORMING LOTS**

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### **Sec. 10.4.1 Definition**

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A "Nonconforming Lot" is a tract of land, designated on a duly recorded Subdivision Plat, or by a duly recorded deed, or by other lawful means, that complied with the Lot Area, Lot Width, and Lot depth standards of the Zoning District in which it was located at the time of its creation, but which does not comply with the minimum Lot Area, Lot Width, or Lot depth requirements of the Zoning District in which it is now located.



### **Sec. 10.4.2 Vacant Lots**

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If a Nonconforming Lot or parcel was vacant on the date on which this Ordinance became applicable to it, then the owner may use the property for uses allowed by the base Zoning District, provided that the use shall comply with applicable Setback to the maximum extent possible. If the base Zoning District permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with Setback standards, while others would not, then only the uses or intensities that would comply with the applicable Setback standards shall be permitted.

### **Sec. 10.4.3 Lot with Building or Structure**

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If a Nonconforming Lot or parcel contains a Building or Structure on the date on which this Ordinance become applicable to it, then the owner may continue the use of that Building or Structure and may reasonably expand the Structure in any way that does not increase the degree of nonconformity; an increase in Building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required Setback.

## **ARTICLE 10.5 NONCONFORMING SIGNS**

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### **Sec. 10.5.1 Definition**

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A "Nonconforming Sign" is any Sign that was legally established but which no longer complies with the Sign Regulations contained in CHAPTER 9, *Development Standards*, of this Ordinance.

### **Sec. 10.5.2 On-Premises Signs**

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All legal nonconforming permanent On-Premises Signs in place prior to April 21, 1999, shall be removed or replaced by April 20, 2001. All other On-Premises Signs not in conformance with the standards of this Ordinance shall be removed or otherwise brought into compliance with the standards of this Ordinance.

### **Sec. 10.5.3 Off-Premises Signs**

---

- A. All legally existing nonconforming Off-Premises Signs shall be removed, altered, or otherwise made to conform to the provisions of this Ordinance.
- B. All other Off-Premises Signs shall be removed, altered, or brought into compliance with the provisions of this Ordinance.





## **CHAPTER 11 | VIOLATIONS, PENALTIES AND ENFORCEMENT**

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### **Contents:**

- ARTICLE 11.1 ORDINANCE COMPLIANCE REQUIRED**
- ARTICLE 11.2 VIOLATIONS**
- ARTICLE 11.3 ENFORCEMENT RESPONSIBILITY, COMPLAINTS**
- ARTICLE 11.4 REMEDIES AND ENFORCEMENT POWERS**
- ARTICLE 11.5 PRIVATE ENFORCEMENT ACTIONS**
- ARTICLE 11.6 TREE PROTECTION AND PRESERVATION VIOLATIONS**
- ARTICLE 11.7 SIGN VIOLATIONS**
- ARTICLE 11.8 VIOLATIONS CONTINUED**
- ARTICLE 11.9 OTHER ENFORCEMENT ACTIONS**
- ARTICLE 11.10 DERELICT MANUFACTURED HOMES**

### **ARTICLE 11.1 ORDINANCE COMPLIANCE REQUIRED**

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#### **§11.1.1 Compliance Required**

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- A. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.
- B. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.
- C. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Chapter and South Carolina law.

Effective on: 11/20/2001, as amended

### **ARTICLE 11.2 VIOLATIONS**

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#### **§11.2.1 Violations**

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All of the following constitute violations of this Ordinance:

- A. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;
- B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;
- C. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;
- D. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;
- E. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
- F. To install or use a sign in any way not consistent with the requirements of this Ordinance;
- G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity; requiring one or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;



- H. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;
- I. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
- J. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;
- K. To violate any lawful order issued by any person or entity under this Ordinance; or

In addition to the Remedies and Enforcement Powers contained in this Article, if a court of competent jurisdiction finds that a violation has occurred, the court may impose a civil penalty and/or fine not to exceed \$500.00 per violation, disgorgement of funds or fees collected or received in furtherance of the violation, restitution, or any other equitable remedy to correct or remove any financial benefit attributable to the violation. To continue any violation as defined above, shall be a separate violation for purposes of computing cumulative civil or criminal penalties.

Effective on: 10/20/2020, as amended

## **ARTICLE 11.3 ENFORCEMENT RESPONSIBILITY, COMPLAINTS**

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### **§11.3.1 Responsibility**

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The responsibility for the enforcement of this Ordinance is delegated to the Planning Director. The Planning Director may utilize other County Department/Agencies as necessary to enforce the provisions of this Ordinance.

Effective on: 11/20/2001, as amended

### **§11.3.2 Notice**

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If the Planning Director finds that any of the provisions of this Ordinance are being or have been violated, the Planning Director may notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it, or issue a Uniform Ordinance Summons for the violation.

Effective on: 11/20/2001, as amended

### **§11.3.3 Complaints**

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- A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file in writing a complaint with the County. Such complaint shall state fully the causes and basis thereof.
- B. The Planning Director shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

Effective on: 11/20/2001, as amended

### **§11.3.4 Authority**

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Any staff member of the Planning Department who is authorized by County Council shall have the authority to enforce the provisions of this Ordinance.

Effective on: 11/20/2001, as amended

## **ARTICLE 11.4 REMEDIES AND ENFORCEMENT POWERS**

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On behalf of the County, the Planning Director may take any one or more of the following actions as a remedy for any violation of this Ordinance:

- A. Withholding and/or revocation of any approvals or permits required by this Ordinance or direct other officials to withhold such approval or permits;
- B. Issuing stop orders against any work undertaken by an entity not having a proper approval or permit required by this Ordinance;



- C. Issuing stop orders against any actions in violation of this Ordinance;
- D. Bringing an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;
- E. Bringing an action for injunction or mandamus to abate a violation; or
- F. Issuing the violator a Uniform Ordinance Summons for each separate violation(s).
- G. Deferral or postponement of zoning applications scheduled for public meetings or hearings in accordance with **ARTICLE 11.9**.

A violation of this Ordinance is considered a misdemeanor.

Effective on: 5/4/2010, as amended

## **ARTICLE 11.5 PRIVATE ENFORCEMENT ACTIONS**

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Any individual who is specifically damaged by any violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. This is in addition to the right of the County to bring an enforcement action.

Effective on: 11/20/2001, as amended

## **ARTICLE 11.6 TREE PROTECTION AND PRESERVATION VIOLATIONS**

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In addition to the provisions of **ARTICLE 11.4** of this Chapter, the following shall apply.

### **§11.6.1 Trees Removed Without Permits**

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#### **A. Generally**

If commercial sites are cleared of protected trees prior to obtaining a zoning permit (a violation), trees shall be replaced in accordance with a replacement schedule approved by the Planning Director. The Planning Director's replacement schedule shall specify the number, species, caliper and location of replacement trees, according to the following minimum criteria:

1. Combined caliper of which equals or exceeds 80 inches per acre; and
2. One-half of individual replacement trees are four inches or greater caliper.

#### **B. Grand Trees**

1. Where Grand Trees have been removed in violation of this Ordinance or where removal is necessitated at any time due to acts of negligence, trees shall be replaced in accordance with a replacement schedule approved by the Planning Director. The replacement schedule shall establish the number, species, caliper, and location of replacement trees, and at a minimum shall require:
  - a. That the combined caliper of replacement trees is equal to or greater than three times the caliper of the Grand Tree removed; and
  - b. Individual replacements of trees are of the largest transplantable caliper available or equal to the loss of DBH inches.
2. Where Grand Tree removal is necessitated by emergencies as defined in **CHAPTER 9** of this Ordinance, or death and disease of trees due to natural causes, as determined by the Planning Director, replacement will not be required.

Effective on: 11/20/2001, as amended

### **§11.6.2 Recovery From Tree Violations**

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- A. Any person, firm, organization, society, association, corporation, or any agent or representative thereof who commits, participates, or assists in a violation of the Tree Protection and Preservation standards of this Ordinance may each be found guilty of a separate offense and suffer the penalties herein provided. Each unauthorized removal, destruction or



failure to replace a tree shall constitute a separate offense. Failure to pay all or any part of the Tree Fund mitigation fee within 30 days of the fee's imposition is a violation of the Tree Fund provision of this Ordinance. Failure to pay fees may result in a collection action in the same manner as prescribed by law for the collection of other fees. Failure to pay the mitigation fee may also result in a criminal proceeding. If a matter is brought in criminal court, upon conviction, the maximum penalty is \$500.00 per violation and/or 30 days imprisonment, and restitution of the Tree Fund mitigation fee. Restitution shall be paid to the County Treasurer who will place all funds in the Tree Fund Account.

- B. Should violations be noted during the course of a project or at final inspection, the Planning Director shall take appropriate actions, including, but not limited to the following:
  - 1. Requiring replacement of illegally removed trees and vegetative buffer;
  - 2. Requiring replacement of required trees and vegetative buffer that are damaged, diseased, dying, or dead;
  - 3. Requiring protection of trees and vegetative buffer during construction;
  - 4. Revoking Zoning Permits; and
  - 5. Denying Certificates of Occupancy.
- C. Nothing herein shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violations.

Effective on: 11/20/2001, as amended

## **ARTICLE 11.7 SIGN VIOLATIONS**

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### **§11.7.1 Signs Subject to Impoundment**

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In addition to other remedies and enforcement powers of this Chapter, the Planning Director shall have the authority to remove and hold any of the following types of signs or sign structures.

- a. Any prohibited sign, as noted in Section 9.11.1.C, is subject to impoundment without notice to the owner.
- b. Any sign that is installed or used in any way that is not consistent with the requirements of this Ordinance, provided that notice has been given as set forth in Section 11.3.2 and no action has been taken by the owner within the specified time frame.
- c. Additionally, the land owner and/or candidate, party, organization, or business entity explicitly listed on a sign, may be designated as the sign owners or the responsible parties for the purpose of enforcement action.

Effective on: 11/20/2001, as amended

### **§11.7.2 Recovery of Impounded Signs**

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The owner of an impounded sign or sign structure may recover same upon the payment of \$50.00 for each sign. In the event it is not claimed within ten days from the date of impoundment, the Planning Director shall have authority to dispose of such sign or sign structure without notification and without compensation to the owner.

Effective on: 11/20/2001, as amended

## **ARTICLE 11.8 VIOLATIONS CONTINUED**

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Any violation of the previous Zoning Ordinance or Subdivision Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Chapter, unless the use, development, construction, or other activity complies with all applicable provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before April 21, 1999. Any prior lack of enforcement shall not constitute any degree of recognition, approval or other entitlement.

Effective on: 11/20/2001, as amended

## **ARTICLE 11.9 OTHER ENFORCEMENT ACTIONS**

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### **§11.9.1 Zoning Map Amendment Requests**

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An application (along with related documents and fees) for a zoning map amendment shall not be accepted or processed when the property owner(s) has been notified, pursuant to §11.3.2, that a violation of this Ordinance exists on or in the use of land that is the subject of the requested zoning change. The Zoning & Planning Director, after consideration of the specific case, may waive this requirement and direct staff to process the application if it is found that a zoning map amendment serves to remedy the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with CHAPTER 11 of this Ordinance nor does it guarantee approval of the requested zoning map amendment. If the zoning map amendment is disapproved by County Council, the property owner, applicant, and/or designated agent has a maximum of 30 calendar days from the date of disapproval to bring the subject property into compliance.

Effective on: 3/26/2013, as amended

### **§11.9.2 Board of Zoning Appeals Requests**

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An application (along with related documents and fees) to go before the Board of Zoning Appeals (BZA) shall not be accepted or processed when the property owner(s) has been notified that a violation of this Ordinance exists on or in the use of land that is the subject of the request. The Planning Director may, after consideration of the specific case, waive this requirement and direct staff to process the application, if the BZA request serves as a remedy for the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with CHAPTER 11 of this Ordinance.

Effective on: 11/20/2001, as amended

### **§11.9.3 Contempt Before the Board of Zoning Appeals**

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In case of contempt by any party, witness or other person before the Board of Zoning Appeals, such Board may certify such fact to the Circuit Court of the County wherein such contempt occurs and the judge of the court, after hearing, may impose such penalty as the facts authorize or require.

Effective on: 11/20/2001, as amended

### **§11.9.4 Other Actions**

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Nothing herein shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

Effective on: 11/20/2001, as amended

## **ARTICLE 11.10 DERELICT MANUFACTURED HOMES**

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### **§11.10.1 Derelict Manufactured Homes**

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- A. 'Derelict manufactured home' means a manufactured home:
  - 1. that is:
    - a. not connected to electricity or not connected to a source of safe potable water supply sufficient for normal residential needs, or both;
    - b. not connected to a Department of Health and Environmental Control approved wastewater disposal system; or
    - c. unoccupied for a period of at least thirty days and for which there is clear and convincing evidence that the occupant does not intend to return on a temporary or permanent basis; and
  - 2. that is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a hazard to the health or safety of the occupants, the persons using the manufactured home, or the public.
- B. 'Landowner' means the owner of real property on which a derelict manufactured home is located.
- C. 'Local governing body' means the governing body of a county.
- D. 'Local official' means the office or agency that is responsible for inspecting or zoning property in a county.



- E. 'Manufactured home' means a structure, not including a modular home, designed for temporary or permanent habitation and constructed to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction or sale to a location where it is intended to be a housing unit or a storage unit.
1. If a landowner seeks to have a manufactured home removed from his property and sold, the landowner may apply to a magistrate and follow the procedures in Section 29-15-10 of State law. The landowner does not have to have the manufactured home determined to be derelict manufactured home in order to have it removed from his property and sold following the procedures of Section 29-15-10 of State law.
  2. If a landowner seeks to have a manufactured home determined to be derelict so it may be removed from the landowner's property and destroyed, the landowner must:
    - a. Apply to the local official to have the manufactured home inspected;
    - b. Receive written confirmation from the local official that the manufactured home has been inspected and meets the requirements for removal and disposal and provided in this section;
    - c. File the required pleadings with the magistrate to seek to have the manufactured home removed from the property and destroyed, and follow the procedures in Section 29-15-10 of State law to notify the owner of the manufactured home and any lienholders that the local official has determined the manufactured home is a derelict manufactured home and that the matter is the subject of a proceeding in the magistrates court; and
    - d. Post a notice on each door of the manufactured home for thirty consecutive days reading substantially as follows:

**NOTICE**

This manufactured home is the subject of a proceeding in the magistrates court to determine if it will be removed from the property. For further information, please contact: (name and telephone number of landowner seeking removal) or (name and telephone number of magistrate's court where action is pending).

(Date of Notice)

3. If, in a court proceeding with the proper notice, the magistrate determines that the manufactured home is derelict, as provided in this section, and orders the derelict manufactured home to be removed and destroyed, the landowner must remove and dispose of the derelict manufactured home and send proof of the removal and disposal to the county auditor as provided in Section 12-49-85(D) of State law.
  - a. If a local official determines that a derelict manufactured home has value for which it may be sold, the local official may apply to a magistrate and follow the procedures in Section 29-15-10 of State law to notify the owner of the manufactured home and any lienholders that the local official has determined the manufactured home is a derelict manufactured home and has filed the required pleadings with the magistrate to seek to have the manufactured home removed from the property and sold.
  - b. If a local official seeks to remove and destroy a derelict manufactured home, the local official must follow the procedures in Section 29-15-10 of State law to notify the owner of the manufactured home and any lienholders that the local official has determined the manufactured home is a derelict manufactured home and has filed the required pleadings with the magistrate to seek to have the manufactured home removed from the property and destroyed.
  - c. In addition to the notice requirements in the magistrates court, in order to (a) remove and sell, or (b) remove and destroy a derelict a derelict manufactured home, a local official must post a notice on each door of the manufactured home for thirty consecutive days reading substantially as follows:

**NOTICE**

This manufactured home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact: (name and telephone number of local government office seeking removal) or (name and telephone number of magistrate's court where action is pending).

(Date of Notice)

- d. In a court proceeding with the proper notice, a magistrate must determine whether a derelict manufactured home may be either (a) removed and sold, or (b) removed and destroyed. In order for the manufactured home to be removed and destroyed, it must meet the requirements of a derelict manufactured home to be



removed and destroyed, it must meet the requirements of a derelict manufactured home as defined in this section.

- e. If the magistrate determines that the manufactured home is derelict and is to be removed and sold, the local official must follow the procedures in Section 29-15-10 of State law.
- f. If the magistrate determines that the manufactured home is derelict and is to be removed and destroyed, the local official or the landowner must remove and dispose of the derelict manufactured home and send proof of the removal and disposal to the county auditor as provided in Section 12-49-85(D) of State law.
  - 1. All costs of removal and disposal are the responsibility of the owner of the derelict manufactured home, and may be waived only by order of the magistrate's court or if a local governing body has a program that covers removal disposal costs.
  - 2. A lienholder of the derelict manufactured home is not responsible for the costs of removal and disposal unless the lienholder or his agent effects a recovery of the manufactured home under its lien and subsequently the lienholder or his agent knowingly abandons the manufactured home on the property and allows the manufactured home to become a derelict manufactured home.
  - 3. If the landowner is the owner of the derelict manufactured home and is unwilling or unable to pay the costs of removal and disposal, a lien for costs of removal and disposal must be placed on the landowner's real property where the derelict manufactured home was located.
- F. To defray the costs of location, identification, and inspection of derelict manufactured homes, a local governing body may impose a registration fee of no more than twenty-five dollars to be paid when a manufactured home is registered with the county. This fee may be in addition to all other fees and charges relating to a manufactured home and may be required to be paid before electrical connection.

Effective on: 11/20/2001, as amended



## CHAPTER 12 | DEFINITIONS

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#### ARTICLE 12.1 TERMS AND USES DEFINED

#### ARTICLE 12.2 INTERPRETATION

### ARTICLE 12.1 TERMS AND USES DEFINED

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#### TERM DEFINITION

#### A

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**Accessory Dwelling Unit** A Dwelling Unit providing complete, independent living facilities for one or more Persons that is separate from and subordinate to the principal Dwelling Unit. This definition includes Garage Apartments.

**Accessory Structure** A Structure that is detached from a principal Structure and customarily incidental and subordinate to the principal Structure, which serves a purpose that is customarily and clearly associated with the Principal Use. Examples of Accessory Structures include, but are not limited to, storage sheds, gazebos, detached carports, and detached residential garages.

**Accessory Use** A use customarily incidental and subordinate to the Principal Use of a Zoning Lot or of a Structure. An Accessory Use is located on the same Zoning Lot as the Principal Use, except as otherwise allowed in this Ordinance.

**Active Recreation Area** Any park and recreational facility which is developed with recreation and support facilities such as playgrounds, Golf Courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, Swimming Pools, clubhouses, equestrian facilities, and tennis courts.

**Addition** A Structure added to the original Structure at some time after the completion of the original, or an extension, alteration, or increase in Floor Area or height of a Building or Structure.

**Administrative or Business Office** The use of a Building or a portion of a Building for the provision of executive, management, or administrative services. This includes Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services, or Travel Arrangement Services.

**Administrative Decision** Any order, requirement, decision, or determination by the Charleston County Zoning and Planning Director or their designee relating to the administration or enforcement of the Charleston County Zoning and Land Development Regulations.

**Adult Oriented Business** Definitions provided in Sec. 6.4.18.C of this Ordinance.

**Adult Day Care Service** A facility for adults that offers in a group setting a program of individual and group activities and therapies for adults 18 years of age or older as defined by the South Carolina Department of Health and Environmental Control (SCDHEC). In the case of conflict between this definition and the definition utilized by SCDHEC, the definition utilized by SCDHEC shall control.

**Affordable Dwelling Unit (AFU)** In the case of Dwelling Units for sale, housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 28 percent (28%) of the annual household income for a household earning no more than 80 percent (80%) of the area median income, by household size, for the metropolitan statistical area as published from time to time by the U.S. Department of Housing and Community Development (HUD) and, in the case of Dwelling Units for rent, housing for which the rent and Utilities constitute no more than 30 percent (30%) of the annual household income for a household earning no more than 80 percent (80%) of the area median income, by household size for the metropolitan statistical area as published from time to time by HUD.





**Agriculture** The use of the land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and Animal and poultry husbandry, and the Accessory Uses of packing, treating, or storing of produce; provided, however, that the operation of any such Accessory Uses shall be secondary to that of the principal Agriculture use.

**Agricultural Processing** Establishments primarily engaged in crushing oilseeds and Tree nuts, such as soybeans, cottonseeds, linseeds, peanuts, and sunflower seeds; processing meat and meat byproducts; processing grains or seeds into snacks; and other related processing and packaging of agricultural products. Agricultural Processing shall not include Slaughterhouses, Butcheries, Tanneries or Rendering Plants.

**Agricultural Sales or Service** An establishment engaged in the retail or Wholesale Sale of feed, grain, fertilizers, pesticides, Farm equipment sale and services, and similar goods.

**Agricultural Use, Bona Fide** Allowed primary uses on real property to raise, harvest or store crops, feed, breed or manage livestock, or to produce Plants, Trees, fowl or Animals useful for human consumption, including the preparation of the products raised thereon for human consumption and disposed of by marketing or other means and which the Subject Property receives agricultural preferential assessment by the Charleston County Assessor's Office. Such uses include Agriculture, grazing, horticulture, forestry, dairying and Mariculture. Uses that do not qualify as Bona Fide Agricultural Uses include recreation, hunting clubs, fishing clubs, vacant land (land lying dormant), and any other similar uses.

**Aircraft Manufacturing and Production, including Related Parts** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of Aircrafts or related parts. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.

**Alley** A minor vehicular way used primarily for access to the side or rear of properties.

**Alteration, Structural** Any change or rearrangement in the supporting members of a Building or Structure, such as bearing Walls, columns, beams, or girders, or in the dimensional or configurations of the roof or exterior Walls. Structural Alterations shall not include the application of exterior siding to an existing Building for the purpose of beautifying and modernizing.

**Animal** Any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm blooded Animal, which is being used, or is intended for use, for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: Birds, rats of genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses not used for research purposes and other Farm Animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving Animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes.

**Animal, Exotic** Any Animal not identified in the definition of "Animal" that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes Animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

**Animal and Insect Production** The raising of Animals or insects on pasture land, controlled environments or selected environments, or production of Animal or insect products on an agricultural or commercial basis. Animal and Insect Production shall include those Accessory Uses and activities customarily associated with this type of operation, as determined by the Zoning and Planning Director. Animal and Insect Production shall not include Concentrated Animal Feeding Operations, Slaughterhouses, or Butcheries.

**Apiculture** The keeping and maintenance of bees, commonly in man-made hives, on a commercial scale for the production of honey.

**Applicant** A Person, firm, entity, or governmental agency that executes the necessary forms to obtain approval or a permit for any zoning, Subdivision, land Development, Building, land disturbance, or other activity regulated by this Ordinance.



**Application, Complete** An application for Development review and approval that: (1) has been submitted in the required format; (2) includes all information required by this Ordinance to be submitted for the subject application type; and (3) is accompanied by the required fee.

**Aquaculture** comprises establishments primarily engaged in the farm raising and production of aquatic Animals or Plants in controlled or selected aquatic environments. It includes land devoted to the hatching, raising, and breeding of fish, shrimp, or other aquatic Animals or Plants for commercial purposes. The term also includes those Accessory Uses and activities customarily associated with this type of operation, such as finfish farming, fish hatcheries, and shrimp farming in ponds. This definition does not include Mariculture uses, which are separately defined in this Ordinance.

**Arborist, Certified** A Person certified by the International Society of Arboriculture.

**Archaeological Site** A place (or group of physical sites) in which evidence of past activity is Preserved (prehistoric, historic, or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. A site may range from one with few or no remains visible above ground, to a Building or other Structure still in use.

**Artisan and Craftsman** Any business establishment that produces articles of artistic quality or effect or handmade workmanship on the premises. Examples include candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

**Assisted Living** A residential facility providing 24-hour supervision and services for residents who need medical attention.

**Aviation** Airports, landing fields, aircraft parking, and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation. This definition excludes Private Air Strips.

## **B**

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**Bank** An establishment that is engaged in the business as a bank or trust company, and is federally chartered or state chartered. "Bank" also includes credit unions that are federally or state chartered, and mortgage companies that provide mortgage loans as a principal part of their operation, with the loans secured by an interest in real property as collateral for the loan.

**Banner** A strip of cloth containing a message or advertisement.

**Bar or Lounge** A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, where 25 percent or more of the gross receipts are for sale of alcohol. This use includes taverns, cocktail Lounges, and any member exclusive Bars or Lounges.

**Barn** A Farm Building used for storing Farm products or sheltering livestock. This term excludes any Residential Use or non-agricultural use.

**Base Course** A layer or layers of specified or selected material of designated thickness or rate of application placed on a subbase or Subgrade to comprise a component of the Pavement structure to support the Pavement or subsequent layer of construction.

**Berm** A man-made landscape feature generally consisting of a linear mound of soil, designed to provide visual interest, screen undesirable views, decrease noise, and/or control or manage surface drainage. Temporary soil stockpiles and retaining Walls shall not be considered a Berm.

**Billboard** A large, standardized third party/off premise Structure displaying advertising intended for viewing from extended distances, generally more than 50 feet that is erected, maintained, or used for public display of poster, painted Signs, or Wall Signs that advertise a business, a commodity sold, service, or attraction which is not carried on or manufactured in or upon the premises upon which said Billboard is located. Billboards include, but are not limited to, bulletins, Wall murals, wrapped posters, 30 sheet posters, and eight sheet posters.



**Boat Ramp** A ramp that provides access to the water for the launching and retrieving of watercraft. Boat Ramps may be located at Marinas, public access points, or at Community and Commercial Docks subject to the applicable regulations.

**Boat Slip** A docking space alongside a pier, wharf, or mooring dolphins in which a waterborne boat may be moored. For purposes of this Ordinance and in the absence of an authorized quantity of Boat Slips by state or federal regulating agencies, a Boat Slip shall be considered a minimum length of 25 feet for side mooring and 15 feet for stern moorings.

**Boat Yard** A land-based operation primarily for the repair and service of boats, including any incidental storage of boats in the process of being repaired.

**Bona Fide Forestry Operation** 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 Sec. 12-43-220, SC Department of Revenue Regulation 117-1780.1., and other applicable statutes, rules and regulations.

**Botanical Garden** A place, generally open to the public for a fee, where a wide variety of Plants are cultivated for scientific, educational, or ornamental purposes.

**Brewbar** A Bar, Lounge, or Restaurant which produces on the permitted premises a maximum of 2,000 barrels a year of beer for sale on the premises as allowed by SC Code Title 61, Chapter 4, as amended.

**Bridge** A Structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads.

**Buffer, Landscape** A vegetated area of varying width designed exclusively to provide screening between adjoining properties, Rights-of-Way, Parking Lots and Structures, as described in Article 9.4, *Landscaping, Screening, and Buffers*, of this Ordinance.

**Buffer, Wetland** An area of varying width , providing a visual, spatial, and ecological transition zone between the OCRM Critical Line and land Development. The Wetland Buffer is designed to protect water quality and wildlife habitat.

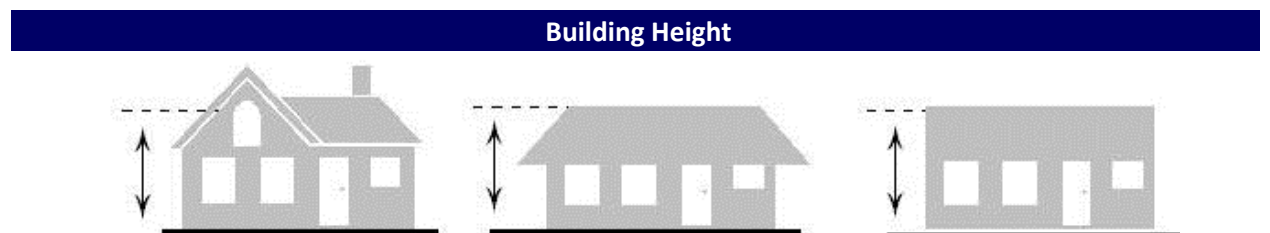
**Building** Any Structure having a roof supported by columns or Walls and intended for the shelter, housing, or enclosure of any individual, Animal, Plant, process, equipment, goods, or materials of any kind. When a portion thereof is completely separated from every other portion by a dividing Wall (or firewall when applicable) without openings, then each such portion shall be deemed to be a separate Building.

**Building Code** The Building Code of Charleston County.

**Building Coverage** The proportion, expressed as a percentage, of the area of a Lot covered by Buildings (Principal and Accessory) or roofed areas, as measured along the outside Wall at ground level, and including all projections, other than fire escapes, canopies, and the first two feet of a roof overhang. Swimming Pools (excluding the pool decking) shall be included in Building Coverage.

**Building Height** The vertical distance between the base flood elevation, or ground level if the Structure is not in a Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA), and:

1. The average height level between the eaves and ridge line of a gable, hip or gambrel roof; or
2. The highest point of a mansard roof; or
3. The highest point of the coping of a flat roof.





Gable, Hip, or Gambrel Roof Mansard Roof Flat Roof

**Building Length** The length of the Facade facing the Street for that unit which the Sign shall apply. The Building Length (Facade facing the Street for the business) plus the Setback from the Street Right-of-Way/property boundary line shall determine the “Maximum Size” of the Wall Sign for that business.

**Building Materials or Garden Equipment and Supplies Retailers** An establishment offering products for sale including, but not limited to: plumbing materials; plaster; concrete; floor coverings; pool liners; roofing material; gutters; hardware tools and supplies; indoor or outdoor Plants; garden fixtures, packaged Plant food; pesticides; garden tools; manually or power operated tools and equipment with associated parts and accessories; or paint, varnish, or wallpaper. This definition includes hardware stores, Garden Supply Centers, outdoor power equipment stores, or paint, varnish, or wallpaper stores.

**Building Permit** An official document or certificate issued under the Charleston County Building Code for any carpentry, masonry, roofing, or related construction or repair. A Building Permit is not required for construction under \$1,000.00, unless the construction or repair involves a structural modification or work done by a contractor.

**Building, Principal** A Building within which the main or primary use of the Lot or premises is located.

**Business, Professional, Labor, or Political Organization** A Building or establishment providing meeting, recreational, or social facilities for associations or organizations, with two or more members, that have a joint or common interest in Business, Professional, Labor, or Political issues.

**B.Y.O.B Establishment** An establishment primarily offering sit-down counter or table services with entertainment and/or serving food prepared on the premises for on-premises consumption, which also allows customers and patrons to bring beer, wine, or other alcoholic beverages or malts for on-premises consumption that are purchased or obtained off the premises.

## C

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**Caliper** The diameter of a Tree trunk measured six inches above the ground on Trees with Calipers of four inches or less.

**Campground** An outdoor venue where mobile or non-permanent lodging is used or provided for recreational, educational, or vacation purposes. Short-Term Rental uses and RV Parks are not included in this definition.

**Canopy Tree** A Tree, with a diameter of at least two and one-half inches (as measured six inches above Grade) at the time of planting, which will grow to a minimum height of 50 feet at maturity.

**Caretaker** An individual or Family who resides on premises as an Accessory Use for the purpose of maintaining, protecting, or operating a permitted Principal Use on the premises.

**Catering Service** An establishment that prepares and provides food and related services to off-premises locations.

**Causeway** An earthen Structure with at least one side adjacent to a depression, wetland, or marsh that supports a road for carrying traffic or other moving loads.

**Cemetery** Land used or intended to be used for the burial of the dead and dedicated for Cemetery purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such Cemetery.

**Center Line of Street** The line surveyed and monumented as the Center Line of the Street; or if such center line has not been surveyed, it shall be the line running midway between the curbs or ditches of such Street.

**Certificate of Nonconformity** A certificate issued by the Charleston County Zoning and Planning Department to any Sexually Oriented Business which is operating at the time of the enactment of the regulations of Sec. 6.4.18, of this Ordinance, and is not in compliance with one or more of its provisions.



**Chemical Manufacturing and Production** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of chemicals. This includes, but is not limited to, Pharmaceutical Product, Chemical Fertilizer or Pesticide Manufacturers. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other Plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.

**Child Care Center** A facility which regularly receives thirteen or more children for child care as defined by the Department of Social Services (DSS). In the case of conflict between this definition and the definition utilized by DSS, the definition utilized by SCDHEC shall control.

**Child Caring Institution** A facility licensed by the South Carolina Department of Social Services (DSS) with one or more staffed residences for children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance.

**Charter Boat or other Recreational Watercraft Rental Service** A land-based operation primarily for the rental or leasing of boats or other recreational watercraft. Any operation that is associated with a Marina or provides direct water access shall be considered a Water-Dependent Use in accordance with Article 5.3 of this Ordinance.

**Civic/Institutional Use** A nonprofit or quasi-public use, such as a religious institution, Library, public or private School, Hospital, government-owned or government operated facility.

**Clay or Related Products Manufacturing and Production** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of clay and related products. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.

**Clay or Related Products Wholesalers** An establishment primarily engaged in selling and/or distributing of clay or related products to retailers, users, firms, or other wholesalers, as well as activities involving the movement and storage of products and equipment. This use often includes display areas, and sales to the public are limited. Products may be picked up on-site or delivered to the customer.

**Clearing** Removal of surface material including, but not limited to, Trees, brush, grass, and weeds that does not include the removal of vegetative matter from underground.

**Commercial Dock** A docking facility used for commercial purposes. A commercial dock is not necessarily a Marina, a Boat Yard or a dry storage facility. All Commercial Docks shall be considered a Water-Dependent Use in accordance with Article 5.3 of this Ordinance.

**Commercial Guest House (CGH)** A property located in the RO, GO, NC, RC, or CC Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

**Commercial or Industrial Machinery or Equipment Rental or Leasing** An establishment that rents or leases commercial or industrial machinery or equipment to an entity for a period of time, but does not transfer ownership of the machinery or equipment to the entity renting or leasing it.

**Commercial Timber Operations** Tracts of five acres or more devoted to the production of marketable forest products through generally accepted Silvicultural practices including, but not limited to, harvesting, site preparation, and regeneration.

**Common Open Space (or Conservation Area)** Land within or related to a Subdivision or Planned Development that is set aside to conserve natural resource, scenic, cultural, historic, or archeological values, or provide active or passive recreation, or accommodate support facilities related to the Subdivision, and that is restricted from significant Development or intensive use except for approved recreational or support facilities and protected in perpetuity in a substantially undeveloped state.



**Communication Service** An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as major Utility facilities. This includes, but is not limited to, Radio or Television Broadcasting Studios; News Syndicates; Film or Sound Recording Studios; Telecommunication Service Centers; or Telegraph Service Offices.

**Communications Tower** A tower of any size that supports communication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users. This does not include Communication Towers for amateur radio operators licensed by the Federal Communications Commission which are exempt from local zoning restrictions, or Communications Towers under 100 feet in height used solely for educational communications purposes.

**Community Dock** Any docking facility that provides access for more than four families (greater than or equal to 5 watercraft slips and less than or equal to 10 watercraft slips) and is not a Marina. All Community Docks shall be considered a Water-Dependent Use in accordance with Article 5.3 of this Ordinance.

**Community Garden** A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental Plants by more than one Person or Family. A Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

**Community Interest Notice** Notice provided to any individual, group or organization that has submitted a written statement of interest to the Zoning and Planning Director. Municipalities within the Planning Area of the subject tract are also included.

**Community Recreation** A recreational facility that is the Principal Use of a Parcel of land and that is for use by residents and guests of the following: a particular Residential Development, Planned Development, church, private primary or secondary educational facility, community affiliated non-profit organization. Community Recreation can include both indoor and outdoor facilities. This includes, but is not limited to, Community Recreation Centers. This definition does not include venues (indoor or outdoor) used specifically for Special Events (See Special Events definition).

**Community Recreation Center** A public or quasi-public Building designed for and used as a social, recreation, and cultural center. As a part of such recreation centers, there may be included craft rooms, music rooms, game rooms, meeting rooms, auditoriums, Swimming Pools, and kitchen facilities. Kitchen facilities and dining areas shall be used for events only.

**Community Residential Care Facility (CRCF)** As defined by the South Carolina Department of Health and Environmental Control (SCDHEC), a CRCF is a facility that offers room and board and provides/coordinates a degree of personal care for a period of time in excess of 24 consecutive hours for two or more Persons, 18 years old or older, not related to the licensee within the third degree of consanguinity. A CRCF is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independency, and safety, and encourage Family and community involvement. This also includes any facility (other than a Hospital) which offers, or represents to the public that it offers, a beneficial or protected environment specifically for individuals who have mental illness or disabilities. These facilities may be referred to as "Assisted Living" provided they meet the above definition of Community Residential Care Facility. In the case of conflict between this definition and the definition utilized by SCDHEC, the definition utilized by SCDHEC shall control.

**Community Roads** Roads that serve one or more Families and usually have no dedicated Rights-of-Way or drainage. These roads generally have a dirt surface, are not maintained on a regular basis, and are not in the state or county road system.

**Computers or Electronic Products Manufacturing and Production** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of computers or electronic products. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other Plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.



**Concentrated Animal Feeding Operation** A confined area or facility within which the property is not grazed or cropped annually, and which is used and maintained for the purposes of engaging in the business of the reception and feeding of: more than 50 beef or dairy cattle; more than 50 horses; more than 150 hogs, sheep or goats; more than 1,000 or more birds, such as turkeys, chickens, ducks or geese: or more than 1,000 small Animals, such as guinea pigs, rabbits, and minks. This term shall also include commercial feed lots.

**Conditional Use Permit** A permit formerly issued by the Charleston County Zoning and Planning Department authorizing a particular use in a specified location within a Zoning District, upon demonstrating that such use complies with all the conditions and standards specified by the zoning Ordinance. Conditional Use Permit is a term used in the Charleston County Zoning Ordinance prior to April 21, 1999.

**Conservation Easement** An Easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded, or topographic condition; retaining such areas as suitable habitat for fish, Plants, or wildlife; or, maintaining existing slopes and land use.

**Construction Material Wholesalers** An establishment primarily engaged in selling and/or distributing construction material to retailers, users, firms, or other wholesalers, as well as activities involving the movement and storage of products and equipment. This use often includes display areas, and sales to the public are limited. Products may be picked up on-site or delivered to the customer. This includes, but is not limited to: Brick, Cement, Concrete, Lumber, Millwork, Plywood, Shell, Stone, Wood Panel or other Related Material Wholesalers.

**Construction Permit** A series of permits required by Charleston County Building Services that may include Building, electrical, plumbing, HVAC (Heating, Ventilating and Air Conditioning), or gas permits.

**Construction Tools or Equipment Rental or Leasing** An establishment that rents or leases construction tools or equipment to an entity for a period of time, but does not transfer ownership of the tools or equipment to the entity renting or leasing it.

**Consumer Convenience Service** An establishment providing services, primarily to individuals, of a frequent or recurrent nature. This includes Automated Bank/Teller Machines, Dry cleaners, coin-operated laundries, laundry pick-up service stations, locksmith, one-hour photo finishing, or tailors or seamstresses.

**Consumer Goods Rental Center** An establishment primarily engaged in the rental or leasing of new or used products to the general public, excluding vehicle or watercraft rentals. This includes the rental of electronics, appliances, formal wear, costume, video or disc, home health equipment, recreational goods, or other household items.

**Container Storage Facility** Any inside or outside area designated for the storage of freight containers, prior to collection or removal to another facility or site.

**Convenience Store** Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to customers who generally purchase only a few items. These establishments may include the sale of beer and wine in unopened containers for off-premise(s) consumption. The sale of products other than beer and wine shall comprise at least 51 percent of the gross sales of the establishment, and at least 51 percent of the total display or shelf space is devoted to products other than beer and wine. Convenience Stores shall not include fuel pumps or the selling of fuel for Motor Vehicles.

**Convention Center** A formal meeting place where the Building or rooms are rented or leased to the members, representatives, or delegates of a particular group. These centers can usually accommodate large groups.

**Copy** The wording, logo, shapes, or object content of a Sign in either permanent or removable letter media.

**Correctional Institution** Publicly or privately operated facilities housing Persons awaiting trial or Persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.

**Counseling Service** An establishment providing counseling, guidance, or similar services to Persons requiring rehabilitative, vocational, or related assistance.



**Country Club** Land area and Buildings that may contain Golf Courses, recreational facilities, a clubhouse, and other customary Accessory Uses, open only to members and their guests.

**County Non-Standard Roads** County Non-Standard Roads are a class of roads formerly known as Community Roads that have been brought into the County Maintenance System as approved by County Council.

**Court of Law** A place where trials and legal cases are heard and a verdict handed down based on statutes or common law.

**Courtyard** An open unoccupied space, other than a yard, on the same Zoning Lot with a Building, unobstructed from floor or ground level to the sky.

**Cul-de-Sac** The turnaround area at the end of a dead-end Street or an egress.

**Cultural Event** Land use of a temporary nature to display objects or events of a community and cultural interest in one or more of the arts and sciences, such as Civil War re-enactments.

**Culvert** Any Structure not classified as a Bridge which provides an opening under any Roadway, including pipe Culverts, and any Structure so named in the plans.

**Curb** A stone, concrete, or other improved boundary marking the edge of a road or other paved area.

**Curb Cut** A break in a Curb intended to provide driveway access to a Roadway. If there is no Curb, the joint or line separating the Roadway from the driveway is deemed to be the "Curb Cut."

## D

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**Data Processing Service** Establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a main frame computer.

**Day Camp** A camp for school-age children providing care and activities that is attended only during the daytime hours and provides no sleeping facilities.

**Decibel (Db)** A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

**Decision-Making Body** The entity that is authorized to finally approve or disapprove an application or permit as required under this Ordinance.

**Deck** An unroofed platform, unenclosed except by a railing, which is attached to the ground and/or another Structure.

**Dedication** The action of a Property Owner or Developer to transfer an interest in property to the County or other service provider. The approval of a Subdivision Plat by County Council is deemed to affect an acceptance by the county of a proposed Dedication of a Street, Easement, or other ground shown on the Plat.

**Deferred Presentment Lender** A business or use that regularly accepts checks from a borrower drawn on the borrower's bank account to be presented for payment at a later date and that charges a fee for the service, such as those regulated by Chapter 39 of Title 34 of the Code of Laws of South Carolina, 1976, as amended.

**Demolish or Demolition** To raze or destroy, whether entirely or in significant part, a Building, Structure, site, or object. Demolition includes the removal of a Building, Structure, or object from its site, the removal or destruction of the Façade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition includes Demolition by neglect.

**Density** The number of Lots or principal Dwelling Units per unit of land area, as applicable.

**Density/Intensity and Dimensional Standards** Provisions of this Ordinance controlling the size and shape of Zoning Lots and the location and bulk of Structures thereon. Such regulations include those relating to Density, Lot Area, Lot Width, Setbacks, buffers, Building Coverage, height, and Open Space.





**Derelict Manufactured Housing Unit** A Manufactured Housing Unit that is not connected to electricity or not connected to a source of safe potable water supply sufficient for normal residential needs, or both; not connected to a Department of Health and Environmental Control approved wastewater disposal system; or unoccupied for a period of at least thirty days and for which there is clear and convincing evidence that the occupant does not intend to return on a temporary or permanent basis; and that is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a hazard to the health safety of the occupants, the persons using the Manufactured Housing Unit, or the public.

**Design Professional** An individual or firm appropriately licensed and registered in the State of South Carolina.

**Detention** The temporary holding back of stormwater and releasing it at a controlled rate.

**Developer** The legal or beneficial owner of a Lot or of any land proposed for Development; or the holder of an option or contract to purchase, or any other Person having an enforceable contractual interest in such land.

**Development** The changing of land characteristics through redevelopment, construction, Subdivision into Parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar Developments for sale, lease, or any combination of owner and rental characteristics.

**Developments of County Significance** Proposed Developments that: (1) have a gross acreage equal to or exceeding 1,000 acres, (2) are located in the Rural Area of the County, and (3) may be considered consistent with the recommendations of the Comprehensive Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance

**Diameter Breast Height (DBH)** The total diameter, in inches, of a Tree trunk or trunks measured at a point four and one-half feet above existing Grade (at the base of the Tree). In measuring DBH, the circumference of the Tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

**Digital or Electronic Changing Billboard (Outdoor Advertising Structure)** A Billboard designed to accommodate frequent message changes composed of images, characters or letters that can be changed electronically utilizing digital or light emitting diodes (LED's) or similar electronic methods to create a changeable image display area without altering the face or the surface of such Sign.

**Dock** A Structure extending into or upon a waterway, marshland, or other natural water feature.

**Dock, Joint Use** Any Private Dock intended for the use of two to four Families. Joint Use Docks shall be exempt from the requirements of this Ordinance.

**Dock, Private** A Dock intended for the use of one Family. Private Docks shall be exempt from the requirements of this Ordinance.

**Drip Line** A circular area the circumference of which is determined by the outer reaches of a Tree's widest branching points

**Drive-In Theater** An area of land that includes one or more large outdoor screens or other Structure for the display of motion pictures and an area for parking automobiles from which the motion pictures are viewed. Drive-in theaters may also include a concession stand and outdoor seating areas.

**Dry Stack Storage for Watercraft** A facility for storing boats out of water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Any type of dry stack storage facility for watercraft will be considered a Water-Dependent Use in accordance with Article 5.3 of this Ordinance.

**Dumpster** An Accessory Use of a property where trash or recyclable material containers, or any other type of waste or refuse container is stored.

**Duplex** Two Single-Family Dwelling Units contained within a single Building, other than a Manufactured Housing Unit.

**Duplicating or Quick Printing Services** An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.



**Dwelling (Dwelling Unit)** A Building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities, provided, however, that legally permitted Dwelling Units may be used as Short-Term Rental Properties pursuant to the requirements of this Ordinance.

**Dwelling Group** Two or more Principal Structures, each a Single-Family Detached Dwelling Unit (not including Manufactured Housing Units), that are located on the same Zoning Lot. This definition does not include Accessory Dwelling Units. Manufactured Housing Units shall not be included in Dwelling Groups, with the exception of those existing as legal non-conforming Principal Dwelling Units and permitted Accessory Dwelling Units, in accordance with this Ordinance.

**Dwelling, Multi-Family** A Building containing three or more Dwelling Units, including residential condominiums and apartments. This does not include Triplexes or Fourplexes which are separately defined in this Chapter.

**Dwelling, Principal** The primary or predominant Dwelling Unit on a Lot.

**Dwelling, Single-Family Attached** The use of a site for two or more Dwelling Units, constructed with common or abutting walls and each located on a separate Lot. Also known as townhouses or rowhouses.

**Dwelling, Single-Family Detached** The use of a site for only one Dwelling Unit, other than a Manufactured Housing Unit, that is not attached to any other Dwelling Units.

## E

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**Earth Roads** Those in which the traveled Roadway is constructed of compacted earth material creating an earthen driving surface.

**Easement** A privilege or right of use, access or enjoyment granted on, above, under or across a particular tract of land by the landowner to another Person. An Easement does not constitute fee simple ownership of the land.

**Easement, Drainage** The right of access of stormwater runoff from the adjacent natural drainage basin into the drainage way within the Drainage Easement.

**Electric or Gas Power Distribution** A pipeline or system of pipelines including without limitation, mains, pipes, boxes, reducing and regulating stations, laterals, conduits, and services extensions, together with all necessary appurtenances thereto, or any part thereof located within the Right-of-Way, for the purpose of supplying electricity or natural gas for light, heat, power, and all other purposes.

**Electric or Gas Power Generation Facility** A facility that generates electricity or gas using fossil fuels or renewable fuels and deliver it to the power grid or Power Distribution facilities.

**Electrical or Telephone Switching Facility** A facility that is used for the transmission and exchange of electricity or telephone signals.

**Emergency Shelter** A facility providing shelter and supervision during crisis intervention for victims of crime, abuse, or neglect. Such facilities may provide counseling and supervision services.

**Encroachment** Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

**Enlargement** An increase in the size of an existing Structure or use, including physical size of the property, Building, parking, or other improvements. Enlargement would also include the addition of other Structures or uses on the Lot.

**Extended Home Rental (EHR)** A property with an owner or non-owner occupied residential dwelling, located in the S-3, R-4, UR, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish a EHR, a Property Owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Article 3.6 of this Ordinance.



## F

**Facade** The entire Building Wall, fascia, windows, doors, canopy and on any complete elevation.

**Fall Zone** The area on the ground within a prescribed radius from the base of a wireless telecommunications facility. The Fall Zone is the area within which there is a potential hazard from falling debris, such as ice, collapsing material or the collapse of the tower itself.

**Family** An individual, or two or more Persons related by blood or marriage living together; or a group of not more than six individuals, including live-in servants, not related by blood or marriage but living together as a single housekeeping unit. Residents of Community Residential Care Facilities licensed by the South Carolina Department of Health and Environmental Control (DHEC) for nine or fewer individuals shall be considered a Family.

**Family Home** A facility that provides care for up to 6 children at any given time within the home of the child care provider as defined by the Department of Social Services (DSS). In the case of conflict between this definition and the definition utilized by DSS, the definition utilized by SCDHEC shall control.

**Family, Immediate** The Property Owner's or Property Owner's spouse's, parents, children, grandparents, grandchildren, nieces, nephews, aunts, or uncles.

**Farm** A Parcel of land that is used for one or more of the following: the tilling of the land, the raising of crops, fruits, and vegetables, and the raising and keeping of Animals and Plants.

**Farm Labor Housing** A Building or Structure which is designed or constructed as accommodations for transient Farm workers .

**Farmer's Market** An open-air Structure, other than a Roadside Stand, used for the retail sale of fresh fruits, vegetables, nuts, grains, eggs, flowers, herbs, or Plants. No more than 50% of gross receipts may be derived from the sale of other unprocessed food stuffs; home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts; and commercially packaged handicrafts or commercially processed or packaged foodstuffs. Produce sold may be grown on the property where the Open Air Market is located or may be trucked in from area Farms. Vehicles, boats, and RVs cannot be stored or sold as part of Open Air Market operations.

**Fence (or Wall)** A structural device erected to serve as an architectural element, landscape element, visual screen, or physical barrier.

**Financial Guarantee** Surety intended to ensure that all improvements, facilities, or work required by this Ordinance will be completed, restored, or maintained in compliance with this Ordinance. (See Article 8.14)

**Financial Service** An establishment primarily engaged in the provision of financial and banking services.

**Fishing, Hunting or Recreational Guide Service** A service that provides professional guides or equipment for Persons on fishing, hunting, or outdoor recreational outings.

**Flag** A piece of fabric or other flexible material, usually rectangular and of distinctive design which is used as a symbol, such as for a nation, state, locality, or corporation.

**Floor Area** The sum of the gross horizontal areas of the several floors of the Building, measured from the exterior faces of the exterior Walls or from the center lines of Walls separating two Buildings, computed as follows: (1) floor space devoted to the Principal Use of the premises, including accessory storage areas located within selling or working space, such as counters, racks, or closets; (2) any basement Floor Area devoted to the production or processing of goods or to business or Professional Offices. Floor Area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including ramps, and maneuvering space, or basement Floor Area, other than area devoted to retailing activities, the production or processing of goods, or business or Professional Offices.



**Flower, Nursery Stock or Florists' Supplies Wholesalers** An establishment primarily engaged in selling and/or distributing flower, nursery stock, or florists' supplies to retailers, users, firms, or other wholesalers, as well as activities involving the movement and storage of products and equipment. This use often includes display areas, and sales to the public are limited. Products may be picked up on-site or delivered to the customer.

**Food Sales** An establishment primarily engaged in the retail sale of food for home consumption. These establishments may include the sale of beer and wine in unopened containers for off-premise[s] consumption where the sale of products other than beer and wine comprise at least 51 percent of the gross sales of the establishment, and at least 51 percent of the total display or shelf space is devoted to products other than beer and wine. These establishments include grocery stores, meat markets, butchers, retail bakeries, or candy shops.

**Food Truck** A large wheeled vehicle from which food is sold, that typically contains cooking facilities where the food is prepared.

**Fourplex** A multi-family Structure that consists of four Dwelling Units, typically two on the ground floor and two above, with a shared entry.

**Freight Forwarding Facility** A Building or area in which freight brought by truck, air, or ship is assembled and/or stored for routing or reshipment and often stored in containers on site. This facility does not include permanent or long-term accessory storage of goods, but may include storage areas for trucks and repair of trucks associated with the facility. This definition includes truck terminals, marine terminals, and packing and crating facilities.

**Front Yard** The actual area that exists between a Building and the front property line of the Lot on which the Building is located, extending along the full length of the front property line between the side property lines.

**Fuel Dealer** An establishment that distributes fuel oil for compensation.

**Fuel Storage Facility** A facility where tanks are located above the ground to store fuel oil, prior to collection or removal to another facility or site. This excludes the storage of nuclear fuels.

**Funeral Service** An establishment engaged in undertaking services such as preparing the human or Animal dead for burial and arranging and managing funerals. This includes crematories and mortuaries that are not operated in conjunction with, or within the boundaries of a Cemetery, as well as Funeral Homes.

## G

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**Garage (Private)** An Accessory Structure or space on a Lot with a Dwelling Unit devoted to or designed for the storage of automobiles and small (one-half-ton capacity or less) trucks and not used for business purposes or occupancy.

**Garage Apartment** A single Dwelling Unit located over a private detached Garage and containing square footage no greater than that of the Garage.

**General Contractor** An establishment that has the ability to furnish a variety of Building materials and provide multiple construction services at a specified price. This includes paving contractors.

**Golf Course** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

**Golf Driving Range** An area where golf players drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include Golf Courses.

**Government Office** Federal, state, county, or city Offices, administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles.

**Grade** For the purpose of determining Building Height:

1. For Buildings adjoining one Street only, it is the elevation of the sidewalk directly opposite the center of that Wall which adjoins the Street; in such case where the average elevation of the finished ground surface adjacent to the exterior walls of the Building is lower than the elevation of the sidewalk Grade, or where



there is no sidewalk Grade, or where there are no sidewalks, the Grade shall be the average elevation of the ground on the lowest side adjacent to the exterior Walls of the Building.

2. For Buildings adjoining more than one Street, it is the elevation of the sidewalk directly opposite the center of the Wall adjoining the Street having the lowest sidewalk elevation.
3. For Buildings having no wall adjoining the Street, it is the average level of the finished ground surface adjacent to the exterior Walls of the Building.
4. All Walls which are approximately parallel to and not more than 25 feet from a Front Lot Line shall be considered as adjoining the Street. In Alleys, the surface of the paving shall be considered to be the sidewalk elevation. Where the elevation of the sidewalk or Alley paving has not been established, the Public Works Director shall determine such elevation for the purpose of this Ordinance.

**Grain Terminals or Elevators** An agrarian facility designed to stockpile or store grain. This may or may not include a tower containing an elevator or conveyor, which scoops up grain from a lower level and deposits it in a silo or other storage facility.

**Grand Tree** Any Tree with a diameter breast height of 24 inches or greater, with the exception of Pine Tree and Sweet Gum Tree (*Liquidamber styraciflua*) species.

**Grooming Salon** An establishment primarily engaged in the grooming of Household Pets.

**Ground Cover** Low-growing Plant material less than 18 inches in height.

**Group Home** A facility that provides care for seven to twelve children in the home of the child care provider. The facility may care for up to eight children without an additional caregiver as defined by the Department of Social Services (DSS). In the case of conflict between this definition and the definition utilized by DSS, the definition utilized by SCDHEC shall control.

**Group Residential** Occupancy of a residential facility or Dwelling Unit by more than six Persons unrelated by blood or marriage, including but not limited to, fraternity or sorority houses, dormitories, or residence halls, excluding rooming or boarding houses.

**Gross Receipts** The amount that is or would be reported as Gross Receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state Gross Receipts for the most recently completed tax year. Taxes collected under this section are not subject to the tax imposed by this section and are not included in Gross Receipts.

**Grubbing** Removal of vegetative matter from underground, including, but not limited to, stumps, roots, buried logs, and other debris, and other earth disturbing activities.

## H

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**Habitable** A Dwelling Unit that is fit for residential occupancy.

**Hair, Nail or Skin Care Service** An establishment providing personal care services related to hair, nail, skin, or beauty to individuals. This includes barber shops, hair salons, or beauty salons.

**Half-Story** The space under a gabled or hipped roof, where the Wall plates, or knee Walls, on at least two opposite exterior Walls are not more than two feet above the finished floor of such story. The aggregate width of dormers on a Half-Story shall not exceed 50 percent of the width of the exterior Wall below the dormer(s).

**Hardship** A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without granting a Variance, exception, or modification.

**Health Care Laboratory** A facility primarily involved in the testing, diagnosis, or observation of medical or dental samples collected at health care facilities. The samples are generally sent to the laboratory from off-premises facilities.



**Heating Oil Dealer** An establishment that distributes heating oil for compensation.

**Heavy Commercial Trailer** A trailer vehicle used for any commercial purpose and having more than four tires and which is greater than 15 feet in overall length. Examples of heavy trailers include, but shall not be limited to “container chassis”, “dump bodies”, “reefers”, and other trailers commonly utilized within the commercial shipping industry.

**Heavy Commercial Vehicle** A Class 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Vehicle as defined by the Federal Highway Administration (FHWA). For the purposes of this Ordinance, this definition does not include 6-wheel pickup trucks, motor homes, campers, or Recreational Vehicles.

**Heavy Construction Services** Services involved in road, Bridge, Building, or other Infrastructure construction.

**Heavy Duty Truck or Commercial Vehicle Rental or Leasing** An establishment that rents or lease Heavy Duty Trucks or commercial vehicles to an entity for a period of time, but does not transfer ownership of the trucks or vehicles to the entity renting or leasing.

**Heavy Duty Truck or Commercial Vehicle Dealer** An establishment that sells Heavy Duty Trucks or commercial vehicles, including incidental storage, maintenance, and servicing.

**Height (of Signs)** The vertical distance measured from ground level at the base of the Sign Structure to the highest point of Sign Structure.

**Helipad** Any landing area for helicopters on public or private lands, which in addition, includes all necessary facilities for the picking up and discharging of passengers or freight.

**Hemp Crop Production and/or Processing** The raising and harvesting of hemp crops on an agricultural or commercial basis and/or the preliminary processing of hemp crops into packaged products. Hemp Crop Production and Processing shall include those Accessory Uses and activities customarily associated with this type of agricultural operation, as determined by the Zoning and Planning Director.

**Higher Education Facility** An educational institution that offers courses of general or specialized study leading to a Degree, Diploma, Certificate, or similar qualification. This definition includes a Business or Trade School, Colleges, and Universities.

**Highland** The dry land area of a Lot. This excludes any Freshwater Wetlands or OCRM Critical Line areas that are present on the Lot.

**Historic Building** A “Building”, such as a house, Barn, church, Hotel, or similar construction, that is created principally to shelter any form of human activity. “Building” may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and Barn. Buildings must include all of their basic structural elements; parts of Buildings, such as interiors, Facades, or wings, are not eligible independent of the rest of the existing Building. Examples may include, but are not limited to: administration Building; carriage house; church; city or town hall; courthouse; detached kitchen, Barn, and privy; dormitory; fort; Garage; Hotel; house; library; mill Building; Office Building; post Office; school; shed; social hall; stable; store; theater; or train station.

**Historic District** A Historic District possesses a significant concentration, linkage, or continuity of sites, Buildings, Structures, or objects united historically or aesthetically by plan or physical Development. It means a geographically definable area, urban or rural, which contains sites, Buildings, Structures, objects, works of art, or a combination thereof which:

- Have a special character or special historical or ethnic heritage or aesthetic interest or value;
- Represent one or more periods or styles of architecture typical of one or more eras in the history of Charleston County or the state or region; and
- Cause such area, by reason of these factors, to constitute a visibly perceptible section of Charleston County, which may either be locally-designated or NRHP-listed.



A Historic District derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial Buildings, sites, Structures, or objects. A Historic District can also be a grouping of Archeological Sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

A Historic District can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A Historic District can contain Buildings, Structures, sites, objects, or Open Spaces that do not contribute to the significance of the Historic District. The number of noncontributing properties a Historic District can contain yet still convey its sense of time and place and historical Development depends on how these properties affect the Historic District's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

**Historic Object** The term "Historic Object" is used to distinguish from Buildings and Structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Small objects not designed for a specific location are normally not included in this definition. Such works include a transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place. Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a Museum are inappropriate for designation. Examples may include, but are not limited to: boundary marker; monument; milepost fountain; sculpture; or statuary.

**Historic Property** A Historic Site, Historic Building, Historic Structure, or Historic Object that is fixed in location, which reflects historic, cultural or architectural significance.

**Historic Site** The location of a significant event, a prehistoric or historic occupation or activity, or a Building or Structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing Structure. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no Buildings, Structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate. A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well-documented through scholarly research. Generally, though, the definition of "site" excludes natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic Development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways. Examples may include, but are not limited to: battlefield; campsite; Cemeteries significant for information potential or historic association; ceremonial site; designed landscape; habitation site; natural feature (such as a rock formation) having cultural significance; petroglyph; rock carving; rock shelter; ruins of a Building or Structure; shipwreck; trail; or a village site.

**Historic Structure** The term "Historic Structure" is used to distinguish from Buildings those functional constructions made usually for purposes other than creating human shelter. Structures must include all of the extant basic structural elements; parts of Structures cannot be considered eligible if the whole Structure remains. For example, a truss Bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility. If a Structure has lost its historic configuration or pattern of organization through deterioration or Demolition, it is considered a "ruin" and is categorized as a site.



**Home Occupation** A business, profession, occupation, or trade which is conducted within a Dwelling Unit or its Accessory Structure for the economic gain or support of a resident of the Dwelling, and is incidental and secondary to the Residential Use of the Lot, and which does not adversely and/or perceptively affect the character of the Lot or surrounding area.

**Home Health Agency** A public, nonprofit, or proprietary organization licensed by the South Carolina Department of Health and Environmental Control (DHEC) which furnishes or offers to furnish home health services. These services include part-time or intermittent skilled nursing care, as ordered by a physician and provided by or under the supervision of a registered nurse, and at least one other therapeutic service. The majority of home health services are furnished on a visiting basis in a place of temporary or permanent residence used as the individual's home. (See S.C. DHEC Regulation 61-77, Standards for Licensing Home Health Agencies)

**Home Improvement Center** A facility with over 5,000 square feet of Floor Area engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and garden supplies.

**Homeowners' (or Property Owners') Association** A formally constituted non-profit association or corporation made up of the Property Owners and/or residents of a fixed area. The Homeowners' or Property Owners' Association may take responsibility for costs and upkeep of Common Open Space or facilities, or enforce certain covenants and restrictions.

**Horticultural, Greenhouse, Nursery, Crop, and Floriculture Production** Establishments primarily engaged in growing soil or water-based crops of any kind and/or growing nursery stock and flowers, Shrubs, or Trees intended for ornamental or landscaping purposes for wholesale or retail sale in order to be transplanted to a different location. Retail sales shall not comprise more than 25 percent of gross sales. This definition excludes private gardens where flowers, fruit, vegetables, etc. are grown for use/consumption by the residents onsite.

**Hospice Facility** An institution, place, or Building in which a licensed Hospice provides room, board, and Inpatient Services on a 24 hour basis to individuals requiring Hospice care pursuant to the orders of a physician.

**Hospital** A licensed facility primarily providing in-patient medical, surgical, or psychiatric care. Hospital facilities may also include out-patient services and the following types of accessory activities: out-patient diagnostic and treatment centers, Rehabilitation Facilities, Offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, and parking facilities. This definition includes General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric and Substance Abuse Hospitals, or Hospices.

**Hotel or Motel** A Building or portion thereof, or a group of Buildings, which provides sleeping accommodations, with or without meal service, for transients on a daily or weekly basis. Except where explicitly distinguished, Hotel and Motel are to be considered synonymous uses. This definition does not include Short-Term Rental Properties.

I

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**Impervious Surface** Any monolithic surface made of non-porous material that prevents water from infiltrating through. Examples are a concrete or asphalt slab, driveway, patio, rooftop, and including elevated Decks constructed not to allow water to pass through to the underlying soil.

**Impound Yard** A facility that provides temporary outdoor storage for:

- Mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or
- Wrecked Motor Vehicles awaiting insurance adjustments and transport to repair shops.

This term excludes: Scrap and Salvage Yards; Junk Yard; Towing Facilities; Vehicle and Storage; and accessory storage of Inoperable Vehicles.

**Indigenous Produce** Fresh fruit, vegetables, and agronomic crops (crops such as field corn, soybean, wheat, and oats) grown in, or which are characteristic of Charleston County. This term specifically excludes livestock, Animals, or seafood.





**Inoperable Vehicle** Any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public Streets of the County or which does not meet the requirements for operation upon the public Streets, including a current Motor Vehicle registration.

**Intermediate Care Facility for Individuals with Intellectual Disabilities** As defined by the South Carolina Department of Health and Environmental Control (SCDHEC), a facility that serves four or more Persons with an intellectual disability or Persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions. For purposes of this regulation, the definitions of “Intermediate Care Facility for Individuals with Intellectual Disabilities” and “Habilitation Center for Persons with Intellectual Disability or Persons with Related Conditions” are the same and both terms are utilized interchangeably. In the case of conflict between this definition and the definition utilized by SCDHEC, the definition utilized by SCDHEC shall control.

## J

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**Job Training or Placement Services** An Office or site used for education, preparation, or placement of individuals for a job in a specific field or skill.

**Jurisdictional Wetland** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. A Jurisdictional Wetland can only be determined as being such by the US Army Corps of Engineers.

## K

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**Kennel** A facility that provides boarding for three or more dogs, cats, or other Household Pets for a fee, and may include grooming, breeding, training, or selling of Animals. This definition also includes pet shelters who provide boarding and care for injured or abandoned dogs, cats, or other Household Pets.

## L

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**Landfill** A disposal facility or part of a facility where solid waste is placed in or on land.

**Landscaping and Horticultural Services** The base of operations for services that provide care to Trees, Plants, or lawns. This may include the storage of vehicles, equipment or materials associated with the service. Services include, but are not limited to, landscaping, Tree trimming, and Tree removal.

**Laundry, Dry Cleaning, or Carpet Cleaning Plants** A facility used for the cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

**Letter of Coordination** Formal correspondence from an agency, organization, or individual which expresses acknowledgement and/or consent of an application, project, or proposal.

**Library** A public or nonprofit facility in which books, periodicals, audio or video recordings, film, and comparable materials are kept for use or loaning to patrons of the facility. Such use may also offer use of computers and the incidental or periodic sale of surplus books. This definition also includes an Archives facility.

**Limited Home Rental (LHR)** A property with an owner-occupied residential dwelling, located in the RM, AG-15, AG-10, AG-8, AGR, RR, S-3, R-4, UR, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.

**Liquefied Petroleum Gas (Bottled Gas) Dealers** An establishment that distributes bottled gases such as propane or liquid petroleum for compensation.

**Liquor, Beer, or Wine Sales** An establishment primarily engaged in the retail sale of alcoholic beverages for off-premises consumption. This definition includes all retail stores where the sales of alcoholic beverages comprise 49 percent or more of gross sales.



**Lot** A designated Parcel, tract, or area of land established by Plat, Subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon and is recorded with the Register of Deeds of Charleston County.

**Lot Area** The total area included within the boundaries of a Lot, measured in a horizontal plane, excluding Freshwater Wetlands and OCRM Critical Line Area.

**Lot, Corner** Either a Zoning Lot bounded entirely by streets or a Zoning Lot which adjoins the point of intersections or meeting of two or more Streets and in which the interior angle formed by the Street Lines is 135 degrees or less. If the Street Lines are curved, the angle shall be measured at the point of intersection of the extensions of the Street Lines in the directions which they take at the intersection of the Street Line with the Side Lot Line and with the Rear Lot Line of the Lot. If the Street Line is curved at its point of intersection with the Side Lot Line or Rear Lot Line, the tangent to the curve at that point shall be considered the direction of the Street Line.

**Lot, Double-Frontage** An Interior Lot that abuts on two parallel Streets or that abuts on two Streets that do not intersect at the boundaries of the Lot. Lots with access on a Street and Alley shall not be considered Double-Frontage Lots.

**Lot, Flag** A Lot that has less than the minimum required Frontage, but no less than 20 feet of Frontage, on a public or private Street, has access to a public or private Street by a narrow strip of land, and the largest portion of the Lot is situated behind adjoining Lots which front on a public or private Street.

**Lot Frontage** The distance for which a Zoning Lot abuts on a Street.

**Lot, Interior** A Lot with only one Front Lot Line.

**Lot Line** A line of record bounding a Lot which divides one Lot from another Lot or from a public or private Street or any other public space.

**Lot Line, Front** The Lot Line separating a Lot from the Street that is used as the primary access point to the Lot.

**Lot Line, Interior** The Lot Line other than a Front Lot Line.

**Lot Line, Rear** The Lot Line opposite and most distant from the Front Lot Line.

**Lot Line, Side** Any Lot Line other than a Front or Rear Lot Line.

**Lot, Through** See "Lot, Double-Frontage" for definition.

#### **Lot Width**

- A. Width of an Interior lot: the length of the Front Lot Line or its chord.
- B. Width of a Corner or Double-Frontage Lot:
  1. If there are two Front Lot Lines, the shorter of such lines or its chord;
  2. If there are more than two Front Lot Lines, the average length of the two shortest of such lines or their chords.
- C. Width of Lots served by a Cul-de-Sac: width shall be measured at the Building line.

**Lots of Record, Approved** A platted Parcel or Parcels of land created and recorded with the Register of Deeds of Charleston County since January 1, 1955, in conformance with the Subdivision regulations and bearing the Planning Commission or County Council stamp of approval, or identical Parcels created and recorded by Plat or meets and bounds prior to January 1, 1955.

**Lot, Zoning** Any Lot that falls within the jurisdiction of Charleston County's Zoning and Land Development Regulations.

**Low Intensity Lighting** Required lighting associated with electronic Readerboards. Lighting shall automatically provide day and night dimming to reduce the illumination intensity of the Sign from one hour after sunset to one hour prior to sunrise and provide adjustments in the light levels to a maximum of 0.3 foot candles over ambient light levels as measured head on (at a 90 degree angle) 150 feet away from the Sign.



**Lumber Mill, Planing or Saw Mill** An establishment primarily engaged in one or more of the following: (1) sawing dimension lumber, boards, beams, timber, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts; (2) sawing round wood poles, pilings, and posts and treating them with preservatives; (3) treating wood sawed, planed, or shaped in other establishments with creosote or other preservatives to prevent decay and to protect against fire and insects; and (4) chipping or mulching of wood.

## M

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**Mail Order House** An establishment that conducts its business by receiving orders and shipping its merchandise through the mail and that supplies its customers with catalogs, circulars, etc.

**Main Utility Lines** Those facilities including piping, conduits, outlets, and other appurtenances necessary for the proper functioning of essential services to a Development including water, electricity, gas, sanitary Sewer, storm Sewer, cable, communications, etc.

**Maintenance Guarantee** Any security which may be required and accepted by the County to ensure that necessary improvements are maintained and will function as required for a specific period of time.

**Major Recreational Equipment** Any boat, boat trailer, camper or other Recreational Vehicle.

**Manufactured Home Dealer** A business engaged in the sales or rental of Manufactured Housing Units.

**Manufactured Housing Park** A Zoning Lot on which two or more Manufactured Housing Units are parked or on which spaces for the parking and occupancy of Manufactured Housing Units are rented. The term does not include Manufactured Housing Unit Subdivisions or premises where unoccupied Manufactured Housing Units, whether new or used, are parked for the purpose of inspection, sale, storage, or repair; or Recreational Vehicle Parks.

**Manufactured Housing Unit** Any Dwelling Unit constructed to standards and codes set forth by the United States Department of Housing and Urban Development, including the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Article 5401). The term does not include Recreational Vehicles, travel trailers, or motorized homes licensed for travel on highways, nor Manufactured Housing Units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.

**Manufacturing and Production** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods such as: alcoholic and nonalcoholic beverages and related products (excluding microbreweries and brewpubs); cement or concrete products including concrete batching or asphalt mixing; fabric or apparel including textile mills; food or related products; leather products including tanneries; manufactured home or other prefabricated structures; metal petroleum, coal and other mineral products including refineries, Motor Vehicles or trailers including related parts; paint, varnish or related supplies; plastics or rubber products; Signs; tobacco products; and watercraft and related parts. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other Plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. This definition does not include other Manufacturing and Productions definitions that are separately defined in this Chapter.

**Mariculture** A specialized branch of Aquaculture involving the cultivation of marine organisms for food and other products in the open ocean, an enclosed section of the ocean, or a river. Mariculture does not include cultivation in tanks, ponds or raceways filled with seawater, such as the farming of marine fish, including finfish and shellfish like prawns, or oysters and seaweed in saltwater ponds.

**Marina** A Marina is any of the following: (a) lock harbor facility; (b) any facility which provides fueling, pump-out, maintenance or repair services; or (c) any facility which has permanent docking space for 11 or more watercraft slips (d) any water area with a Structure which is used for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than ten boats; (e) a dry stack facility. All Marinas shall be considered a Water-Dependent Use in accordance with Article 5.3 of this Ordinance.

**Market-Rate Dwelling Unit** A Dwelling Unit priced according to prevailing market trends and sold with no restrictions on the sale price, rent rate, or on the buyer's income.



**Maximum Extent Feasible** The point at which all possible measures have been undertaken by the Applicant, at which point further measures would involve physical or economic Hardships that would render a Development project unfeasible or would be unreasonable in the judgment of a review or Decision-Making Body.

**Maximum Lot Coverage** The percentage or portion of a Lot that can be covered with Impervious Surfaces including, but not limited to, Principal Buildings, Accessory Structures, parking, driveways, and walkways.

**Mean Sea Level** Elevation 0.0 as determined by NGVD29 datum.

**Medical Office or Outpatient Clinic** An Office or clinic for the private practice of health care professionals licensed by the State of South Carolina, or a publicly owned facility or not-for-profit organization providing health services for ambulatory patients. The majority of patient encounters in the Office or clinic involve examination, diagnosis, treatment, or surgical procedures on an outpatient basis not extending beyond a 24 hour period. These centers can include related facilities such as laboratories, clinics, and Administrative Offices typically operated in connection with such care centers. This definition excludes any facilities that have been more specifically defined in this Ordinance.

**Medical Services** Any services provided by a licensed medical practitioner.

**Microbrewery** A facility for the production and packaging of beer as allowed by SC Code Title 61, Chapter 4, as amended, with a capacity of not more than 5,000 barrels per year.

**Mixed Use/Occupancy** Occupancy of a Building or land for more than one use.

**Mixed-Use Structure** A Structure containing both residential and nonresidential uses.

**Model Home** A Dwelling Unit that is temporarily used as a model to display the layout and finishes of other Dwelling Units that are or will be available for sale within a Subdivision or condominium Development.

**Modular Building Unit** A Building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished Building and not designed for ready removal to another site. A Modular Building Unit must meet the applicable requirements of the South Carolina Modular Buildings Construction Act. This term is not to be limited to residential Dwelling Units.

**Motor Vehicle** Every vehicle that is self-propelled that can be licensed and registered to be driven on public Streets, roads or Rights-of-Ways, except mopeds, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

**Mulching Operation** An operation that produces mulch. Mulch consists of organic substances placed on the earth as a protective covering around Plants to retard weed growth and prevent moisture evaporation and freezing of roots.

**Museum** A Structure or Building that displays, preserves, and/or exhibits objects of community and cultural interest in one or more of the arts and sciences, intended to be used by members of the public for viewing, with or without an admission charge.

## N

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**Nature Exhibition** A public display of materials or living things of the outdoors, including the re-creation of natural wildlife habitats native to the Charleston area. This term does not include facilities, such as Zoos, where the primary purpose is the display of live Animals.

**Non-Commercial Copy** Material written for informational purposes only. This material is non-promotional and does not advertise a business or service.

**Nonconforming Lot** A tract of land, designated on a duly recorded Subdivision Plat, or by duly recorded deed, or by other lawful means, that complied with the Lot Area, Lot Width, and Lot depth standards of the Zoning District in which it was located at the time of its creation, but which does not comply with the minimum Lot Area, Lot Width, or Lot depth requirements of the Zoning District in which it is now located.



**Nonconforming Sign** A Sign that was legally established but which no longer complies with the Sign Regulations of Article 9.6 of this Ordinance.

**Nonconforming Structure** A Building or Structure that was legally established but which no longer complies with the Density/Intensity and Dimensional Standards of the base Zoning District.

**Nonconforming Use** A use that was legally established but which is no longer allowed by the use regulations of the Zoning District in which it is located.

**Nonstore Retailer** The selling of goods and services outside the confines of a retail facility. This can include a Direct Selling Establishment, electronic shopping, and/or a Mail Order House.

## O

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**Office** Unless the context clearly suggests a more specific meaning, the term Office shall mean any of the following: Government Office, Administrative or Professional Office.

**Office of Ocean and Coastal Resource Management (OCRM) Critical Line Area** This line is defined by South Carolina Office of Ocean and Coastal Resource Management at the date of application and determines their jurisdiction.

**Open Space** Land and water areas retained for use as active or Passive Recreation Areas or for resource protection, which are intended to remain generally in their natural state.

**Open (Or Field) Storage** The location of bulk items, assemblies or sub-assemblies in areas exposed to weather, in whole or in part, for the end use of further manufacturing process, sale or transportation. This shall include, but not be limited to, open display of transportation vehicles, marine craft, aircraft, Manufactured Housing Units, modules, Recreation Vehicles, Junk Yards, or "piggy-back" containers. It does not include uses that are totally enclosed.

**On-Site Sales Office** A Dwelling Unit within a Subdivision; a Dwelling Unit within a condominium; or a modular unit that is temporarily used as a sales Office for a Subdivision or condominium.

**Outdoor Living Space** Uncovered, horizontal Open Space on a Zoning Lot, which:

1. Does not include loading or parking areas, driveways, or refuse storage area and is so arranged as to prevent entry by Motor Vehicles;
2. Is paved, landscaped, or otherwise improved to make it suitable for passive or active outdoor recreational use and in the case of roofs and balconies is so arranged as to be safe for use by children;
3. Is readily accessible to the residents of the Building for which it is required; and
4. May include land, balcony, and roof areas.

**Outdoor Shooting Range** The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions such as turkey shoots.

**Outpatient Facility for Chemically Dependent or Addicted Persons** As defined by the South Carolina Department of Health and Environmental Control (SCDHEC), a facility providing specialized non-residential services for chemically dependent or addicted persons and their Families. The outpatient services are based on an individual treatment plan in a non-residential setting including diagnosis, treatment, individual and group counseling, Family therapy, vocational and educational development counseling and referral services. In the case of conflict between this definition and the definition utilized by SCDHEC, the definition utilized by SCDHEC shall control.

**Owner-Occupied Short-Term Rental Property** A property with a Dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation, and which is occupied by the record owner of the Subject Property who has designated the Subject Property as his/her legal residence subject to the legal assessment ratio according to the records of the County Assessor's Office and who:

- A. Has designated the Subject Property as his/her legal voting address; or



- B. Has designated the Subject Property as the address on his/her driver's license or other government issued identification.

## P

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**Paper Mills** Factories or plant locations where various pulps in slurry form are mechanically treated, mixed with the proper dyes, additives, and chemicals, and converted into a sheet of paper by the processes of drainage, formation, and drying on a paper machine.

**Parcel** A designated Parcel, tract, or area of land established by Plat, Subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon and is recorded with the Register of Deeds Office of Charleston County.

**Parking Lot** An open area providing off-street parking for the Motor Vehicles of residents, tourists, customers, or employees on a temporary, daily, or overnight basis.

**Parking Garage** A Building where residents, tourists, customers, or employees park their Motor Vehicles on a temporary or daily basis with a service charge or fee being paid to the owner or operator.

**Parking, Off-Site** The minimum number of Required Parking spaces for the existing or proposed use(s) not on the Parcel for which the use(s) is located.

**Parking, On-Site** The minimum number of Required Parking for the existing or proposed use(s) on the Parcel for which the use(s) is located.

**Parking, Required** The minimum number of parking spaces for a specific use(s) as defined in this Ordinance. Required Parking spaces cannot be located within public Right-of-Ways.

**Parking, Shared** Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

**Parks and Recreation** Parks, playgrounds, Swimming Pools, recreation facilities, and Open Spaces available to the general public, either without a fee or under the management or control of a public agency.

**Parole Office or Probation Office** An Office for those who supervise parolees or Persons placed on probation by a court in criminal proceedings.

**Parties in Interest** Any individual, associations, corporations or others who have expressed an interest in writing in an application pending before the Zoning and Planning Department and that has been received by the Zoning and Planning Director.

**Passive Recreation Area** Areas in and located due to the presence of a particular natural or environmental setting and that may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition such as boating, fishing, camping, nature trails and nature study. Farms are considered as passive Open Space if they are protected from Development by a Conservation Easement.

**Paved Streets** Those in which the traveled Roadway is constructed of a layer or layers of materials with the surface usually being constructed of Portland cement concrete or asphaltic concrete.

**Paved Surface** Any area which has been surfaced with bituminous asphalt, concrete, compacted aggregate Base Course, or other alternative paving material of sufficient thickness to accommodate the proposed use.

**Permanent Storage Unit** 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.

**Pavement** The uppermost layer of material placed on the Street usually as the wearing or riding surface. This term is used interchangeably with "surface course" or "surfacing" and will usually imply Portland cement concrete or asphalt concrete, but may include "rocking."



**Pawn Shop** A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

**Person** Individual, proprietorship, partnership, corporation, association, or other legal entity.

**Personal Improvement Education** An establishment primarily engaged in the provision of information or instruction relating to a particular subject or hobby, including but not limited to, fine arts schools and automobile driving schools. This term excludes any educational services more specifically defined in this Ordinance.

**Personal Improvement Service** An establishment primarily engaged in the provision of informational, instructional, personal improvements or similar services. This includes but is not limited to, dance studios, photography studios. This excludes any services that have been more specifically defined in this Ordinance.

**Pet, Household** Domestic Animals typically kept for company or enjoyment within the home. Household Pets shall include, but not be limited to: domestic cats; domestic dogs; domestic ferrets; gerbils; guinea pigs; hamsters; domestic laboratory mice; domestic rabbits; goldfish, canaries, and parrots.

**Pet Store** An establishment primarily engaged in the retail sale of Household Pets.

**Petroleum Wholesalers** An establishment primarily engaged in selling and/or distributing petroleum to retailers, users, firms, or other wholesalers, as well as activities involving the movement and storage of products and equipment. This use often includes display areas, and sales to the public are limited. Products may be picked up on-site or delivered to the customer.

**Photo Finishing Laboratory** An establishment primarily engaged in developing film and/or making photographic slides, prints, and enlargements.

**Physical Fitness or Health Club** A Building or Structure generally containing multi-use facilities for conducting fitness and recreational activities, including, but not limited to, the following: aerobic exercises, weightlifting, running, swimming, racquetball, handball, and squash.

**Plants** The term Plants is meant to include seed, seedlings, nursery stock, roots, tubers, bulbs, cuttings, and other Plant parts used in the propagation of field crops, vegetables, fruits, flowers, or other Plants.

**Plat** A diagram drawn to engineer's scale showing all essential data pertaining to the boundaries and Subdivision of a tract of land as determined by a professional land surveyor.

**Plat, Approved and Recorded** A diagram drawn to engineer's scale showing all essential data pertaining to the boundaries and Subdivision of a tract of land as determined by a professional land surveyor, illustrating the boundaries that correspond with the current recorded deed, is approved by the Zoning and Planning Department and recorded in the Register of Deeds (ROD) Office.

**Pole Cover** An enclosure for concealing and/or for decorating poles or other structural supports of a Pole-Mounted Sign.

**Postal Service, United States** Postal services, including post Offices, bulk mail processing, or sorting centers operated by the United States Postal Service.

**Pre-Manufactured Container Unit** A standardized, reusable vessel that is or appears to be by (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Pre-School or Educational Nursery** A school, with an accredited training program and staffed with certified teachers, for children who are not old enough to attend kindergarten.

**Preserved** To remain relatively unchanged. In relation to Open Space, preserved shall mean land placed in a Conservation Easement with a permanent deed restriction that prohibits further Development.

**Principal Use** The primary or predominant use to which a property is or may be devoted and to which all other uses on the premises are accessory.



**Printing Press Production or Lithography** An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, lithography, or other similar techniques.

**Private Air Strip** A single private runway or private helicopter landing area not open to the public, without normal air base or airport facilities.

**Private Postal or Mailing Service** The provision of one or more postal services, such as sorting, routing, and delivery on a contract basis. This does not include the United States Postal Service.

**Professional or Commercial Equipment or Supplies Manufacturing and Production** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of professional or commercial equipment or supplies. This includes, but is not limited to, Office, Medical, Restaurant Equipment, or Specialty Item Manufacturers. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales.

**Professional Office** A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions. This term does not include "Medical Office or Clinic" or "Parole or Probation Office."

**Property Owners' Association** See "Homeowners' Association" for definition.

**Property Owner** The holder of the title in fee simple and every mortgagee of record.

**Prosthetic Manufacturing (limited)** A business which performs technical procedures related to the design, fabrication and fitting of custom-made artificial limbs or denture/orthodontic devices, and does not use hazardous materials in the manufacturing process. The majority of processes undertaken in this setting involve device design and manufacturing as prescribed by a health care professional licensed by the State of South Carolina, with no patient interaction.

**Protected Tree** Any Tree on a Parcel with a Diameter Breast Height of eight inches or greater prior to Development, and all Trees within required buffers or required landscape areas.

**Publicly Designated Area** An area set aside for public use, by any federal, state, or local government.

**Public Project** Any project by or for a public agency using real property, as owner or tenant that falls within the jurisdiction of Charleston County. These public agencies include:

1. Agencies and departments of the State of South Carolina,
2. Counties, county agencies and departments, and
3. Municipalities, municipal agencies, and departments.

**Public Works Director** The Director of the Department of Public Works of the County of Charleston or an authorized representative.

**Publishing Industry** The production or distribution of information through the publishing of newspapers, periodicals, books, databases or software publishers.

**Pulp Mills** Facilities that process pulpwood, wood chips, or other such cellulosic material into pulp by using mechanical, cooking, screening and bleaching methods.

## R

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**Rack** A storage slip for a boat in a dry stack storage facility.

**Railroad Facility** Railroad yards, equipment servicing facilities, and terminal facilities.

**Readerboard** A Sign that is capable of displaying words, symbols, figures, or images that can be manually or electronically changed by remote or automatic means.





**Rear Yard** The actual area that exists between a Building and the rear property line of the Lot on which the Building is located, extending along the full length of the rear property line between the side property lines.

**Recreation and Entertainment, Indoor** Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed Building, excluding any Sexually Oriented Businesses. This includes, but is not limited to, Billiard Parlors; Bowling Centers; Ice or Roller Skating Rinks; Indoor Shooting Ranges; Theaters; or Video Arcades.

**Recreation and Entertainment, Outdoor** Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities, excluding any Sexually Oriented Businesses. This includes, but is not limited to, Amusement Parks; Fairgrounds; Race or Go-Cart Tracks; and Sports Arenas.

**Recreational Vehicle** A highway vehicular, portable Structure designed as a temporary dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers; the term does not include Manufactured Housing Units.

**RV (Recreational Vehicle) Park** Any Lot of land upon which two or more Recreational Vehicle sites, or Campground sites, are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation. This term does not include any premises on which unoccupied Recreational Vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

**Recreation Watercraft Rental** See "Charter Boat Rental" for definition.

**Recycling Center** An establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include: glass, paper, plastic, cans, motor oil, or other source-separated, non-decayable materials.

**Recycling Collection (Drop-Off)** A facility used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, non-decayable materials. "Recyclable materials" at a Recycling Collection Facility shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or decayable materials.

**Rehabilitation Facility** A facility operated for the primary purpose of assisting in the rehabilitation of disabled individuals through an integrated program of medical, psychological, social, or vocational evaluation and services under competent professional supervision.

**Religious Assembly** A church, synagogue, temple, monastery, convent, retreat center or any permanent or temporary Building providing regular, organized religious worship of any denomination and religious education incidental thereto, but excluding private daycare, primary or secondary educational facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of Religious Assembly use.

**Relocated Tree** A Protected Tree that has been relocated in accordance with the requirements of this Ordinance.

**Remodel** The internal or external alteration or change, in whole or in part, of a Structure or thing that changes its characteristic appearance or the fundamental purpose of its existing design or arrangement and the uses contemplated. Not included in this meaning are the terms "Enlargement" and "extension".

**Rendering Plants** Any premises where raw rendering materials are converted into fats, oils, feeds, fertilizer, and other products.

**Rental Day** Each calendar day or part thereof a residential Dwelling Unit or part thereof is rented by Short-Term Rental Tenants, excluding Family members.

**Rental Party** Short-Term Rental Tenants who occupy any portion of a residential Dwelling Unit for a fee or any form of compensation, excluding Family members.

**Rental Transaction** The act of a Short-Term Rental Tenant (excluding Family members) and Property Owners agreeing to rent a residential Dwelling Unit or part thereof, as provided in this Ordinance.

**Repair, Minor** A repair affecting 25 percent or less of the gross Floor Area of a Structure.



**Repair Service, Commercial** An establishment engaged in the repair or servicing of electric motors, heavy duty trucks or machinery, industrial machinery, business machinery, consumer machinery, equipment, tools, or professional instruments, or tire retreading or recapping, or welding, or similar products or by-products.

**Repair Service, Consumer** An establishment primarily engaged in the provision of repair services to individuals and Households rather than firms. This includes, but is not limited to appliance, shoe, watch, furniture, jewelry or musical instrument repair. This excludes vehicle and Commercial Repair Services.

**Required Tree** Term used to refer, either collectively or separately, to all Trees required to be retained or replaced by Article 9.4 of this Ordinance including: all Grand Trees, all Protected Trees and all Trees required by Article 9.5 of this Ordinance.

**Research and Development Laboratory** Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site.

**Residential Building or Use** A Residential Building is a Building containing only Residential Uses and uses accessory thereto.

**Residential Character** The physical traits or characteristics of a residential Dwelling Unit which identify it as providing living accommodations as opposed to being a place of business.

**Residential Treatment Facility for Children and Adolescents** As defined by the South Carolina Department of Health and Environmental Control (SCDHEC), a facility operated for the assessment, diagnosis, treatment, and care of two or more children and/or adolescents in need of mental health treatment which provides: (1) An education program, including a program for students with disabilities, that meets all applicable federal and state requirements, as defined by the South Carolina Department of Education (SCDE). The education program may be provided at the facility, if appropriate space is available to provide a free appropriate public education in the least restrictive environment, or an alternate location; (2) Recreational facilities with an organized youth development program; and (3) Residential treatment for a child or adolescent in need of mental health treatment. In the case of conflict between this definition and the definition utilized by SCDHEC, the definition utilized by SCDHEC shall control.

#### **Resource Extraction/Mining**

- A. The breaking of the surface soil to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business;
- B. Removal of overburden lying above natural deposits of ore or mineral solids and removal of the mineral deposits exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state.
- C. Removal of overburden and the Mining of limited amounts of ores or mineral solids are not considered Mining when done only for the purpose of determining location, quantity, or quality of a natural deposit, if no ores or mineral solids removed during exploratory excavation or Mining are sold, processed for sale, or consumed in the regular operation of a business and if the affected land does not exceed two acres in area. Mining does not include plants engaged in processing minerals except as the plants are an integral on-site part of the removal of ores or mineral solids from natural deposits. Mining does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction. Mining does not include dredging operations where the operations are engaged in the harvesting of oysters, clams, or the removal of shells from coastal bottoms.

**Responsible Entity** Defined as either (1) the unit of local government responsible under South Carolina law for the maintenance of the Roadway; or 2) in the case of private Roadways (non-publicly maintained), the owner of the property on which the Roadway is located, or if existing, a Homeowners Association previously created to maintain the Roadway.

**Restaurant, Fast Food** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. A Fast-Food Restaurant generally has one or more of the following characteristics:



1. It serves ready-to-eat foods, frozen desserts, or beverages in edible or paper, plastic or disposable containers;
2. It serves foods that customers carry to the restaurant's seating facilities, to Motor Vehicles, or off-premises; or
3. It serves foods through a pass-through window, (which includes any and all drive-in restaurants) Alcoholic beverages shall not comprise more than 25 percent of Gross Receipts.

This includes, but is not limited to, snack or nonalcoholic beverage bars.

**Restaurant, General** An establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption, where the sales of alcoholic beverages does not comprise more than 25 percent of Gross Receipts. This definition includes, but is not limited to, Cafeterias, Diners, Delicatessens, or Full-Service Restaurants. This definition does not include Fast Food Restaurants.

**Retail Sales and Service, General** An establishment primarily engaged in the sale of new or used products to the general public. This includes art, hobby, musical instrument, toy, sporting goods, clothing, piece goods, shoes, jewelry, luggage, leather goods, drug stores, pharmacies, electronics, appliance, florist, furniture, cabinet, home furnishings, tobacconist, Building materials or garden equipment and supplies, hardware, garden and outdoor supplies, power equipment, paint, varnish or wallpaper stores, and ice vending machines. This excludes those establishments more specifically defined in this Ordinance.

**Review Body** The entity that is authorized to recommend approval or denial of an application or permit required under this Ordinance.

**Right-of-Way** Land that has been, or is being, dedicated for the construction and maintenance of a Street. "Right-of-Way" may also be used to identify an area dedicated for use as part of a drainage system or Utility corridor.

**Road, Major** Major roads include Interstates, Arterial Roads, and Collector Roads, all as defined in this Ordinance.

**Roadside Stand or Sweetgrass Basket Stand** An open air stand that sells handmade baskets from locally grown sweetgrass or produce grown onsite. This definition does not include Farmers Markets.

**Roadway** The entire area between the outside limits of construction, including appertaining Structures, all slopes, ramps intersections, drive, and side ditches, channels waterways, etc., necessary for proper drainage. This term shall in general be considered synonymous with "Street" or "Road".

**Rock Road** Those in which the traveled Roadway is constructed of compacted rock material creating a rock driving surface.

**Rural Area** The area designated as the "Rural Area" in the *Comprehensive Plan*.

## S

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**Safety Services** Facilities for the conduct of public safety and emergency services including Emergency Medical or Ambulance Service, Fire Protection, or Police Protection.

**Scenic Road** A road or highway designated scenic by Charleston County or by the State of South Carolina.

**School, Primary** A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of South Carolina.

**School, Secondary** A public, private or parochial school offering instruction at the middle (junior) and senior high school levels in the branches of learning and study required to be taught in the public schools of South Carolina.



**Scrap and Salvage Service** An establishment primarily engaged in the storage, retail or wholesale sale, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials. This includes, but is not limited to: Automotive Wrecking Yards, Junk Yards, Parts Salvage, Paper Salvage Yards, Wholesale Scrap or Waste Materials Establishments, and Materials Recovery Facilities. This term excludes Impound Yards and Towing Facilities.

**Screening (Elements)** Various combinations of Walls, Fences, earthen Berms, Trees, shrubbery, and landscape materials which comprise a Screening plan approved by the Zoning and Planning Director to fulfill the requirements and serve the purposes of Article 9.5 of this Ordinance.

**Screening, Opaque** A combination of Screening Elements, approved by the Zoning and Planning Director, designed to substantially or completely obscure horizontal views between abutting or adjacent properties. When Plant materials are used for screening, the Screening shall be opaque at the time of Plant maturity.

**Screening, Semi-Opaque** A combination of Screening Elements in compliance with the requirements of Article 9.5 of this Ordinance designed to partially obscure horizontal views between abutting or adjacent properties.

**Seafood Related Retail Sales** An establishment engaged in the retail sale of seafood and seafood related products to the general public.

**Self-Service Storage** Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity.

**Septic Tank Installation, Cleaning or Related Services** A service or facility involved in the installation, cleaning, or maintenance of septic tanks or systems.

**Service Connection/Utility Service Lateral** The portion of pipe which runs from the customer's property line to the main Sewer line, and which receives sewage from the "customer's service line".

**Service Station, Gasoline** Any premises used primarily for the retail sale of fuel for automobiles, light and medium trucks, motorcycles, Recreational Vehicles, and other consumer Motor Vehicles. A Gasoline Service Stations may include light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, but shall not include heavy vehicle maintenance activities such as engine overhauls, automobile painting, and body fender work. This term may also include the sale of Motor Vehicle accessories, or used tires taken in trade on the premises, but does not include vehicle, moving truck, or trailer sales or rental. A Gasoline Service Station may or may not include a Convenience Store.

**Services to Buildings or Dwellings** The base of operations for services that provide maintenance to Buildings or Dwellings. This may include the storage of vehicles or materials associated with the service. Services include, but are not limited to, carpet or upholstery cleaning, extermination, or janitorial services.

**Setback** A required minimum distance from a Lot Line or Street Right-of-Way, ingress/egress Easement, or OCRM Critical Line that establishes an area within which a Structure shall not be erected.

**Setback, Front** The Setback measured from a Street Right-of-Way or ingress/egress Easement that is used to access a Lot.

**Setback, Interior** The Setback measured from any Interior Lot Line

**Setback, OCRM Critical Line** The Setback measured from the Critical Line, as determined by the Office of Ocean and Coastal Resource Management at the time of application.

**Setback, Rear** The Setback measured from the Rear Lot Line, or if the Rear Lot Line is not located on high ground, the OCRM Critical Line Setback shall apply (See "Setback, OCRM Critical Line" definition)

**Setback, Side** Any Setback other than a Rear or Front Setback.

**Settlement Areas** The areas designated as "Settlement Areas" by the adopted Charleston County *Comprehensive Plan*.

**Sewage Collection Service Line** A non-lateral line connecting Development to a Sewage Collector or Trunk Line.



**Sewage Collector or Trunk Line** A public or private Sewer to which Building Sewers are connected and which conducts sewerage to an interceptor.

**Sewage Collection or Disposal Facility** Any arrangement of devices and Structures used for collecting and disposing of sewage waste.

**Sewer or Sewer Main** A primary pipe or conduit for carrying sewage, which excludes Building Sewers, Building drains, Utility Service Laterals, and customer service links; may be a gravity or pressurized force main, owned, operated, and maintained by the provider.

**Sexually Oriented Businesses** Definitions provided in Section 6.4.18.C of this Ordinance.

**Short-Term Lender** A Deferred Presentment Lender or a Title Loan Lender.

**Short-Term Rental Property (STRP)** A Dwelling or any part thereof that is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation. Compensation may include, but is not limited to, an exchange or interaction between people conducting business, such as a rental contract, or agreement, cash or credit transaction, and/or bartering (exchanging goods or services for other goods or services without using money). The number of Rental Days applies per Lot and not per Dwelling.

**Short-Term Rental Tenant (STRT)** Any Person (excluding Family members) who rents a Dwelling or part thereof, for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation.

**Shrub** A self-supporting perennial Plant of low stature characterized by multiple stems and branches running continuous from the base.

**Side Yard** The actual area that exists between a Building and the side property line of the Lot on which the Building is located, extending along a side property line from the point of the minimum Front Setback to the point of the minimum Rear Setback.

**Sightseeing Transportation, Land or Water** Base of operations for a business or guide providing motorized transportation for recreation and entertainment purposes, where transportation equipment may also be stored. The activity is local in nature and usually involves a same-day return to the point of departure. Services offered generally include, bus tours, helicopter rides, boat and dinner cruises and locomotive excursions.

**Sign** Any device or visual communication that is used to announce, direct attention, inform, or advertise to the public.

**Sign, Abandoned** A Sign advertising a Person, business, service, event or other activity that is no longer available, or a Sign containing inaccurate or outdated information.

**Sign, Animated** Any Sign so designed as to facilitate or permit the rotation, oscillation, or other movement of the Sign or of any of its visible parts.

**Sign, Area of** The entire area within a continuous perimeter, enclosing the extreme limits of Sign display, including any frame or border. Curved, spherical, or any other shaped Sign face shall be computed on the basis of actual surface area. The Area of Signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices. Area devoted to required house numbers shall not be included in the calculation of maximum Sign Area. The calculation for a double-faced Sign shall be the area of one face only. Double-faced Signs shall be constructed so that both faces are either parallel or have an interior angle of less than 90 degrees, and the two faces shall not be more than 12 inches apart. When calculating the Sign Area of a "Monument Sign", or "Pedestal Sign", or "Pole-Mounted Sign", the internal structural framework supporting the Sign or other solid structural features (not containing Copy or any graphic, word, symbol, insignia, text sample, model, device, or combination thereof which is primarily intended to advertise, identify or notify, exclusive of a frame or border) shall not be used in the calculation of the maximum area of the Sign.

**Sign, Bona Fide Agricultural Use** A Sign specifically used for the advertisement of products from Bona Fide Agricultural Uses, related activities, and Farm identification that meets the requirements of this Ordinance.



**Sign, Campaign** A Sign that identifies or urges support for a specific political issue scheduled for inclusion on an upcoming election ballot, or a Sign that identifies or urges support for a political party or candidate for national, state, or local public Office.

**Sign, Directional** Signs designed to provide direction and wayfinding to pedestrian and vehicular traffic.

**Sign, Electronic Copy Readerboard** An electronic portion of a Free-Standing Sign that channels light through tubes to create patterns that can produce changing display.

**Sign, Flashing or Moving** Any illuminated Sign on which artificial light is not constant in intensity and color at times, and which may include any revolving, rotating, moving or Animated Signs with moving lights, or Signs which create the illusion of movement. For purposes of this Ordinance, strobe lights in window fronts visible from public Rights-of-Way are included in this definition. On/off time and temperature Signs and Readerboards are not considered Flashing Signs for the purpose of this Ordinance.

**Sign, Freestanding** A Sign supported by a Sign Structure secured in the ground and which is wholly independent of any Building, other than the Sign Structure, for support. A Sign on a Fence shall be considered a Freestanding Sign.

**Sign, Gas-Filled** Any inflated device intended to advertise or draw attention to a business or event. This definition includes balloons and inflatable figures.

**Sign, Height of** The vertical distance measured from the natural Grade elevation at the base of the Sign Structure to the highest point of the Sign Structure.

**Sign, Illuminated** A Sign designed to give forth artificial light or to reflect artificial light from a source incorporated in or associated with such Sign.

**Sign Imitating Traffic Devices (Signals)** Signs of such size, location, movement, content, and coloring, or of a manner of illumination that could be confused with or construed to be traffic control devices; or hide from view any traffic or Street signal; or obstruct the view in any direction from a Street intersection.

**Sign Imitating Traffic Signs** Signs that imitate official traffic Signs or signals or Signs that contain the words 'stop', 'go', 'danger', 'slow', 'caution', 'warning', or similar words in such a fashion as to imitate official traffic Signs or signals.

**Sign in Disrepair** Any Sign that contains damaged or defective parts, or otherwise presents an unsightly appearance due to lack of maintenance.

**Sign in Marshes** Signs erected or displayed in a marsh area or on land subject to periodic inundation by tidal action.

**Sign, Monument** A Free-Standing Sign with a Sign support Structure that: (1) is designed as one architecturally unified and proportional element with the Sign itself, (2) is at least 90 percent of the width of the Sign face and (3) is solid from Grade at the base of the Sign to the top of the Sign Structure.

**Sign, Neon or Tube** A Sign that uses a cold-cathode gas-discharge tube that may be straight or formed. This is generally referred to as neon, though the gas contained inside may be a mixture of two or more inert gases, such as argon, helium, krypton, or xenon.

**Sign, Off-Premises Bona Fide Agricultural Use** Off-Premises Signs advertising products from Bona Fide Agricultural Uses, related activities and Farm identification.

**Sign, Off-Premises** Any Sign located or proposed to be located at any place other than within the same platted Parcel of land on which the specific business or activity being identified on such Sign is itself located or conducted.

**Sign, On-Premises** A Sign which directs attention to a business or profession conducted, or to a principal commodity, service or entertainment sold or offered on the premises where such Sign is located.

**Sign, Pedestal** A Free-Standing Sign with a Sign support structure that: (1) is designed as one architecturally unified and proportional element with the Sign itself, (2) is at least 50 percent of the width of the Sign face and (3) is solid from Grade at the base of the Sign to the top of the Sign Structure.



**Sign, Pole-Mounted** A Freestanding Sign with visible support Structure.

**Sign, Political** A Sign containing language that expresses a point of view on a political issue or identifies a specific political party, political organization, or political official unrelated to an upcoming election.

**Sign, Portable** Any Sign designed to be moved easily and not permanently affixed to the ground or to a Structure or Building.

**Sign, Project** Construction Signs announcing new Buildings or projects, erected after the commencement of construction.

**Sign, Real Estate** Temporary Sign advertising the real property upon which the Sign is located for rent or lease or sale; advertising a business or businesses to be located on the premises; or advertising the architect, contractor, Developer, finance organization, subcontractor or material vendor upon which property such individual is furnishing labor, services or material.

**Sign, Roof** Any Sign erected upon, against, or directly above a roof or roof eave, or on or above any architectural appendage above the roof or roof eave.

**Sign, Sandwich Board/Sidewalk Sign** A Sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of the letter "A" when viewed from the side.

**Sign, Shared Freestanding** A Freestanding Sign shared by one or more businesses or residential Developments on separate Parcels that also share a common property boundary or are located within an approved multi parcel Development. One shared Sign is allowed per jointly used shared Curb Cut/entry drive with an allowable maximum of two shared Signs per multi tenant Development.

**Sign, Snipe** Any unpermitted Sign painted on or affixed to Trees or other natural features, Utility poles, benches, or other Street furniture, including, but not limited to, waste receptacles, bike racks, drinking fountains, and public telephones, or Freestanding Signs affixed to the ground.

**Sign, Special Sales Event** A Temporary Sign advertising a Special Sales Event on a Parcel with a legally established business. A Temporary Special Sales Event Sign may be obtained for a maximum of five Special Sales Events per calendar year with each event not to exceed ten consecutive days.

**Sign, Temporary** Signs that are not permanently attached to a Building, other Structures or the ground and do not meet structural standards recognized and enforced by the Charleston County Building Inspections Services Department.

**Sign, Vehicle** A permanent or Temporary Sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed to attract the attention of the motoring public or pedestrian traffic.

**Sign, Wall/Facade** A Sign painted on or attached to the outside of a Building, and erected parallel to the face of a Building and supported throughout its length by such Building.

**Sign, Wind-Blown** Any attention-arresting device, with or without message, or a series of devices such as streamers, and/or pennants, with or without message, designed and fastened in such a manner as to move upon being subjected to pressure by the atmosphere. Examples of Wind-Blown Signs include: pennants, ribbons, Banners, streamers, spinners, or other similar moving devices.

**Silviculture** The cultivation of a forest for the purpose of harvesting timber.

**Slaughter House and Meat Packing** A facility for the slaughtering and processing of Animals and the refining of their byproducts; and/or a facility where slaughtered Animals (including game) are processed; and/or a facility where meat, poultry, or eggs are cooked, smoked or otherwise processed or packed.

**Small Animal Boarding** An establishment primarily engaged in the boarding of Household Pets within an enclosed Building.



**Social or Civic Organization** An establishment providing meeting, recreational, or social facilities for a nonprofit association, primarily for use by members and guests of youth organizations, fraternal organizations, and other similar groups. This use does not include any type of residential facility, such as fraternity or sorority houses.

**Social Club or Lodge** A Building, Structure, or grounds, or portion thereof, which is owned by or leased to private organizations, Social Clubs, or non-profit associations for meeting, recreational, or social purposes. The use of such premises is restricted to the members of these organizations and their guests.

**Solar Collector** A complete assembly of components, equipment, controls, interconnecting means, and terminal elements needed to convert solar energy into thermal energy for space heating or cooling, water heating, or processing purposes.

**Solar Farm** A solar energy system that is designed to create power and provide it to the electrical grid system.

**Solid Waste Disposal Facility (Public or Private)** All land, Structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A Solid Waste Disposal Facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more Landfills, surface impoundments, or combination thereof.

**Special Exception** An exception issued by the Board of Zoning Appeals authorizing a particular use in a specified location within a Zoning District, upon demonstrating that such use complies with all the conditions and standards specified by the Zoning and Land Development Regulations.

**Special Event** Any activity that involves public assembly for which one or more of the following apply: (1) there is an admission fee or leasing fee; (2) there is controlled or ticketed entry; and/or (3) goods and/or services (e.g., food and drink) are available for purchase. Special Events include, but are not limited to, events held on private properties and properties owned by membership based organizations and businesses. This definition does not include private parties or private functions, including neighborhood gatherings, that do not meet the above stated criteria; however, community-wide events organized by non-profit or for-profit businesses or organizations, individuals, or groups are considered Special Events.

**Special Trade Contractor** An establishment that specializes in a specific aspect of construction. This includes, but is not limited to, Building equipment or other machinery installation contractors, carpentry contractors, concrete contractors, drywall, plastering, acoustical or insulation contractors, electrical contractors, excavation contractors, masonry or stone contractors, painting or wall covering contractors, plumbing, heating or airconditioning contractors, roofing, siding or sheet metal contractors, and tile marble, terrazzo or mosaic contractors.

**Stable, Commercial** A site consisting of, but not limited to, Animal enclosures, riding arenas, corrals, paddocks, pens, Barns, and/or other Structures used for the boarding, breeding, raising, rehabilitation, riding, training and/or performing of horses, by the owners, occupants or Persons other than the owners or occupants of the premises.

**Stable, Private** A Building or land where horse(s) are kept for the private use of the owner(s) or resident(s) of the property.

**Standard Cubic Foot (Scf)** A cubic foot of gas at standard temperature and pressure, which are 68 degrees Fahrenheit and 29.92 inches of mercury.

**Stockpiling of Sand, Gravel or other Aggregate Materials** A facility used for the storage of sand, gravel, or other aggregate materials, prior to collection or removal to another facility or site.

**Stone or Shell Products Manufacturing and Production** An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of stone or shell products. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.

**Storage or Manufacturing of Weapons or Ammunition** An enclosed facility used for the storage or manufacturing of weapons or ammunition prior to collection or removal to another facility or site.





**Street** A vehicular way which may also serve in part as a way for pedestrian traffic, whether called a Street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, Alley, mall, Easement, or otherwise designated, including the entire area within the Right-of-Way.

**Street, Access** Sometimes called a place or lane, the Access Street is designed to conduct traffic between Dwelling Units and higher-order Streets. As the lowest-order Street in the hierarchy, the Access Street carries some through traffic and includes short Streets, Cul-de-Sacs, and courts.

**Street, Arterial** A facility designed mainly for through traffic, but it also normally performs a secondary land service function. Parking and loading may be restricted or prohibited to improve the capacity for moving traffic. It accommodates major movements of traffic not served by expressways and brings traffic to and from expressways.

**Street, Collector** A Street which collects internal traffic movements within an area of the city, such as among Subdivisions, and connects this area with the Arterial Street system. It does not handle long through trips, but performs the same land service function as a local Street.

**Street, Subcollector** The subcollector provides passage to Access Streets and conveys traffic to Collector Streets. Like the Access Street, the subcollector provides frontage and access to residential Lots but also carries some through traffic to lower-order (Access) Streets. The subcollector is a relatively low-volume Street.

**Street Line** A Lot Line separating a Street from a Lot.

**Street, Minor** A Street other than an Arterial Street or Collector Street used or designated primarily to provide access to abutting property. The term includes marginal Access Streets which are generally parallel and adjacent to Arterial Streets, serve abutting properties and provide protection from friction with through traffic. The term Minor Street includes loop Streets and Cul-de-Sac Streets.

**Stub Street** A Street that intersects with another local Street and extends, usually one Lot deep, to the property line of the Development or rear of the block being developed.

**Studio Dwelling Unit** A Dwelling Unit that has only one combined living and sleeping room; or a living and sleeping room, along with a separate room that contains only kitchen facilities and also a separate room that contains only sanitary facilities.

**Structure** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground. This term includes all Buildings as defined in this Ordinance unless the Zoning and Planning Director determines otherwise.

**Subdivision** All divisions of a tract or Parcel of land into two or more Lots, Building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or Building Development, and includes all division of land involving a new Street or change in existing Streets, and includes re-subdivision which would involve the further division or relocation of Lot Lines of any Lot or Lots within a Subdivision previously made and approved or recorded according to law; or, the alteration of any Streets or the establishment of any new Streets within any Subdivision previously made and approved or recorded according to law, and includes combination of Lots of record.

**Subgrade** The top surface of a roadbed upon which the Roadway Structure and shoulders are constructed.

**Suburban Area** The area designated as the "Suburban Area" in the adopted Charleston County *Comprehensive Plan*.

**Subject Property** Property, which may or may not include one or more Parcel identification numbers, or the total area impacted by a specific use, e.g., Utility service area, facility, Easement, or Right-of-Way. In the case of a Utility trunk or service line, the "Subject Property," for the purpose of Posted Notice, shall be the entire distance or length of the trunk or main line Right-of-Way or Easement and shall be treated as one "Subject Property."



**Support Activities for Agriculture and Forestry** Provide support services that are an essential part of agricultural and forestry production. These support activities may be performed by the Agriculture or forestry producing establishment or conducted independently as an alternative source of inputs required for the production process for a given crop, Animal, or forestry industry. Establishments that primarily perform these activities independent of the Agriculture or forestry producing establishment are also included.

**Swimming Pool** A Structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

## T

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**Tattoo or Tattooing** To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of Tattooing does not include the removal of tattoos, nor the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

**Tattoo Facility** Any room, space, location, area, structure, or business, or any part of any of these places where Tattooing is practiced or where the business of Tattooing is conducted and which is licensed by the Department (SC DHEC) as a Tattoo Facility.

**Taxi or Limousine Service** A facility or base of operations for a business or person that offers ground transportation in passenger automobiles or vans to Persons for a fare, or a fixed rate, or as a public service. The base of operations may include facilities for servicing and fueling the automobiles or vans, and may include accessory Office areas.

**Temporary Portable Storage Unit** Any Structure that is used for storage that is portable and does not have a door or other entranceway into a Dwelling Unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

**Tenant Dwelling** A Dwelling Unit located on a bona fide Farm and which is occupied or designed to be occupied by a non-transient Farm worker employed by the owner or operator of the Farm.

**Timber, Forestry, and Logging** comprises establishments primarily engaged in: (1) growing Trees for reforestation; (2) gathering forest products such as gums, barks, balsam needles, rhizomes, fibers, Spanish moss, ginseng, and truffles; (3) the operation of timber tracts for the purpose of selling standing timber; and/or (4) cutting timber, cutting and transporting timber, and producing wood chips in the field.

**Title Loan Lender** A lender which regularly extends short-term non-purchase money loans secured by titles to motor vehicles, such as those regulated by S.C. Code Sec. 37-3-413 (Cum. Supp. 2011). The term does not include other federal or state regulated lenders, Banks, credit unions, savings Banks and like depository institutions.

**Towing Facility** An establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked Motor Vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: automotive services that have a tow truck on-site; Scrap and Salvage Services; Junk Yards; Impound Yards; Vehicle Storage; and accessory storage of Inoperable Vehicles.

**Trade School** See "Business School" for definition.

**Traditional Neighborhood Design** Development designs intended to enhance the appearance and functionality of the new Development so that it functions like a traditional neighborhood or town. These designs make possible reasonably high residential Densities, a mixture of residential and commercial land uses, a range of single and multi-family housing types, and Street connectivity both within the new Development and to surrounding Roadways, pedestrian, and bicycle features.

**Transitional Housing** A facility providing supervision or detention, or both, for residents making the transition from institutional to community living. This classification includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders. This classification also includes overnight shelters for the homeless.



**Tree** Any self-supporting woody plant having a single trunk or trunks of two inches DBH or greater and usually having branches.

**Tree Protection Fencing** A Fence or Wall at least four feet in height that ensures the protection of protected and Grand Trees during Development.

**Triplex** A multi-family Structure that consists of three Dwelling Units, typically two side-by-side on the same floor and the third on a separate floor with a shared entry.

**Truck Stop** Any Building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuels or other petroleum products directly into Motor Vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. Any overnight accommodations and restaurant facilities primarily for the use of truck crews shall be considered as separate Principal Uses, and shall follow the use requirements for that particular use as provided for in this Ordinance.

## U

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**Understory Tree** A Tree, ten to twelve feet tall at the time of planting, which will grow to a minimum height of 20 feet at maturity.

**Urban Transit System** A system that may include components of rail and bus, for the movement of Persons throughout an area. This also includes any Structure or use for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

**Use Allowed by Right** A Principal Use allowed without the requirement of a Special Exception.

**Utility** A provider of electricity, gas, water, sewage service, telephone, cable, or other similar service for principal Development, and the provider of the service is publicly regulated.

**Utility Pumping Station** A facility or device located below or above Grade and used to supply gas, Sewer, water, electricity, communications, or television signal service.

**Utility Service Lateral/Service Connection** The portion of pipe which runs from the customer's property line to the main Sewer line, and which receives sewage from the "customer's service line".

**Utility Service, Major** Facilities and Structures that are necessary for the generation, transmission, and/or distribution of utilities to support principal Development, such as Electric or Gas Power Generation Facilities, Electrical or Telephone Switching Facilities, Utility Substations, Utility Pumping Stations, Sewage Collection or Disposal Facilities, Water or Sewage Treatment Plants, Water Storage Tanks, Sewage Collector or Trunk Lines, Water Mains, Wind Farms, and similar facilities. This definition does not include Solar Farms as defined in this Ordinance.

**Utility Service, Minor** Structures, such as lines, pipes, and poles, that are necessary to distribute Utilities and provide service. This includes, but is not limited to, Electric or Gas Power Distribution Lines; Sewage Collection Service Lines; and Water Service Lines.

**Utility Substation** A set of equipment that reduces utilities such as gas, water, electricity, communications, or television signal service to that level suitable for supply to consumers.

## V

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**Variance** A relaxation by the Board of Zoning Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of actions or the situation of the Applicant, a literal enforcement of this code would result in unnecessary and undue hardship; and such Variance is consistent with Sec. 6.29.800 of the Code of Laws of South Carolina, Title 6, Chapter 29.

**Vehicle Parts, Accessories, or Tire Stores** An establishment primarily engaged in the sale of new or used vehicle parts, vehicle accessories, or tires to the public.



**Vehicle Rental or Leasing** The rental or leasing of bicycles, automobiles, light or medium trucks, motorcycles, Recreational Vehicles, or utility trailers, including incidental storage, maintenance, and servicing. This use does not include boats or other watercraft.

**Vehicle and Boat Repair or Service** An establishment that provides service to automobiles, light and medium trucks, motorcycles, Recreational Vehicles, or boats that are less than 25 feet in length. These can include muffler shops, auto repair garages, tire or brake shops, body or fender shops, automotive oil change or lubrication shops, car washes, and boat repair services. The customer may or may not wait at the site while the service or repair is being performed. This term excludes any dismantling or Scrap and Salvage Service, Impound Yards and Towing Facilities, or Boat Yards.

**Vehicle Sales** The sale of new or used automobiles, light or medium trucks, motorcycles, Recreational Vehicles, golf carts, or boats, including incidental storage, maintenance, and servicing.

**Vehicle Storage** An establishment offering long or short term storage of operating vehicles or vehicles contracted for repair. This includes boat or RV storage. This term excludes Impound Yards, Towing Facilities, and any dismantling, Scrap and Salvage Service, or Junk Yards.

**Veterinary Service** An establishment offering Veterinary Services and hospitals for animals.

**Vibration** The periodic displacement or oscillation of the earth.

**Vision Clearance Triangle** A triangular area of unobstructed visibility extending from the intersection of a driveway and Roadway between three and 10 feet in height above Grade. The minimum area is formed by the connection of a perpendicular line measuring 15 feet from the point of intersection at the edge of the travelway into the driveway and a 15 foot parallel line away from the point of intersection along the Roadway.

**Visitors Bureau** An establishment or Building where an organization responsible for promoting a community as a travel destination is located.

## W

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**Wall (or Fence)** A structural device erected to serve as an architectural element, landscape element, visual screen or physical barrier.

**Warehouse Club or Superstore** A store that sells goods in bulk at discounted prices to businesses and private customers. Customers may or may not first have to become club members.

**Warehouse and Distribution Facility** An establishment engaged in the storage or movement of goods, such as manufactured products, supplies, equipment or food, or parcels/mail. This term excludes bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. This definition includes Cold Storage Plants where activity includes the freezing and/or storing of frozen food products, warehouses or facilities used by moving or relocation companies for the storage of household goods in transit, and vending machine operators.

**Waste-Related Use** Uses that collect or receive solid or liquid waste for disposal, treatment, transfer to another location or production of energy from the waste. This includes, but is not limited to, Hazardous Waste Treatment or Disposal, Nonhazardous Waste Treatment or Disposal, Solid Waste Combustors or Incinerators, including Cogeneration Plants, Waste Collection Services and Waste Transfer Facilities. This term does not include uses otherwise defined as Utilities or otherwise defined in this Ordinance.

**Water Mains** A pipe or conduit for conveying water.

**Water Service Line** A non-lateral line connecting development to a Water Main.

**Water or Sewage Treatment Facility** A facility, or group of facilities, used for the treatment of industrial or domestic wastewater for sewer systems, or treatment of sewage, and for the reduction and handling of solids and gases removed from such wastes; and facilities used for the storage and distribution of potable and gray water to customers.



**Water Storage Tank** A container for storage of water for agricultural, residential, commercial, or industrial uses.

**Water Transportation** The process of transporting Persons via watercraft, such as a barge or boat, over a body of water, such as a sea, ocean, lake, canal or river. This includes private or public ferry services, and water taxi services. This also includes any Structure or use for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

**Waterfront Property** Property within 500 feet of any river, tidal wetland or waterway, including saltwater marshes. Property abutting Freshwater Wetlands shall not be considered "Waterfront" property.

**Wetlands, Freshwater** Those areas of land that are inundated or saturated by fresh water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and delineated as Freshwater Wetlands by the U.S. Army Corps of Engineers.

**Wholesale Sales** An establishment engaged in the wholesale sale of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. This definition includes the Wholesale Sales of the following: Aircraft and Related Parts; alcoholic and nonalcoholic beverage and related products; books, periodicals or newspapers; chemicals (except pharmaceutical products, fertilizers or pesticides); computers or electronic products; electrical equipment, appliances or components; fabric or apparel; Farm supplies or equipment; food or related products; furniture, cabinets or related products; glass or related products; leather products; machinery, tools or construction equipment; manufactured home or other prefabricated structures; metal or mineral products (except petroleum); Motor Vehicles or trailers and related parts; paint, varnish or related supplies; paper or paper products; pharmaceutical products; plastics or rubber products; professional or commercial equipment supplies; Signs; tobacco or related products; toys or artwork; watercraft and related parts; and wood. This definition does not include other Wholesale Sales that are separately defined in this Chapter.

**Winery** An agricultural processing facility used for the commercial purpose of processing grapes, other fruit products or vegetables to produce wine or wine related spirits, excluding beer and liquor. Processing includes Wholesale Sales, crushing, fermenting, blending, aging, storage, bottling, Administrative Office functions for the Winery and warehousing.

**Wine-Tasting Room** An area that is devoted to the sampling and sales thereof of wine produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.

**Workforce Dwelling Unit (WDU)** Housing affordable to low and moderate income Families (those earning up to 120% of the Charleston-North Charleston Metropolitan Statistical Area (MSA) median Family income, as defined in the schedule published annually by the U.S. Department of Housing and Urban Development (HUD).

**Written Interpretation** Any review or evaluation by the Zoning and Planning Director, in written form, concerning the Charleston County Zoning and Land Development Regulations, *Comprehensive Plan*, or any other relevant documents.

**Written Notice** Notice may be sent via U.S. mail or email.

## Z

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**Zoning and Planning Director** Shall mean the Director of the Zoning and Planning Department of Charleston County or the authorized designee or representative of the Director.

**Zoning District** A specifically delineated geographic area or zone in Charleston County within which uniform Development regulations and requirements govern the use, Density, and the placement, spacing, or size of Buildings.



**Zoning Permit** A permit issued by the Charleston County Zoning and Planning Department that acknowledges that the intended land use, Structure, Building, or construction complies with the provisions of the Zoning and Land Development Regulations or authorized Variance therefrom. A Zoning Permit shall be required prior to the activities described in Article 3.8.1 of the Ordinance.

**Zoo** A facility generally open to the public for a fee, where live Animals are kept for display.

## **ARTICLE 12.2 INTERPRETATION**

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For the purpose of this Ordinance, certain words and terms used herein are defined as set forth in this Section. If not specifically defined herein, words and terms shall be defined in Merriam-Webster's Collegiate Dictionary, 11<sup>th</sup> Edition.



## APPENDIX A | ROAD AND DRAINAGE CONSTRUCTION STANDARDS

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### Contents:

#### ARTICLE A.1 GENERAL INFORMATION

#### ARTICLE A.2 PRIVATE ROAD STANDARDS

#### ARTICLE A.3 PUBLIC ROAD STANDARDS

#### ARTICLE A.4 DESIGN AND CONSTRUCTION REQUIREMENTS FOR ROADS CONSTRUCTED TO COUNTY STANDARDS

#### ARTICLE A.5 ENCROACHMENTS

#### ARTICLE A.6 STANDARD CONSTRUCTION DETAILS

### ARTICLE A.1 GENERAL INFORMATION

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#### Sec. A.1.1 Abbreviations

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For the purpose of these regulations, abbreviations relating to streets and drainage are defined as follows:

- A. **AASHTO** – American Association of State Highway and Transportation Officials
- B. **ADA** – Americans with Disabilities Act
- C. **ADAAG** – Americans with Disabilities Act Accessibility Guidelines
- D. **ASTM**–American Society for Testing Materials
- E. **CTC** – County Transportation Committee
- F. **CTC (SS)** – the Charleston County Transportation Committee publication STANDARD SPECIFICATIONS FOR LOCAL GOVERNMENTS' ROAD AND STREET CONSTRUCTION, latest edition.
- G. **HOA** –Homeowners' Association
- H. **MLW** – Mean Low Water
- I. **MUTCD** – Manual on Uniform Traffic Control Devices
- J. **NAVD 88** – North American Vertical Datum of 1988
- K. **SCDHEC/OCRM** – South Carolina Department of Health and Environmental Control/Office of Ocean and Coastal Resource Management
- L. **SCDOT** – South Carolina Department of Transportation
- M. **SCDOT (SS)** – South Carolina Department of Transportation Standard Specifications for Highway Construction, latest edition
- N. **USACOE** – United States Army Corps of Engineer

#### Sec. A.1.2 Definitions

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For the purpose of these regulations, terms relating to streets and drainage are defined as follows:

- A. **BASE COURSE** – The layer or layers of specified or selected material of designated thickness or rate of application placed on a sub base or Subgrade to comprise a component of the Pavement Structure to support the Pavement or subsequent layer of construction.
- B. **BEST MANAGEMENT PRACTICES (BMPs)** – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Surface Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, or drainage from material storage areas.



There are structural and non-structural, designed to be temporary or permanent BMPs, which are site specific and shall be labeled accordingly on the construction plans.

- C. **BRIDGE** – A Structure, including supports, erected over a depression or an obstruction; e.g., water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads.
- D. **CAUSEWAY** – An earthen Structure with at least one side adjacent to a depression, wetland, or marsh that supports a track or passageway for carrying traffic or other moving loads.
- E. **CUL-DE-SAC** – The radial turnaround area at the end of a dead-end Street.
- F. **CULVERT** – Any Structure which provides an opening under any Roadway or any other structure so named in the plans, excluding Bridges.
- G. **DESIGN PROFESSIONAL** – An individual or firm appropriately licensed and registered in the State of South Carolina.
- H. **DETENTION** – The temporary restriction of stormwater that is released at a predetermined or controlled rate.
- I. **DEVELOPER** – The legal or beneficial owner of a Lot or of any land proposed for Development; the holder of an option or contract to purchase; or any other Person having an enforceable contractual interest in such land.
- J. **DRAINAGE EASEMENT** – The right of access of stormwater runoff from adjacent drainage basins into the drainage way within the defined Easement.
- K. **EARTH ROADS** – Those roads constructed of compacted earth material.
- L. **EASEMENT** – A privilege or right of use, access or enjoyment granted on, above, under, or across a particular tract of land by the landowner to another Person or entity.
- M. **HOMEOWNERS' (OR PROPERTY OWNERS') ASSOCIATION** – A formally constituted, non-profit association or corporation made up of the Property Owners and/or residents of a defined area. The homeowners' or Property Owners' association may take responsibility for costs and up-keep of Common Open Space or facilities, or enforce certain covenants and restrictions.
- N. **MAIN UTILITY LINES** – Those facilities, including piping, conduits, outlets, and other appurtenances necessary for the proper functioning of essential services to a Development including water, electricity, gas, sanitary Sewer, storm Sewer, cable, communications, etc.
- O. **PAVED STREETS** – Those Streets for which the riding surface is constructed of a layer or layers of materials usually comprised of Portland cement concrete or asphaltic concrete.
- P. **PAVEMENT** – The uppermost layer of material placed on the Street usually as the wearing or riding surface. The term is used interchangeably with “surface course” or “surfacing” and will usually imply Portland cement concrete or asphaltic concrete.
- Q. **PLAT** – A diagram drawn to an engineering scale showing all essential data pertaining to the boundaries and Subdivision of a tract of land as determined by a Professional land surveyor.
- R. **PUBLIC WORKS DIRECTOR** – The Director of the Department of Public Works for the County of Charleston or his authorized representative.
- S. **RESPONSIBLE ENTITY** – The unit of local government responsible under South Carolina law for the maintenance of the Roadway and/or drainage system; or, in the case of private roads and/or drainage systems, the owner of the property upon which the Roadway and/or drainage system is located; or if existing, a homeowners' association previously created to maintain the Roadway and/or drainage system.
- T. **RIGHT-OF-WAY** – Land that has been or is being dedicated for the construction and maintenance of a road or Street. Right-of-Way may also be used to identify an area dedicated for use as part of a drainage system or Utility corridor.
- U. **ROADWAY** – The entire area between the outside limits of construction, including Structures, slopes, ramps, intersections, utilities, side ditches, channels, waterways, etc., necessary for proper drainage. This term shall, in general, be considered synonymous with Street or road.





- V. **ROCK ROADS** – Those roads in which the riding surface is constructed of a layer or layers of material usually comprised of compacted rock or other aggregate materials.
- W. **STREET** – A vehicular way, which may also serve in part as a way for pedestrian traffic, whether called a Street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, Alley, mall, or other designation, including the entire area within the Right-of-Way.
- X. **STUB STREET** – A Street that intersects another local Street and extends, usually one Lot deep, to the property line of the Development or rear of the block being developed.
- Y. **SUBGRADE** – The top surface of a roadbed upon which the Roadway Structure and shoulders are constructed.

### **Sec. A.1.3 Purpose and Scope**

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This Appendix sets forth the requirements for the construction of roads, ingress/egress Easements, and drainage facilities.

### **Sec. A.1.4 Property Access**

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It is the responsibility of the landowner/Developer to ensure access to properties are constructed pursuant to the requirements contained herein.

### **Sec. A.1.5 Design Professional/Land Surveyor Responsibilities**

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The Design Professional-of-record must be currently registered to practice in the State of South Carolina. The designs, and revisions made thereto, must be prepared by, or under the direct supervision of, the Design Professional-of-record in accordance with the Code of Laws of South Carolina, 1976, Title 40, Chapter 22, and Rules of Professional Conduct.

### **Sec. A.1.6 Coordination With Other Reviewing Agencies**

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The Design Professional-of-record shall provide the following to the Public Works Director prior to the final approval of construction plans:

- A. A list of all regulatory permits required for the construction of all road and drainage systems including the status of each permit and the corresponding application numbers and dates; and
- B. Copies of all approved permits deemed essential by the Public Works Director. Such permits may include, but are not limited to, South Carolina Department of Transportation (SCDOT) Encroachment permits, as applicable.

### **Sec. A.1.7 Stormwater Management and Sediment Control**

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All land disturbance activities shall comply with the current Charleston County Stormwater Program Permitting Standards and Procedures Manual in effect at the time of land Development or land disturbance application submittal as well as all state and/or federal regulations that may be applicable.

### **Sec. A.1.8 Road Classifications**

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- A. Private roads shall include ingress/egress Easements and private Rights-of-Way dedicated to an individual or entity other than Charleston County. The individual or entity to which the ingress/egress Easement or private Right-of-Way is dedicated shall retain ownership and maintenance responsibility for access and drainage.
- B. Public roads shall include all roads accepted for ownership and maintenance by a public entity (SCDOT, County, or Municipality). The following are the minimum standards for Charleston County public roads.
  - 1. Non-Standard County Roads (Maximum of 10 Lots)



- a. Surface: earth
  - b. Minimal drainage
  - c. Travel way minimum width determined on a per road basis
  - d. Lot drainage is each owner's responsibility
2. Secondary Rural Road (Maximum of four Lots)
- a. Surface: earth
  - b. Minimal drainage (only roadside or sheet flow)
  - c. Travel way minimum width of 18 feet
  - d. Lot drainage is each owner's responsibility
3. Primary Rural Road (Maximum of four Lots)
- a. Surface: earth, rock, or Pavement
  - b. Minimal drainage with outfall (only for the Roadway)
  - c. Travel way minimum width of 20 feet
  - d. Lot drainage is each owner's responsibility
4. Secondary County Road
- a. Surface: rock or Pavement
  - b. Drainage plan required for property and Roadway system
  - c. Open ditch drainage system
  - d. Travel way minimum width of 22 feet
5. Primary County Road
- a. Surface: paved
  - b. Curb and gutter
  - c. Drainage plan required for property and Roadway system
  - d. Enclosed pipe with limited open ditch drainage system
  - e. Travel way minimum width of 24 feet

### Sec. A.1.9 Applying Road Classifications

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- A. **Private Road.** The landowner/Developer shall be responsible for the design and functionality of any private road to be constructed, provided that all private roads shall meet the 20-foot clearance requirement as described in the International Fire Code.
- B. **Public Road.** Roads that are to be constructed, dedicated, and accepted into the County maintenance system shall be constructed in accordance with one of the public road classification standards contained herein. Public county roads require County Council approval for acceptance of ownership and maintenance. The minimum required classification for the road shall be determined by the Public Works Director based on its location within the unincorporated area of Charleston County. For road classification purposes, the unincorporated portions of Charleston County are divided into two areas by the Urban Growth Boundary (UGB), the Rural Area and the Urban/Suburban Area, the location of which are described on Map 3.1.2, *Growth Management Areas*, of the Charleston County *Comprehensive Plan* (as amended).
1. Secondary Rural Roads shall only be allowed outside of the Urban Growth Boundary (Rural Area).
  2. Primary Rural Roads shall be allowed outside of the UGB (Rural Area) and within the UGB when one of the following conditions are met, as determined by the Public Works Director:
    - a. The proposed road is a Cul-de-Sac or future expansion is limited; or
    - b. The Lots being created are a minimum of five acres in size or the Design Professional demonstrates adequate Lot and Roadway drainage can be provided.



3. Secondary County Roads shall be allowed outside of the UGB (Rural Area). They are allowed inside the UGB (Urban/Suburban Area) when the following conditions are met, as determined by the Public Works Director.
  - a. The proposed road is a Cul-de-Sac or future expansion is limited; or
  - b. The Design Professional demonstrates that stormwater Best Management Practices can be utilized to satisfactorily address water quality requirements in conjunction with an open drainage system; and
  - c. The Lots are of sufficient size to accommodate an open drainage system; and
  - d. The road system is an expansion to an existing open drainage system.
4. Primary County Roads shall be allowed across the County, regardless of area.
5. All proposed Public roads shall connect to an existing public road that has been accepted by a public agency (county, municipality, or state). Connection to a Right-of-Way that has only been dedicated, but not accepted into a public maintenance system, shall be prohibited.
6. Streets within commercial and industrial Developments shall be designed as Primary County Standard Streets unless approved otherwise, in writing, by the Public Works Director.
7. If a land Development plan exceeds the Non-Standard County Road (maximum of 10 Lots), utilizing the maximum, construction shall be required to improve the Non-Standard County Road to the required County standards from its point of connection to an existing County standard or State public road.

Street Classification by Area		
Street Classification	Rural Area	Urban/Suburban Area
Primary Rural Road	X	X [1]
Secondary Rural Road	X	
Primary County Road	X	X
Secondary County Road	X	X [1]

[1] subject to conditions; see Sec. A.1.9.B, *Public Roads*

## ARTICLE A.2 PRIVATE ROAD STANDARDS

### Sec. A.2.1 General Information

- A. **Introduction.** Except as otherwise stated, the landowner/Developer is responsible for the establishment of standards for design and construction of private road and drainage systems and for items such as access for emergency service vehicles, school buses, mail couriers, and coordination of Utilities. Public services to Lots utilizing private roads for access are not guaranteed by Charleston County.
- B. **Landowner/Developer Responsibilities.** The landowner/Developer is responsible for determining the type of access to be provided pursuant to the requirements contained herein, for oversight and coordination of design and construction and for obtaining required approvals or permits from the appropriate agencies.
  1. The landowner/Developer is responsible for informing prospective Property Owners, whether solicited or unsolicited, of all conditions and responsibilities, or lack thereof, that have been placed on the property.
  2. If the access or drainage connects with a County Right-of-Way or Easement, an Encroachment permit shall be obtained prior to construction.
- C. **Requirements.**
  1. Prior to issuance of Zoning Permits for land Development activities other than construction of ingress/egress Easements and private Rights-of-Way, installation of required Street Signs, Additions/renovations to existing Structures that are legally permitted, and new construction of Accessory Structures, all ingress/egress Easements and private Rights-of-Way shall be:



- a. Constructed in the location shown on the approved, recorded Plat;
  - b. Constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained Right-of-Way to Lot(s) proposed for Development; and
  - c. Inspected pursuant to Sec. A.2.7, *County Inspection*, of this Ordinance.
2. The Directors of the Zoning and Planning Department may allow use of a portion of an ingress/egress Easement or private Right-of-Way that was constructed prior to July 18, 2017 that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving it to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the Applicant submits letters from the providers of emergency services for the Subject Properties stating they can access all properties utilizing it; and (3) all future portions shall comply with the International Fire Code.

### **Sec. A.2.2 Ingress/Egress Easements**

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- A. When the total number of Lots utilizing an ingress/egress Easement for access exceeds four pursuant to a Subdivision Plat application submitted after (Date of adoption of this Ordinance), the landowner/Developer of the property being Subdivided shall, at a minimum, be required to upgrade the existing ingress/egress Easement to comply with the Secondary County Road Standards contained Sec. A.3.4, *Secondary County Road Standards*, from its point of connection to a standard public road.
- B. **Additional Landowner/Developer Responsibilities.** The location of proposed ingress/egress Easement(s) shall be clearly depicted and labeled on submitted Plats and plans. All ingress/egress Easements shall be a minimum of 20 feet in width in accordance with ZLDR Sec. 8.7.3(D), *Access*. All ingress/egress Easements must comply with the applicable requirements of this Ordinance. The landowner/Developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

### **Sec. A.2.3 Private Rights-of-Way Constructed and Dedicated to a HOA**

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- A. Private Rights-of-Way serving five or more Lots must be dedicated to a Homeowners' Association. Private Rights-of-Way serving fewer than five Lots may be dedicated to an individual or entity other than a Homeowners' Association. Charleston County is neither obligated nor responsible for private Right-of-Way maintenance.
- B. **Additional Landowner/Developer Responsibilities.** The landowner/Developer shall determine the location(s) of Private Rights-of-Way to be provided. The Roadway and drainage system shall, at a minimum, be designed to comply with the Secondary County Road Standards described in Article A.3.4, *Secondary County Road Standards*, provided that all private Rights-of-Way comply with all other applicable requirements of this Ordinance. The landowner/Developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

### **Sec. A.2.4 Construction Plan Submission**

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Roadway and/or drainage construction plans, and subsequent plan revisions, shall be submitted to the Zoning and Planning and Public Works Departments prior to submittal of Zoning Permit applications for land Development activities other than Additions/renovations to existing Structures that are legally permitted and new construction of Accessory Structures. Such plans shall be submitted to the Zoning and Planning and Public Works Departments prior to Zoning Permit applications for construction of ingress/egress Easements or private Rights-of-Way and installation of required Street Signs. The submission shall include a digital set of plans, along with three sets of the construction plans and specifications, and a copy of all required regulatory permits.



Once the Public Works Department approves the Roadway and/or drainage construction plans, a digital set must be submitted for stamping, and then the landowner/Developer may submit a Zoning Permit application(s) for construction of the ingress/egress Easement, private Right-of-Way, and/or drainage and installation of required Street Signs. No other Zoning Permits (other than Zoning Permits for Additions/renovations to existing Structures that are legally permitted and new construction of Accessory Structures) shall be issued for the property until the ingress/egress Easement, private Right-of-Way, and/or drainage, as well as the installation of required Street Signs, have been inspected and approved by the Public Works Department pursuant to Sec. A.2.5, *County Inspection*, of this Ordinance.

### **Sec. A.2.5 County Inspection**

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All Roadway and drainage work shall be inspected by the Public Works Director for compliance with the approved construction plans, submitted plans, and specifications prior to the issuance of Zoning Permits for land Development activities other than: construction of ingress/egress Easements or private Rights-of-Way; installation of required Street Signs; Additions/renovations to existing Structures that are legally permitted; and new construction of Accessory Structures. The inspections will be performed to: provide construction documentation; review ingress/egress Easements and private Rights-of-Way construction according to the International Fire Code, as adopted by County Council; ensure that ingress/egress Easements, private Rights-of-Way, and drainage, have been constructed in compliance with this Ordinance; and, if applicable, to ensure Street Signs have been installed in the correct locations and are in compliance with applicable County ordinances.

After the required County inspection and approval, the landowner/Developer may submit Zoning Permit application(s) for subsequent land Development activities.

The landowner/Developer shall give the Public Works Director a one-week notice prior to beginning work at the site. After the initial notice, a 72-hour notice shall be given prior to beginning each operation (or continuing an operation when the work has been disrupted for more than one work-day).

### **Sec. A.2.6 Certification from the Design Professional**

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The Design Professional shall provide a written statement certifying that to the best of his or her knowledge, the road and drainage Infrastructure has been constructed in accordance with the submitted plans.

## **ARTICLE A.3 PUBLIC ROAD STANDARDS**

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### **Sec. A.3.1 General Information**

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- A. The landowner/Developer responsibilities include:
1. Providing the County complete Roadway and/or drainage system plans for the proposed Development.
  2. Securing licensed, professional personnel to prepare designs acceptable to the County;
  3. Overseeing and coordinating the presentations, reviews, and revisions of the designs with the appropriate agencies, and obtain required approvals and permits;
  4. Providing field staking of the designs during the construction phase;
  5. Coordinating County encroachment permit approval and subsequent inspections with the Public Works Department.
  6. Once the improvements proposed for public Dedication are constructed, inspected, and approved by the County, the landowner/Developer shall provide as-built record drawings, record Plats, etc. to the Public Works Director prior to final County acceptance of publicly dedicated roads. As-built record drawings must comply with Section A.6.2, *Survey As-Built Checklist and Instructions*, and shall be submitted to the Public Works Department for review and approval. Once the as-built drawings are approved by the Public Works Department, the public Dedication request will be scheduled for a County Council Committee meeting for recommendation and subsequent County Council meeting for final determination. Final Plats that include public Dedications of roads and/or drainage will not be



recorded until and unless County Council approves the Dedication request(s) and all conditions of such approval are addressed prior to Final Plat recording.

- B. **Coordination with other Reviewing Agencies.** The design professional of record shall provide a list of all regulatory permits required for the construction of all road and drainage systems. This list shall include the status of each permit along with corresponding application numbers and dates. The design professional-of-record shall provide a copy of all approved permits, deemed essential by the Public Works Director, to the Public Works Department prior to final approval of the construction plans.
- C. **Right-of-Way Width.** The minimum Right-of-Way width for a Roadway to be accepted into the County maintenance system is 50 feet unless otherwise approved by the Public Works Director.
- D. **Pedestrian Ways within Publicly Dedicated Right-of-Way.** When pedestrian ways are provided within the publicly dedicated Right-of-Way, they shall be constructed in accordance with Sec. A.4.1.C, *ADA Requirements*, unless otherwise approved by the Public Works Director. For Roadways with open roadside drainage systems, pedestrian ways shall be placed behind the swales or ditches. Additional Right-of-Way may be required to accommodate proposed pedestrian ways.
- E. **Fee Schedule.** Filing fees as established by County Council shall be submitted with the construction plans. These fees are nonrefundable. Previously unapproved plans that are significantly altered in concept and resubmitted must be accompanied by the appropriate fees.
- F. **General Requirements for Construction Plan Approval.** The Design Professionals shall prepare and submit one copy of Street plans and profiles, including typical sections, drainage data, etc., to the Zoning and Planning and Public Works Departments for review and approval prior to beginning construction of the Street and drainage systems. The designer's seal, signature, and South Carolina registration number shall be affixed to the plans and specifications.

The Public Works Department reserves the right to request an electronic CAD or GIS file of the approved plans including layout, road/Right-of-Way location, Drainage Easements, and other pertinent information that may be used to augment the County GIS to be submitted with the as-built documents.

Construction drawings at a minimum shall include the following, if applicable as determined by the Directors of the Zoning and Planning and Public Works Departments:

1. Plans and profiles shall be prepared on 24 inch x 36 inch or 22 inch x 34 inch sheets, having a profile at the bottom and a plan view at the top, with both the plan and profile stationing oriented in the same direction.
2. All elevations shall be rederenced to the NAVD 88.
3. Scales shall be: vertical 1 inch=2 feet and horizontal 1 inch= 50 feet or larger.

The following shall be shown in plan view:

1. Stations along the centerline of the proposed road with appropriate ties at intersecting Streets.
2. The width of the Right-of-Way and names of proposed roads as approved by the Consolidated 9-1-1 Center (CDC), and names of existing roads.
3. Alignment information, curve data with P.C., P.T., and P.I. angle points, as well as angles at intersections.
4. Arrows indicating the direction of drainage flow within the Right-of-Way.
5. Size, type, and location of Trees proposed to remain within the clearing limits of the road Right-of-Way.
6. DHEC/OCRM Critical Line and USACOE jurisdictional wetland delineations which relate to the Right-of-Way or Easements.
7. Existing and proposed drainage Structures and Drainage Easements along with Rights-of-Way and drainage way cross sections.
8. Benchmarks with locations, descriptions, coordinates, datum, etc.



9. Existing and proposed Utility lines and Utility Easements.
10. Road cross sections with sidewalks (when required).
11. Details shall show sight distances, traffic control devices, design speeds for roads and other related information.
12. Other general construction details required to define the scope of work.

Profiles shall show:

1. Existing Street centerline elevations showing all breaks in Grade, but in no case more than 100' feet apart. Profiles shall include existing Streets to which ties are being made with elevations extending approximately 200' feet from the intersection.
2. Proposed Street centerline profile with centerline elevations every 50' feet on vertical curves and at 100' feet along tangents and at intersections.
3. Vertical curve data.
4. Proposed and existing storm drains, sanitary Sewers, water mains, pipe under drains, and cross line pipes.
5. Proposed Grades of all ditches and swales on or off site. Show existing Grades of incoming and outfall drainage ways for 200' feet upstream/downstream if no Grade changes are proposed. An overall drainage plan shall be submitted along with the plans and profiles and detail sheets.
6. The drainage plan sheet shall show the Street layout and the entire drainage system to be constructed or improved, along with the sizes and invert elevations of drainage pipes, the widths of proposed and existing Drainage Easements, the direction of drainage flow (using arrows), Detention ponds, outfall structures, Lot drainage, and existing canals, tidal streams, etc.
7. The drainage plan shall include pertinent drainage data such as drainage areas, runoff coefficients, times of concentration (with computations), runoff volumes, soils data, Detention pond routing, pond crest elevations, and other related information.

The following statements shall be included on the plans:

1. Statement to be placed by Design Professionals on road and drainage plans: "ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE."
  2. Statement to be signed by the owner or the authorized agent of the owner: "I certify as an agent for or as a record owner, lessee, or record Easement holder, I have, or will have prior to undertaking the work the necessary approval or permission from all other Persons with a legal interest in said property to conduct the work proposed in the approved subdivision construction plans."
- J. **Expiration Date for County's Approval of Construction Plans.** Construction plan and specification approvals have the same duration as the Preliminary Plat approval. Refer to CHAPTER 8, *Subdivision Regulations*, for approval duration information.
- K. **County Inspection.** All work required by the County for the Development being considered shall be inspected by the Public Works Director for compliance with the approved plans and specifications. The Public Works Director will make inspections when:
1. The Public Works Director has approved construction plans and specifications.
  2. Sufficient notice is given. The landowner/Developer shall give a one-week notice to the Public Works Director prior to beginning work at the site. After the initial notice, a 72-hour notice shall be given prior to beginning each operation (or continuing an operation when the work has been disrupted for more than one work-day).
  3. A final project inspection shall be performed prior to scheduling the request for Council consideration.

The Public Works Inspector shall have the authority to:



1. Certify that the construction and materials comply with the approved construction plans and these regulations;
  2. Certify that material quantities comply with the approved construction plans.
  3. Approve or reject materials and/or their installation in accordance with the approved construction plans, specifications, and these regulations; and
  4. Suspend work with the approval of the Public Works Director.
- L. **Site Cleanup and Finish Grading.** Prior to street and drainage system acceptance, the Right-of-Way and Drainage Easements shall be cleared of all construction trash and debris. Lots or other areas designated on the approved plans requiring fill or grading shall also be completed.
- M. **Maintenance Guarantees.** Street and stormwater management/drainage systems that are to be dedicated to Charleston County for public ownership and maintenance shall be under warranty for all defects and failures as described in this Section. Prior to Final Plat approval, the Developer shall provide written verification of financial responsibility for correction of defects and/or failures to systems to be dedicated to the County. The warranty (minimally established at 20 percent of the construction cost) shall be in an amount satisfactory to the Public Works Director and effective for a period of two years from County Council's acceptance date, provided, however, that period may be extended at the Public Works Director's discretion. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a cashier's check. Payment is subject to County Attorney approval of the guarantee to determine that the interests of Charleston County are fully protected. If a cashier's check is utilized, then the opinion of counsel may be waived. The Public Works Department shall maintain surveillance over the system and provide written notification to the landowner/Developer if repair work is required during the warranty period. The Public Works Department shall identify defects not considered to be a public safety issue and notify the landowner/Developer of such defects. The landowner/Developer shall have 30 days to prepare and submit a schedule of corrective actions for approval by the Public Works Director. If defects are not satisfactorily repaired within the approved schedule, the Public Works Department will resolve the defects and bill the bonding company accordingly. The Public Works Department shall address public safety defects immediately. Subsequently, the bonding company will be billed for reimbursement.

### **Sec. A.3.2 Secondary Rural Road Standards (Maximum Of Four Lots)**

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- A. **General Design Requirements.**
1. *Required Right-Of-Way.* The minimum Right-of-Way width is 50 feet.
  2. *Required Minimum Street Section.* Streets shall be constructed to minimum earth Street standards and have a minimum travel way width of 18 feet.
  3. *Required Minimum Street Elevations.* The minimum Street centerline elevation at finish Grade shall be 6.5 feet above NAVD 88.
  4. *Required Minimum Profile Gradient.* The minimum Street profile centerline gradient shall be 0.4% except for causeways where land areas adjacent to the road embankment are jurisdictional wetlands or OCRM Critical Area.
  5. *Street Centerline Minimum Curve Radius Criteria.* Street centerline curve radii shall meet AASHTO guidelines for the design speed limit.
  6. Where Streets are designed for a speed limit lower than 30 mph, the Design Professional shall provide supporting design data, including traffic control signage.
  7. All roads shall be designed with a minimum road centerline radius of 125 feet.
  8. Horizontal sight distances shall be considered in the design process.
  9. Vertical curves shall have a minimum length of 100 feet.
- B. **Roadway Drainage Design.** The Roadway drainage design must show, at a minimum, how the drainage is directed away from the travel way.
- C. **Construction Plans and Specifications.** The construction plans and specifications shall be in compliance with the requirements of Section A.3.1.F, *General Information*.





- D. **Clearing and Grubbing.** Except as otherwise stated herein, all Secondary Rural Road Rights-of-Way shall be cleared and grubbed for a minimum width of 40 feet. Any/all Tree canopies shall be pruned to a minimum height of 16.5 feet. This work shall include the removal and disposal of all Trees, stumps, brush, rubbish, roots, and other objectionable materials.

### **Sec. A.3.3 Primary Rural Road Standards (Maximum of Four Lots)**

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A. **General Design Requirements.**

1. *Required Right-Of-Way.* The minimum Right-of-Way width is 50 feet.
2. *Required Minimum Street Section.* Streets shall have a minimum travel way width of 20 feet. The travel surface shall be at least equal to the type of surface with which it is being connected (Pavement, rock, or earth). If Development characteristics warrant, the Public Works Director can approve a reduction in the surface type. Written requests for a reduction in surface type shall be directed to the Public Works Director with an accompanying justification statement.
3. *Required Minimum Street Elevations.* The minimum Street centerline elevation at finish Grade shall be 6.5 feet NAVD 88.
4. *Required Minimum Profile Gradient.* The minimum Street profile centerline gradient shall be 0.4% except for Causeways where land areas adjacent to the road embankment are jurisdictional wetlands or OCRM Critical Areas.
5. *Street Centerline Minimum Curve Radius Criteria.* Street centerline curve radii shall meet AASHTO guidelines for the design speed limit.
6. Where Streets are designed for a speed limit lower than 30 mph, the Design Professional shall provide supporting design data, including traffic control signage.
7. All roads shall be designed with a minimum road centerline radius of 125 feet.
8. Horizontal sight distances shall be considered in the design process.
9. Vertical curves shall have a minimum length of 100 feet.

- B. **Roadway Drainage Design.** For Roadways with open roadside swale ditches, the swale ditches shall be graded as shown on details in Art. A.6, *Standard Construction Details*. The drainage plan shall show how the Roadway drainage will be conveyed to an outfall or wetland. Roadside swale drainage ditches and driveway pipes shall be designed for a 10 year Average Return Frequency storm (minimum driveway pipe size shall be 15 inches in diameter). Cross drains, outfall ditches, and piped systems shall be designed in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual. Average Return Frequencies are defined in Sec. A.4.2.D, *Rainfall Determination*. Roadside ditch inverts shall parallel the finished road longitudinal gradient except as otherwise approved by the Public Works Director. Drainage shall not be carried in roadside ditches for a distance exceeding 700 feet (accumulated distance), except as otherwise approved by the Public Works Director.

- C. **Construction Plans and Specifications.** The construction plans and specifications shall be in compliance with the requirements of Section A.3.1.F, *General Information*.

- D. **Clearing and Grubbing.** Except as otherwise stated herein, all Primary Rural Road Rights-of-Way shall be cleared and grubbed for a minimum width of 50 feet. Any/all Tree canopies shall be pruned to a minimum height of 16.5 feet. This work shall include the removal and disposal of Trees, stumps, brush, rubbish, roots, and other objectionable materials.

- E. **Clearing of Drainage Easements.** The full width of all Drainage Easements shall be cleared of Trees, Buildings, Fences, stumps, brush, logs, rubbish, roots, overhanging Tree limbs, overhanging Utility wires or cables, or any other item that may, in the judgment of the Public Works Director, interfere with the drainage facility or the maintenance of the facility. Existing obstacles may be left in place upon approval of the Public Works Director provided that all of the following criteria are met:

1. The drainage system or the obstacle cannot be easily relocated;
2. Adequate and safe operational Easement space for maintenance by mechanized equipment is provided;



3. The drainage way is not obstructed; and
4. The Drainage Easement width is increased to accommodate the obstructions.

### **Sec. A.3.4 Secondary County Road Standards**

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#### **A. General Design Requirements.**

1. *Required Right-Of-Way.* The minimum Right-of-Way width is 50 feet, however; the road Right-of-Way width may be altered as approved by the Public Works Director, but must be of sufficient width to provide for the following:
  - a. Drainage;
  - b. Pavement or rock travel way;
  - c. Shoulders;
  - d. Signage;
  - e. Trees; and
  - f. Utilities such as Street lights and overhead/underground Utility lines (electric, telephone, cable TV, gas, water, and Sewer).
2. *Required Minimum Street Section.* Streets shall have a minimum travel way width of 22 feet. The travel surface shall be at least equal to the type of surface with which it is being connected (Pavement or rock). If Development characteristics warrant, the Public Works Director can approve a reduction in the surface type. Written requests for a reduction in surface type shall be directed to the Public Works Director with an accompanying justification statement.
3. *Required Minimum Street Elevations.* The minimum Street centerline elevation at finish Grade shall be 6.5 feet NAVD 88.
4. *Required Minimum Profile Gradient.* The minimum Street profile centerline gradient shall be 0.4% except for Causeways where land areas adjacent to the road embankment are jurisdictional wetlands or OCRM Critical Areas.
5. *Street Centerline Minimum Curve Radius Criteria.* Street centerline curve radii shall meet AASHTO guidelines for the design speed limit.
6. Where Streets are designed for speed limits lower than 30 mph, the Design Professional shall provide supporting design data, including traffic control signage.
7. All roads shall be designed with a minimum road centerline radius of 125 feet.
8. Horizontal sight distances shall be considered in the design process.
9. Vertical curves shall have a minimum length of 100 feet.

**B. General Requirements of Design of Drainage Systems.** The design of drainage facilities for a Development must be done with consideration being given to the entire drainage basin. Provisions must be made to receive and manage runoff from upstream areas and to ensure that downstream areas are not adversely impacted by discharges or runoff. The current zoning of upstream properties and associated runoff factors representing that land use, assumed to be fully developed, shall be used in determining design runoff rates and quantities. It is not to be assumed that existing developed properties without stormwater Detention systems will have them in the future.

**C. Roadway Drainage Design.** For Roadways with open roadside swale ditches; the swale ditches shall be graded as shown on details in Article A.6, *Standard Construction Details*. The drainage plan shall show the drainage basin areas contributing storm water runoff to the roadside ditches. Roadside swale drainage ditches and driveway pipes shall be designed for a 10 year Average Return Frequency storm (minimum driveway pipe size shall be 15 inches in diameter). Cross drains, outfall ditches and piped systems shall be designed in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual. Average Return Frequencies are defined in Sec. A.4.2.D, *Rainfall Determination*. The invert elevation of the roadside swale ditch shall be no less than 18 inches and no greater than 24 inches below the corresponding centerline street finish grade elevation and longitudinal grades shall be no less than 0.4% nominal grade, unless otherwise approved by the Public Works Director. Roadside ditch inverts shall parallel the finish road longitudinal gradient except as approved by the Public Works Director.



Drainage shall not be carried in roadside ditches for a distance exceeding 700 feet (accumulated distance) except as approved by the Public Works Director.

Outfall ditches to wetland areas shall be piped for a minimum length of 20 feet at their outfall ends, or an alternative means of defining wetlands' limits for maintenance identification purposes shall be submitted for consideration.

- D. **Maintenance Plan.** When Best Management Practices (BMPs) are required by local or state agencies or proposed by the Design Professional, a maintenance plan must be provided in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- E. **Construction Plans and Specifications.** The construction plans and specifications shall be in compliance with the requirements of Section A.3.1.F, *General Information*.
- F. **Clearing and Grubbing.** Except as otherwise stated herein, all Secondary County Road Rights-of-Way shall be cleared and grubbed for the full width of the Right-of-Way. Any/all Tree canopies shall be pruned to a minimum height of 16.5 feet. This work shall include the removal and disposal of all Trees, stumps, brush, rubbish, roots, and other objectionable materials.
- G. **Clearing of Drainage Easements.** The full width of all Drainage Easements shall be cleared of all Trees, Buildings, Fences, stumps, brush, logs, rubbish, roots, overhanging Tree limbs, overhanging Utility wires or cables, or any other item that may, in the judgment of the Public Works Director, interfere with the drainage facility or the maintenance of the facility. Existing obstacles may be left in place upon approval of the Public Works Director provided that all of the following criteria are met:
  - 1. The drainage system or the obstacle cannot be easily relocated;
  - 2. Adequate and safe operational Easement space for maintenance by mechanized equipment is provided;
  - 3. The drainage way is not obstructed; and
  - 4. The Drainage Easement width is increased to accommodate the obstructions.

### **Sec. A.3.5 Primary County Road Standards**

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#### **A. General Design Requirements.**

- 1. *Required Right-Of-Way.* The minimum Right-of-Way width is 50 feet; however, the road Right-of-Way must be of sufficient width to provide for the following:
  - a. Drainage;
  - b. Pavement and curb and gutter;
  - c. Shoulders;
  - d. Trees;
  - e. Signage;
  - f. Sidewalks where installed (or required); and
  - g. Utilities such as Street lights and overhead/underground Utility lines (Electric, telephone, cable TV, gas, water, and Sewer).
- 2. *Required Minimum Street Section.*
  - a. Streets shall be constructed as Paved Streets and conform to details in Art. A.6, *Standard Construction Details*.
  - b. Streets shall be constructed with curb and gutter; and
  - c. Streets shall have a minimum travel way width of 24 feet.
- 3. *Required Minimum Street Elevations.* The minimum Street centerline elevation at finish Grade shall be 6.5 feet NAVD 88.



4. *Required Minimum Profile Gradient.* The minimum Street profile centerline gradient shall be 0.4% except for Causeways where land areas adjacent to the road embankment are jurisdictional wetlands or critical areas. Additionally, for Streets using an asphalt gutter, a minimum centerline gradient of 0.5% is required.
5. *Street Centerline Minimum Curve Radius Criteria.* Street centerline curve radii shall meet AASHTO guidelines for the design speed limit.
6. Where Streets are designed for speed limits lower than 30 mph, the Design Professional shall provide supporting design data, including traffic control signage.
7. All roads shall be designed with a minimum road centerline radius of 125 feet.
8. Horizontal sight distances shall be considered in the design process.
9. Vertical curves shall have a minimum length of 100 feet.

**B. Type of Curb and Gutter.**

1. *Concrete Curb and Gutter.* Either upright Curb and gutter or roll Curb and gutter may be used (see details in Art. A.6, *Standard Construction Details*). If upright Curb and gutter is utilized, driveway entrances for Subdivision Lots shall be shown on the construction plans and constructed as part of the Development. The distance between expansion joints unless specified otherwise herein, shall be in accordance with the CTC (SS) or the SCDOT (SS).
2. *Asphalt Curb and Gutter.* Asphalt curb and gutter sections shall be submitted for approval. All work, materials, methods, and equipment, unless specified otherwise herein, shall be in accordance with the CTC (SS) or the SCDOT (SS).

**C. General Requirements for Design of Drainage Systems.** The design of drainage facilities for a Development must be done with consideration being given to the entire drainage basin. Provisions must be made to receive and manage runoff from upstream areas and to ensure that downstream areas are not adversely impacted by discharges or runoff. The current zoning of upstream properties and associated runoff factors representing that land use, assumed to be fully developed, shall be used in determining design runoff rates and quantities. It is not to be assumed that existing developed properties without storm water Detention systems will have them in the future. Also, drainage design requirements for the entire Development shall conform to Sec. A.4.2, *Drainage Design*.

**D. Roadway Drainage Design.** Stormwater systems conveying flow to or from Streets shall be piped unless otherwise approved by the Public Works Director. Curb inlet Structures shall be located so that drainage shall not be carried in gutters for a distance exceeding 500 feet (accumulated distance). The 10 year Average Return Frequency storm shall not cause water to flow onto the road for a spread width greater than 5 feet. Culvert piping running longitudinally with the Street shall not be located under the Pavement or Curb and gutter, nor shall it conflict with the normal location of under drains.

**E. Subsurface Drainage.**

1. Where pipe under drains are required, their centerline shall be located 2.5 feet, at a minimum, behind the back of the Curb and they shall be properly connected to a permanent drainage outlet, such as a catch basin, junction box, or a manhole.
2. Piped under drains shall conform to the under drain details in Art. A.6, *Standard Construction Details*. Under drain inverts shall be a minimum of 24 inches below the bottom of the Curb and above any static lake/pond elevation.
3. Suitable outlets for the pipe under drains shall be provided in the drainage system design.
4. Pipes under drains shall be installed at low points in the Grade on both sides of the Street for a minimum distance of 100 feet in each direction along the Street; except at locations where the design engineer can demonstrate to the satisfaction of the Public Works Director that the water table will not be within 24 inches of centerline Subgrade elevation.
5. Pipes under drains, where required, shall be installed before the Base Course is placed.
6. Pipes under drains shall be placed in other locations as determined by the Design Professional or as required by the Public Works Director during construction.



7. Pipes under drains shall be properly laid on Grade and in accordance with these specifications and the CTC (SS) or the SCDOT (SS) and shall not be covered until they have been inspected and approved by the Charleston County Public Works Department.
  8. Alternative under drain designs shall be presented to the Public Works Director for review and approval.
- F. **Maintenance Plan.** When Best Management Practices are required by local or state agencies or proposed by the Design Professional, a maintenance plan must be provided in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- G. **Construction Plans and Specifications.** The construction plans and specifications shall be in compliance with Sec. A.3.1.F, *General Information*.
- H. **Piping and Easements.** Unless justification is provided, to the satisfaction of the Public Works Director, all Drainage Easements within the urban areas of the County shall be required to follow the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- I. **Clearing and Grubbing.** Except as otherwise stated herein, all Primary County Road Rights-of-Way shall be cleared and grubbed for the full width of the Right-of-Way. Any/all Tree canopies shall be pruned to a minimum height of 16.5 feet. This work shall include the removal and disposal of Trees, stumps, brush, rubbish, roots, and other objectionable materials. For Streets constructed with upright or roll Curb and gutter, selected specimen Trees may be permitted to remain within the Right-of-Way when the following conditions are met:
1. Trees are healthy, of aesthetic value, and are firmly rooted with the base of the Tree being at or near the elevation of the Curb or edge of Pavement.
  2. The distance from the back of the Curb to the nearest face of the tree is not less than 5 feet.
  3. Additional Right-of-Way is provided where necessary.
  4. Where under drains are required, the Tree(s) shall be removed or the Right-of-way shall be relocated.
- J. **Clearing of Drainage Easements.** The full width of all Drainage Easements shall be cleared of all Trees, Buildings, Fences, stumps, brush, logs, rubbish, roots, overhanging Tree limbs, overhanging Utility wires or cables, or any other item that may, in the judgment of the Public Works Director, interfere with the drainage facility or the maintenance of the facility. Existing obstacles may be left in place upon approval of the Public Works Director provided that all of the following criteria are met:
1. The drainage system or the obstacle cannot be easily relocated;
  2. Adequate and safe operational Easement space for maintenance by mechanized equipment is provided;
  3. The drainage way is not obstructed; and
  4. The Drainage Easement width is increased to accommodate the obstructions.

### **Sec. A.3.6 Non-Standard County Road Standards**

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Applicable only to the Charleston County Public Works Department.

## **ARTICLE A.4 DESIGN AND CONSTRUCTION REQUIREMENTS FOR ROADS CONSTRUCTED TO COUNTY STANDARDS**

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### **Sec. A.4.1 Road Design**

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- A. **Street Intersection Layout.** Street intersections shall not include more than four Street approaches. Streets shall be designed to intersect at right angles whenever possible. Sight distance Easements shall be shown and dedicated on the record drawings of the Development, and should reflect a triangular area as determined by details in Art. A.6, *Standard Construction Details*. Within this triangle, there shall be no sight-obscuring or partial sight-obscuring Wall, Fence, Sign, or full-grown foliage higher than 30 inches above the edge of Pavement. In the case of Trees, there shall be no foliage lower than 16.5 feet above the



top of Curb Grade when foliage is saturated with rain. Vertical measurement shall be made by the Public Works Director from the top of the nearest Curb or, if no Curb exists, from the edge of the nearest traveled Roadway finish-Grade surface. Offsets of local Streets shall have a minimum of 125 feet between centerlines.

- B. **Traffic Control and Street Name Signs.** All traffic control and Street name Signs shall be installed at no cost to the County as part of the Development. The Design Professional shall show the location and type of Signs to be installed on the construction plans and specifications. All traffic control Signs shall conform to the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways. All Street name Signs in proposed publicly maintained Rights-of-Ways should be constructed as indicated by details in Art. A.6, *Standard Construction Details*.

In the event a Street name Sign is requested on an approved County road, approval must be obtained from the County Public Works Department. Details and color-coding are indicated in Art. A.6, *Standard Construction Details*.

- C. **ADA Requirements.** All pedestrian ways and Curb construction shall be in accordance with the latest edition of the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

D. **Specific Right-of-Way Information.**

1. *Causeways.* Streets to be constructed on Causeways shall meet all of the requirements contained within these specifications and the Causeway shall also meet the following requirements:
  - a. The minimum Street centerline elevation at finish Grade shall be 6.5 feet above NAVD 88.
  - b. The minimum side slopes shall be 2:1, preferably 3:1(Horizontal/vertical).
  - c. The minimum top width of the Roadway shall be as defined by the road classification plus 6 foot wide shoulders (as measured from the edge of travel way to the face of the guide rail) if SCDOT standard guide rails are constructed. If no guide rails are constructed, 9 foot wide shoulders shall be required on each side of the travel way.
  - d. The Developer shall provide copies of the approved permits or application ID numbers from all applicable regulatory agencies should expanding the Causeway roadbed beyond the toe of the original roadbed be required.
2. *Bridges.* Bridges shall be designed in accordance with the AASHTO Standard Specifications for Highway Bridges, current edition and interims, as well as meet the following requirements:
  - a. HS 20-44 loading or an alternate military loading, whichever produces the greatest stress.
  - b. The minimum travel way centerline elevation shall be 6.5 feet NAVD 88.
  - c. The minimum width of the Bridge shall be 24 feet clear Roadway width.
  - d. The minimum clear width for all Bridges on Streets with curbed approaches should be the same as the Curb to Curb width of the approaches, but not less than 24 feet clear Roadway width.
  - e. For Streets with shoulders and no Curbs, the clear Bridge width preferably should be the same as the Roadway width. However, in no case should it be less than 24 feet or the travel way width plus 2 feet on each side, whichever is greater.
  - f. Pedestrian ways on the approaches shall be carried across all new Structures.
  - g. SCDOT standard guide rails shall be required.
  - h. All Bridges shall be concrete Structures supported on concrete piles.
  - i. The Developer shall provide copies of approved permits from applicable regulatory agencies for the construction of Bridges.
  - j. The Public Works Director may consider design alternatives to the aforementioned standards. Any request for design alternatives must be submitted in writing and include details and justifications for each requested alternative. Written approval by the Public Works Director of the requested alternative is required prior to proceeding with construction.
3. *Stub Streets.* Stub Streets extending to the boundary or property line of the Subdivision shall be constructed simultaneously with the other Streets in the Development and shall be constructed in the same manner.



4. **Cul-de-Sac Streets.** Cul-de-Sacs shall be provided at the terminus of closed end Streets with minimum dimensions as indicated below.
    - a. *Circular turnaround.* See details in Art. A.6, *Standard Construction Details*.
    - b. *Y or T turnaround.* Permissible only where a Cul-de-Sac Street serves 20 Dwelling Units or less and upon approval by the Public Works Director. The design engineer must demonstrate that the road configuration will allow both emergency and service vehicles to turn around.
  5. **Temporary Cul-de-Sacs.** Temporary Cul-de-Sacs shall be provided when incremental road construction and/or phasing is requested by the Developer. Temporary Cul-de-Sacs shall be constructed as required by this section. Unpaved temporary Cul-de-Sacs shall require an additional 2 inches (compacted depth) of base course.
  6. **Construction Access.** The Design Professional shall identify the development's construction access routes and submit its proposed road section and surface course design for approval by the Public Works Director.
  7. **Inverted Crown Roads.** Roads designed or constructed with inverted crowns shall not qualify for public road acceptance by County Council.
- E. Pedestrian Ways within Publicly Dedicated Right-of-Way.** When placed within the public Right-of-Way, pedestrian ways shall be constructed as specified below:
1. **Asphalt Sidewalk.** An asphalt sidewalk shall have a minimum asphalt thickness of 1-1/2 inches and a minimum base course thickness of 4 inches. The minimum width for pedestrian ways shall be five feet. All work, materials, methods, and equipment, unless specified otherwise herein, shall be in accordance with the CTC (SS) or the SCDOT (SS). For additional ADA requirements see Sec. A.4.1.D.2, *Bridges*.
  2. **Concrete Sidewalk.** A concrete sidewalk shall have a minimum thickness of 4 inches except at driveways where the minimum thickness shall be 6 inches. Transverse expansion joints shall be placed at intervals of not more than 50 feet. The minimum width for pedestrian ways shall be five feet. All work, materials, methods, and equipment, unless specified otherwise herein, shall be in accordance with the CTC (SS) or the SCDOT (SS).
- F. Road Surfaces Types.**
1. **Earth Roads.** The County standard earth Roadway is identical in cross section to a County standard paved road except that roadbed stabilization may require that material be mixed into the existing soil material, as needed, to a depth of 6 inches to achieve suitable compaction. The crown shall be 6 inches. County Public Works' inspectors will determine whether the prepared Subgrade material and earth road overlay soil are acceptable.
    - a. A suitable soil is required for a minimum depth of 18 inches to provide a Street that will serve the traffic needs in extremely dry, normal, and in wet weather. Where necessary, a stabilizing type soil shall be added and properly mixed with the soil in place for a depth of not less than 0.6 inches.
    - b. Earth roads, when intersecting with an existing paved road, shall have a paved apron extending 20 feet to the paved road's Right-of-Way and when intersecting with a rocked road, shall have a rocked apron extending to the rocked road's Right-of-Way.
  2. **Rock Roads.** The County standard rock Roadway is also identical in cross section to a County standard paved road except that the Subgrade is mixed with a 4-inch minimum aggregate Base Course worked into the top 2 inches of the existing Subgrade, creating a 6-inch deep compacted rock surface, meeting the CTC (SS) or the SCDOT (SS). The road crown shall be a minimum of 6 inches. The rock material shall be Crusher-Run granite aggregate unless otherwise approved by the Public Works Director.

Rocked roads, when intersecting with an existing paved road, shall have a paved apron extending 20 feet to the edge of the paved road's Right-of-Way.
  3. **Paved Roads.** The County standard paved Roadway is shown in detail in Art. A.6, *Standard Construction Details*. The County standard asphalt Pavement is a minimum 2-inch compacted hot plant mix asphaltic concrete meeting the CTC (SS) or the SCDOT (SS) type one, or equal. Asphaltic



concrete material is to be placed on a minimum compacted Base Course meeting the CTC (SS) or the SCDOT (SS), and an approved Subgrade (see Pavement design below).

#### G. Pavement Design.

1. *Pavement Base and Surfaces Courses.* The Base Course shall meet the CTC (SS) or the SCDOT (SS). The width of the Base Course shall be 12 inches greater than the width of the surface course; i.e., 6 inches on each side of the Roadway. The compacted depth of the Base Course shall be 6 inches or greater as approved by the Public Works Director. After the Base Course has been properly blended, mixed, wetted, shaped, and compacted to the approved typical section and has been seasoned sufficiently and proof-rolled, the surface course shall be applied.
  - a. Proof-rolling shall be accomplished as described in the CTC (SS) or the SCDOT (SS) for the proof-rolling of the Subgrade except that the minimum total weight of the testing vehicle shall be in the 30-35 ton range.
  - b. The surface course materials, placement, and protection shall meet the requirements of the SCDOT (SS) type C or equal. The compacted depth of the surface course shall be no less than 2 inches or greater as approved by the Public Works Director. Weather and seasonal restrictions to placement of the bituminous materials are described in the CTC (SS) or the SCDOT (SS).
2. *Pavement Section for Typical Residential Roadway.* The County standard asphalt Pavement section for use on residential Roadways is a minimum 2-inch compacted hot plant mix asphaltic concrete meeting the CTC (SS) or the SCDOT (SS), type one or equal. This material is to be placed on a 6-inch minimum compacted Base Course and an approved Subgrade. A prime coat meeting the CTC (SS) or the SCDOT (SS) is required when the Base Course will not be paved within two weeks.

Roadways serving large residential areas or phased Subdivisions may require Pavement designs, exceeding the minimum requirements, as determined by the Public Works Director.

3. *Pavement Design for Commercial/Industrial Use Roadways.* The design engineer shall provide a Pavement design for all Roadways that serve commercial and industrial uses. The design shall include at a minimum 2 inches of compacted hot plant mix asphaltic concrete meeting the CTC (SS) or the SCDOT (SS) type one, or equal, and a minimum 6 inches of compacted Base Course meeting the CTC (SS) or the SCDOT (SS), with an approved Subgrade. The Pavement design shall include information on anticipated traffic counts, traffic loadings, and site-specific soils. Further, the Public Works Director may require other pertinent information. A site-specific geotechnical report prepared by a Geotechnical Engineer shall be provided to substantiate/justify the proposed design for the entire length of the Roadways to be constructed. A prime coat meeting the CTC (SS) or the SCDOT (SS) is required when the Base Course will not be paved within two weeks.
4. *Alternative Pavement Designs.* The County will consider alternative Pavement materials designs. The Design Professional should present appropriate design data including laboratory tests of foundation soils to substantiate/justify the proposal.

#### H. Road Construction.

1. *Soil Testing.* The Public Works Director will determine the quality of foundation soils by visual observations and adequate soil testing provided by the Design Professional. Without such testing, the Public Works Director will utilize judgment and experience to determine the quality of the foundation material and shall require appropriate action including, but not limited to, undercutting or mucking and replacing the excavated material with suitable earth materials.
  - a. The soil-testing program shall be presented to, and approved by, the Public Works Director prior to the beginning of the testing. The testing program shall show the number and approximate locations of borings, sampling depths, and type of test to be made. Ample notice of testing schedules shall be given and a copy of all results, including recommendations, shall be provided upon completion of the tests.
  - b. The testing program may establish levels or degrees of testing. For example, the testing program may call for a minimum number of tests for determination of general soil classifications and water table data for preliminary site evaluation. For the design of Pavement, the testing program shall include, but is not limited to, the determination of the maximum elevation of the groundwater table, the soil classification according to the Unified Soil Classification System





(laboratory test determination), and the California Bearing Ratio (CBR) (laboratory test determination utilizing 96 hour saturation). Proctor testing for determination of optimum moisture and maximum Density using the modified Proctor-Test ASTM D 1557 Method A, and field moisture and Density tests may be required by the Public Works Director.

2. *Grading.* Streets shall be graded to the designed typical section in accordance with the approved plans and profiles. Grade stakes shall be set on centerlines at intervals of not more than 100 feet on tangent Grades and not more than 50 feet on vertical curves. Additional Grade stakes may be required to ensure that the final Grade matches the designed typical section in the profile.
  - a. Grading work, materials, methods, and equipment, unless approved otherwise, shall be in accordance with the requirements of the CTC (SS) or the SCDOT (SS).
  - b. No base or surfacing materials shall be placed before the Subgrade is inspected and approved by the Public Works Director.
  - c. In general, soils classified lower than "SC," according to the Unified Soil Classification System, are not acceptable for the upper 24 inches of the Subgrade.
  - d. The compacted Subgrade shall be proof-rolled prior to placement of any base or surfacing materials. Testing shall be performed in the presence of the Public Works Director. The testing procedure shall consist of driving a loaded tandem truck (10 cubic yard minimum load capacity, 30-35 ton minimum total weight), or other equivalent vehicle (as determined by the Public Works Director) at slow-walking speed longitudinally along the length of the Roadway test area. Any areas exhibiting pumping or breaking of the surface shall be stabilized or removed to appropriate depth and replaced with suitable material, recompacted, and retested.
3. *Subgrade.* Work shall consist of the construction and preparation of the Subgrade - that part of the Roadway intended to receive the Base Course, Pavement, pedestrian way, Curb, Curb and gutter, and/or shoulders.
  - a. Roads shall be graded to the designed typical section in accordance with the approved plan and profile, and shall be free of roots, trash, and other unsuitable materials for a minimum depth of 24 inches below the finished Subgrade.
  - b. A suitable soil is required for a minimum depth of 18 inches immediately below the Base Course to provide a road that will serve the traffic needs in extremely dry, normal, and in wet weather. Where necessary, a stabilizing type soil shall be added and properly mixed with the soil in place for a depth of not less than 6 inches.
  - c. When unstable material is encountered and it is necessary to perform mucking work, the Roadway shall be mucked for its entire width, ditch line to ditch line or extending 2 feet beyond the backs of Curbs; backfilled with a suitable, stable-type soil; and properly compacted. All objectionable loose rock or boulders shall be removed or broken off to a depth of not less than 24 inches below the surface of the Subgrade.
  - d. The Subgrade is to be sufficiently wetted and shall be compacted for a width extending 2 feet outside the edges of the proposed Pavement before the Base Course is placed.
  - e. The Subgrade, from a distance of 24 inches outside the area to be occupied by the Pavement or Curb and gutter, shall be compacted to not less than 98 percent of maximum Density. The compaction shall be accomplished by using suitable construction procedures with the Subgrade at optimum construction moisture content. Sprinkling to secure proper compaction may wet the Subgrade. ASTM D 1557 Method A will determine maximum densities.
  - f. The Subgrade shall be maintained in a smooth and compacted condition, free from ruts and depressions, and shall be adequately drained. In no case shall any base, surface course, or Pavement be placed on a frozen, muddy, or unstable Subgrade. Storing or stockpiling of materials directly on the Subgrade will not be permitted except with the approval of the Public Works Director.
4. *Seeding and Mulching.* All unpaved areas within the Right-of-Way shall be seeded and mulched. The Developer shall be responsible for maintenance of such seeded and mulched areas as described in the CTC (SS) or the SCDOT (SS) until the Street and/or drainage system is accepted into the County maintenance system.



## Sec. A.4.2 Drainage Design

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- A. **Design Methods and Criteria.** Drainage designs shall be in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- B. **Approved Outfalls.** Designs shall be in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- C. **Drainage and Other Work Involving Another Public Agency.** When drainage is discharged into a drainage way maintained by, or intended for maintenance by, a public agency other than Charleston County Public Works, or if work is to be done within the road Right-of-Way of a public agency other than Charleston County, written approval must be obtained from that public agency. A copy of this approval must be furnished to the Public Works Director prior to the issuance of County permit approval.
- D. **Rainfall Determination.** Rainfall shall be in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- E. **Detention Pond Design Criteria.** Detention Pond design shall be in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- F. **Infiltration/Exfiltration Drainage System.** Infiltration shall be in accordance with the Charleston County Stormwater Program Permitting Standards and Procedures Manual.
- G. **Additional Road Drainage Requirements.** The Public Works Director will independently evaluate any storm drainage piping (other than cross-line pipes) designed to be placed at a depth or location such that the repair of that Culvert would adversely impact the flow of vehicular traffic. Culvert piping crossing under the Street shall be at an angle of not more than 30 degrees from the perpendicular of the Street.
  - 1. Pipeline discharge capacities shall exceed maximum peak runoff rates. Ponding or head pressure shall not be considered in pipeline size determination. Computations for all drainage way size determinations shall be provided to the Public Works Director. Drainage ways located laterally off of the Street should be piped to the back Lot Line or for the first 150 feet from the Street Right-of-Way line, whichever comes first.
  - 2. Where a drainage outlet pipe extends into a lake or other similar outlet, rip-rap shall be placed under and around the end joint or joints of pipe as needed and on slopes at the end of the pipe.
  - 3. Minimum longitudinal slope shall be 0.4% except where specifically approved in writing by the Public Works Director.
  - 4. Submerged piping or partially submerged piping shall not be used unless where specifically approved in writing by the Public Works Director. Submerged pipe systems shall require a means of accessing the submerged pipe for maintenance purposes.
  - 5. Catch basins or junction boxes shall not be located within the radius portion of Street intersections. No manhole covers or water valves will be located within the Curb or gutter area or within the paved area of the Roadway.
  - 6. To allow for backfill and compaction operations, a 2-foot minimum horizontal clearance between pipelines or Structures shall be provided. Reinforced concrete or rip-rap of a material and gradation approved by the Public Works Director shall be placed at the ends of all culverts, bends, or junction points in drainage ways and/or other locations as determined by the Public Works Director (see details in Art. A.6, *Standard Construction Details*).
- H. **Additional Drainageway Requirements.** Where drainage is directed into an existing ditch, canal, or tidal stream by use of an open ditch or pipeline, the elevation at the bottom of the existing ditch, canal, or tidal stream at the point of entry, and approximately 100 feet upstream and downstream, shall be shown on the drainage plans. In addition, the elevation of the bottom of the inlet ditch or invert elevation of inlet pipe at the outlet end shall be shown along with the bottom width of the existing canal or tidal stream.
  - 1. Where drainage ways are piped, catch basins shall be provided as required to appropriately receive and discharge incoming drainage. In no case shall the catch basins be more than 300 feet apart.
  - 2. Junction boxes with stubs shall be constructed at both ends of cross-line pipes for cross-ditches, at the outlet end of cross line pipes at outlet ditches, and at other locations as appropriate. Reinforced concrete pipes of the required sizes shall be used for all inlet and outlet stubs. Stub pipes of the



required sizes shall be used to convey the Street ditch drainage into the junction boxes and the inlet invert of the stub shall normally be installed approximately 0.3 feet below the Street ditch Grade. Stub pipes shall be extended a minimum of 20 feet from the junction box to provide maintenance vehicle access to maintenance shelves along outfall ditches.

3. For minor swale ditches of 1-foot depth or less alongside or Rear Lot Lines that only drain a small interior area and where Street drainage is not involved, a Drainage Easement not less than 15 feet in width may be utilized.

**I. Drainage and Erosion Control Structures and Materials.** All work, materials, methods, and equipment, unless otherwise specified herein, shall be in accordance with the requirements of the CTC (SS).

1. All concrete pipes shall conform to A.S.T.M. Specifications C-76, Class III, Wall B. Joints shall conform to A.S.T.M., C-443. Jointing materials shall be all-weather preformed joint sealant.
2. Other piping materials may be considered. Specifications should be submitted to the Public Works Director along with the design data and construction plans showing the specific intended use. Materials and methods approved by the SCDOT will be considered upon submittal of SCDOT documentation and recommendations pertaining to the use of such materials.
3. Ample cover shall be provided to properly protect pipelines during construction as well as for designed usage. Minimum allowable cover for pipe at Subgrade shall be not less than 6 inches for paved areas, and 12 inches for unpaved areas and in no case less than that recommended by the manufacturer.
4. Minimum cover for other materials and usages shall be considered at the time of submittal of construction plans to the Public Works Director.
5. All Structures shall be shown clearly on the construction plans with details to show all lines, Grades, elevations, joints, reinforcing, materials of construction, etc. All appropriate specification data shall be shown on the construction plans.
6. Junction boxes, Curb inlets, outfall boxes, or any other enclosed drainage Structure exceeding 4 feet 6 inches in depth shall be constructed with interior step fixtures.
7. Precast concrete Structures will be considered. Design and specification data should be submitted to the Public Works Director along with the design and construction plans showing the specific intended use.
8. A performance bond guaranteeing restoration work must be posted with Charleston County and remain in effect for a period of two years from the date of acceptance of the restoration work (date of release by the Director of the Department of Public Works). This bond must be in a format approved by the County Attorney and in accordance with terms and conditions of CHAPTER 8, *Subdivision Regulations*.

**J. Open Channel Baffles.** Baffles of an approved design shall be constructed in open channels where the gradient is 0.70 percent or greater and shall be spaced as shown:

Gradient (percent)	Spacing (feet)
0.70 to 0.99	100 (Max.)
1.00 to 1.49	75 (Max.)
1.50 to 1.99	50 (Max.)
2.00 to 3.00*	50 (Max.)

\*Where the gradient is two percent or greater for an open channel, additional Easement width equal to the maximum depth of the channel shall be provided. For a gradient greater than three percent, the channel shall be piped unless otherwise approved by the Public Works Director.

**K. Easements for Storm Drainage Facilities.** Drainage Easements shall be provided for all drainage facilities intended to be included in the maintenance program of Charleston County. The easement shall provide adequate space for access to the facility; adequate space for the operations involved in cleaning, repairing, reconstructing, material storage and dewatering, and hauling materials to or from the area; adequate space for turning and maneuvering of the equipment; and adequate space for the sloshing and splashing of the materials being handled.



1. The portions of the Easement intended for equipment operations shall have suitable foundations to support the maintenance equipment and shall be graded to drain the working area but not graded to slopes or elevations causing difficulty in the operation of the maintenance equipment. Maximum lateral Grade for areas in which draglines may be used in the maintenance operations shall be five percent.
2. Minimum Drainage Easement widths shall be in accordance with the most recent Charleston County Stormwater Program Permitting Standards and Procedure Manual.

## ARTICLE A.5 ENCROACHMENTS

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### Sec. A.5.1 Encroachments and Work within Rights-of-Way and Drainage Easements

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- A. **Introduction.** This section is intended to provide a general guideline for the design and construction of structures that may be located within Rights-of-Way or Drainage Easements that have been, or will be, accepted into the Charleston County maintenance system. No work shall be commenced until an encroachment permit for such work has been obtained from the Public Works Director. Violations shall be subject to the provisions contained in CHAPTER 11, *Violations*, of the ZLDR.
- B. **Encroachment Permits - General.** Any permanent or temporary construction or placement of any Structure or object (Sign, Fence, etc.) within a Charleston County Drainage Easement or road Right-of-Way must receive an Encroachment permit from the Public Works Director prior to the beginning of work or emplacement of Structure or object. All work within publicly owned or maintained Rights-of-Way and/or Easements, must comply with the specifications listed in Article A.6, *Standard Construction Details*.
1. The encroaching entity will submit all permit requests on the Charleston County APPLICATION FOR ENCROACHMENT PERMIT FORM for review. Application fees will be in accordance with current Charleston County User Fee schedules. Permit applications will be reviewed and issued comments, approved, or denied by the Public Works Director within 30 days of receipt.
  2. If, in the opinion of Charleston County, the South Carolina Department of Transportation, or any other public agency, it should ever become necessary to relocate or remove the Encroachment, or any part thereof, due to the improvement, relocation, or widening of the road, Street, or drainage system, or for any other reason, such Moving or removing will be done on demand of the Public Works Director at the expense of the permittee.
  3. The Public Works Director may require the removal of unpermitted Encroachments (driveways, piping of any kind, physical Structures, etc.). The Landowner/Developer will be notified of the illegal Encroachment by letter and will be given 30 days to remove the unpermitted Encroachment or obtain a permit. Should the encroachment not be removed or permitted within this timeframe, Charleston County, or an agent of the County, will remove the Encroachment at the expense of the Landowner/Developer.
  4. Encroachment permits may be issued with a provision requiring Charleston County staff, or agents of the County, to inspect the installation of the encroaching Structure. Failure to notify Charleston County of installation will nullify the Encroachment permit.
  5. Adequate provisions shall be made for the protection of the traveling public at all times when performing work under an Encroachment permit. During the progress of the work, all necessary detours, barricades, warning Signs, and flagmen will be provided by, and at the expense of, the permittee to ensure safety.
  6. Restoration work shall be immediately accomplished to return the road and/or drainage system to prior condition or better. The liability of the permittee will not be released until all work is inspected and approved by the Public Works Director.
  7. Any proposed infrastructure encroachment into a public Easement which crosses a parcel boundary shall be accompanied with written permission from affected landowner(s).
  8. Encroachments shall not cause increases to surface water elevation, either upstream or downstream of the Encroachment, during the 100-year, 24-hour rain event. This is further described within the Charleston County Stormwater Program Permitting Standards and Procedures Manual.



### C. Types of Encroachments within Public Rights-of-Way and Easements.

1. Driveway encroachment permit applications shall be designed in accordance with Art. A.6, Standard Construction Details. Residential driveway widths shall be limited to a minimum 12 feet and maximum 20 feet. Driveways shall not be located closer to the outside travel lane of an intersection than two times the driveway width plus 22 feet ( $2w + 22$ ). Driveway aprons shall be at least equal to the type of surface with which it is being connected (Pavement, rock, or earth). The permittee may be required to provide as-built information for the driveway, and up to one driveway Culvert upstream and one driveway Culvert downstream.
2. The piping of open conveyances shall be sized appropriately to accommodate the drainage of upstream and downstream flow. A minimum of one 4-foot by 4-foot junction box or inlet shall be required to accept Roadway sheet flow, though more may be required at the discretion of the Public Works Director. Request for piping of roadside ditches may be rejected, at the discretion of the Public Works Director, based on site conditions.
3. *Sprinkler Systems.* Water-sprinkling systems shall not be allowed within the public Right-of-Way or Easement without an approved encroachment permit. Each application will be reviewed on a site specific basis by the Public Works Director.
4. The installation of physical Structures (including, but not limited to, Fences, Trees, Bridges, piping, landscaping beds, roads, driveways) shall require Encroachment permits. Charleston County Public Works reserves the right to deny Encroachment permit applications.
5. *Landscaping and Planting.* Installation of landscaping and planting shall require Encroachment permits. Each application will be reviewed on a site specific basis by the Public Works Director.
6. *Subdivision Entrance Signs.* Subdivision name Signs at entrances to Developments shall be in compliance with CHAPTER 9, *Development Standards*. Building Permits must be obtained prior to installation of such entrance Signs. Subdivision name Signs will be located outside the road right-of-way except those Signs located within a Roadway median. All Signs shall be located outside of horizontal sight distance. Such signs, foundations for future signs, and conduit for electrification of signs shall be shown on the construction plans and an encroachment permit obtained prior to construction. Approval of the plans by the Public Works Director does not imply or guarantee the approval of other entities.
7. *Utilities.* The proposed concept for the location of all underground Utility lines, including water, sanitary Sewer, gas, electrical, telephone, or television cables, shall be shown utilizing typical Street plans, cross sections, and profiles. Non-typical locations, such as areas around Trees, shall be shown in sufficient detail for review and approval. Utility lines shall be located so that they will not interfere with the proper functioning of the drainage system. For Streets where the Curb and gutter section is used, underground Utility main lines shall be a minimum of 5 feet behind the back of the Curb. For Streets where the swale ditch section is used, Utility main lines shall be installed not less than 15 feet from the centerline of the Street and not less than 5 feet from the edge of the Pavement.
  - a. Utility encroachments shall only be allowed within roads meeting the classifications of Secondary Rural Road, Primary Rural Road, Secondary County Road, and Primary County Road.
  - b. The minimum allowable cover over the top of the Utility Encroachment or other apparatus shall be 36 inches. Deviations to the 36 inches cover requirement must be presented in the cross section format along with a written justification and submitted to the Public Works Director for approval.
  - c. Proposed Utilities and existing stormwater Infrastructure must be vertically separated by a minimum of 36 inches. Deviations from this requirement must be presented in the cross section format along with a written justification and submitted to the Public Works Director for approval. Additional Utility protection, or notification, may be required.
  - d. No work on Utility lines within the limits of the proposed publicly-maintained Rights-of-Way shall commence until the Street plans showing the proposed locations of the Utility lines have been approved. In case any Utility location is not provided, the Developer shall be responsible for notifying the Utility that installation work within the proposed publicly- maintained Right-of-Way or Drainage Easement will require the approval of the Public Works Director.



- e. Unapproved Utility work within the Right-of-Way or Drainage Easement will result in an immediate supervision of inspections until such time as the Utility plans have been reviewed and approved by the Public Works Director.
  - f. Ditches and trenches dug within the Street Right-of-Way for Utilities and/or other purposes shall be properly backfilled per Art. A.6, *Standard Construction Details*. Backfill material shall be select material, mechanically compacted in 6-inch layers or flowable fill. Backfill material shall be mixed or wetted as required by the Public Works Director. Backfill under areas to be paved or areas within 5 feet of Pavement shall be compacted to no less than 98 percent of maximum Density. Remaining areas shall be compacted to 90 percent of maximum Density. ASTM D 1557 Method A will determine maximum densities.
  - g. Where Utilities have been designed to be placed at a depth or location such that the repair of that Utility would adversely impact the flow of vehicular traffic, the Design Professional shall either address such concerns to the satisfaction of the Public Works Director or redesign the utility layout. At Grade, or above Grade infrastructure, shall not be placed within travel way, or drainage path, unless specifically approved by the Encroachment permit. The Landowner/Developer/Utility Provider may be required to obtain additional Right-of-Way, or Easement, to accommodate proposed Utility.
  - h. Utilities crossing under the Street shall be at an angle of not more than 30 degrees from the perpendicular to the Street.
  - i. The jetting or uncontrolled tunneling of utility lines under a Paved Street is not permitted. The cutting of the Pavement is not permitted except under extreme circumstances and only as permitted by the Public Works Director.
  - j. Where Utilities are designed to be placed at a depth or location such that the repair of that Utility would adversely impact the flow of vehicular traffic, the Design Professional shall either address such concerns to the satisfaction of the Public Works Director or redesign the Utility layout.
  - k. Proposed Street lighting facilities shall be shown on the Street construction plans submitted to the Department of Public Works for approval. Street light poles shall be placed outside the Right-of-Way unless specifically approved by the Public Works Director.
  - l. Fire hydrants shall be shown on the construction plans, located at the edge of the Right-of-Way within a few feet of the property corner of two adjoining Lots, or located as otherwise approved by the Public Works Director.
  - m. When dry fire hydrants are required, permanent access shall be shown on the construction plans. Access design must provide adequate space and suitable surface materials for emergency vehicle maneuverability. The Design Professional shall submit written approval of the design from the local fire service provider.
  - n. The Public Works Director will only permit Utilities other than drainage facilities within Drainage Easements upon specific written authorization.
  - o. Encroachments of storm drainage pipes greater than 15 inches will require outfall protection with side slope stabilization for the full width of the ditch, swale, or canal (top of bank to top of bank), and upstream and downstream of the Encroachment for a minimum of 15 feet or greater in each direction, dependent on site conditions, and velocity of stormwater.
- D. **Zoning Permits.** The Public Works Director will review Encroachment permit applications for Signs and Structures within public Rights-of-Way for compliance with this Ordinance. No Encroachment permits for Signs, other than traffic control Signs, will be issued without the written approval of the Public Works Director. Issuance of Zoning Permit approval does not ensure approval by the Public Works Director.
- E. **Restoration of Roads.** Restoration is intended to aid proper County road maintenance. Any entity performing work within a County Right-of-Way that will damage an existing road, drainage system, or Structure must ensure that the systems will be returned to a condition equal to or better than that prior to proposed/current construction work.
- 1. Any Utility, public agency, or other entity or person performing work in a County Right-of-Way or Easement must obtain an Encroachment permit prior to beginning any construction. The Applicant shall furnish information on the Encroachment permit application detailing all work. Details on



restoration of all disturbed areas or Utilities will also be provided on the Encroachment permit application.

2. Restoration work will return the road, drainage system, and any impacted Utilities to prior condition or better. The liability of the permittee will not be released until all work is inspected and approved by the Public Works Director.

## **ARTICLE A.6 STANDARD CONSTRUCTION DETAILS**

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### **Sec. A.6.1 Introduction**

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This section is intended to provide a guideline for the preparation of cross sections, construction details, and miscellaneous pictorial data required for the completion of the construction plans and specifications for road and drainage systems that are intended to be in the maintenance systems of the County, or in Developments that must be constructed to County standards. These detail drawings are representative of the minimum standards required by the County. However, the design engineer is responsible for the preparation of detail drawings showing clearly what is actually expected to be constructed on the ground.

### **Sec. A.6.2 Index of Drawings**

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- A.E.1** Typical section for Roadway with open roadside drainage swale
- A.E.2** Typical section for Roadway with concrete roll curb and gutter
- A.E.3** Typical section for Roadway with median island
- A.E.4** Pavement cut for installation of Utilities
- A.E.5** Urban Street typical Cul-de-Sac plan view
- A.E.6** Typical concrete driveway plan view and profile (Roadway with open ditches)
- A.E.7** Typical asphalt driveway plan view and profile (Roadway with open ditches)
- A.E.8** Typical section concrete Curb and gutter
- A.E.9** Concrete gutter at Street intersection plan view
- A.E.10** Concrete gutter at Street intersection standard construction
- A.E.11** Typical sidewalk section with Curb and gutter
- A.E.12** Masonry Curb inlet drainage Structure detail
- A.E.13** Masonry junction box detail
- A.E.14** Grate type yard inlet detail
- A.E.15** Type Nine yard inlet detail
- A.E.16** Typical section - trapezoidal ditch
- A.E.17** Typical section— swale type ditch
- A.E.18** Pipe outlet to ditch with concrete slab
- A.E.19** Typical rip-rap outfall protection detail
- A.E.20** Rip-rap detail at end of pipe
- A.E.21** Rip-rap detail at intersection of ditches
- A.E.22** Rip-rap detail at bend in ditch
- A.E.23** Typical Street name Sign installation
- A.E.24** Horizontal sight distance detail
- A.E.25** Standard Street name sign and specifications

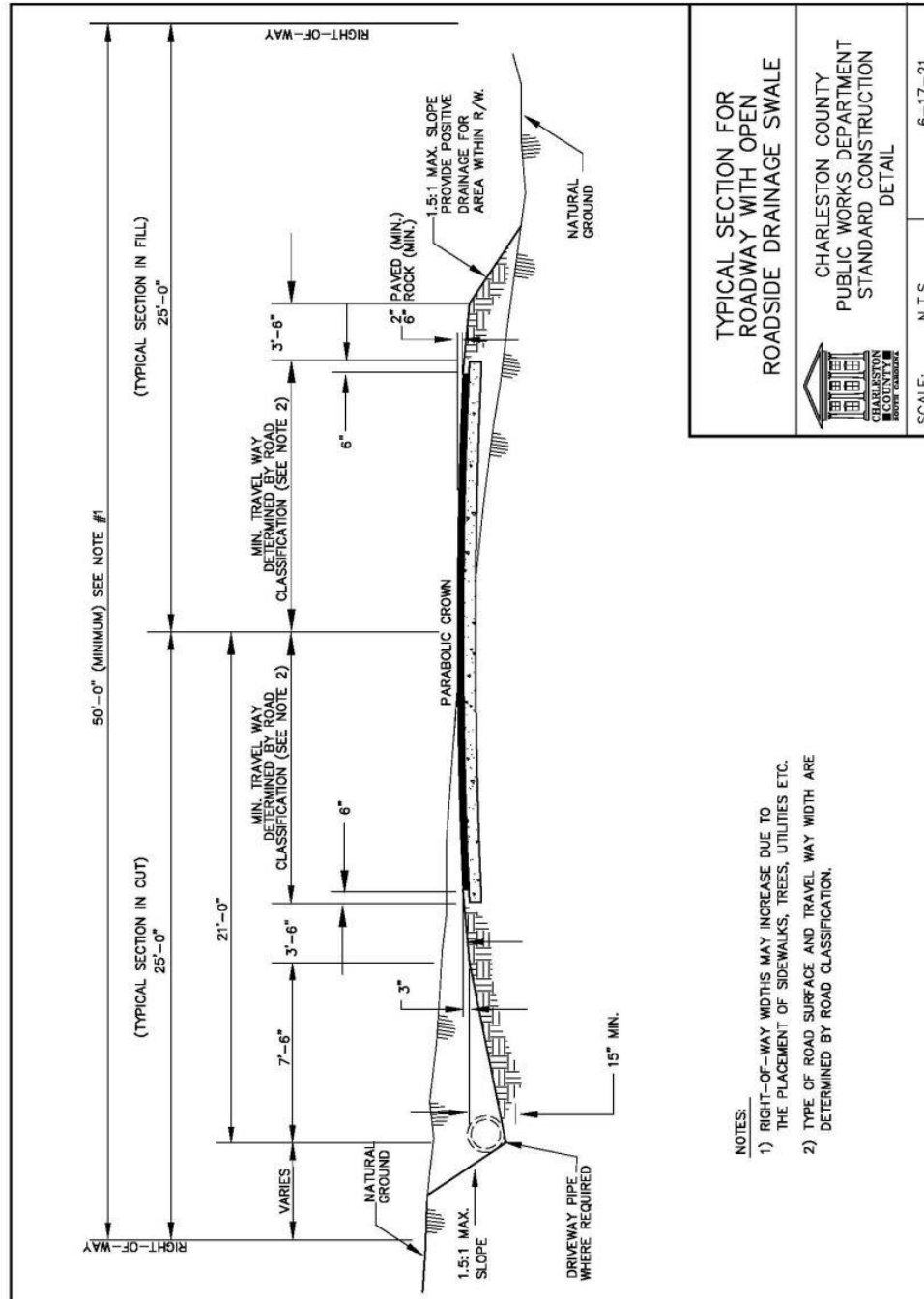


## **A.E.26 As-Built Checklist**



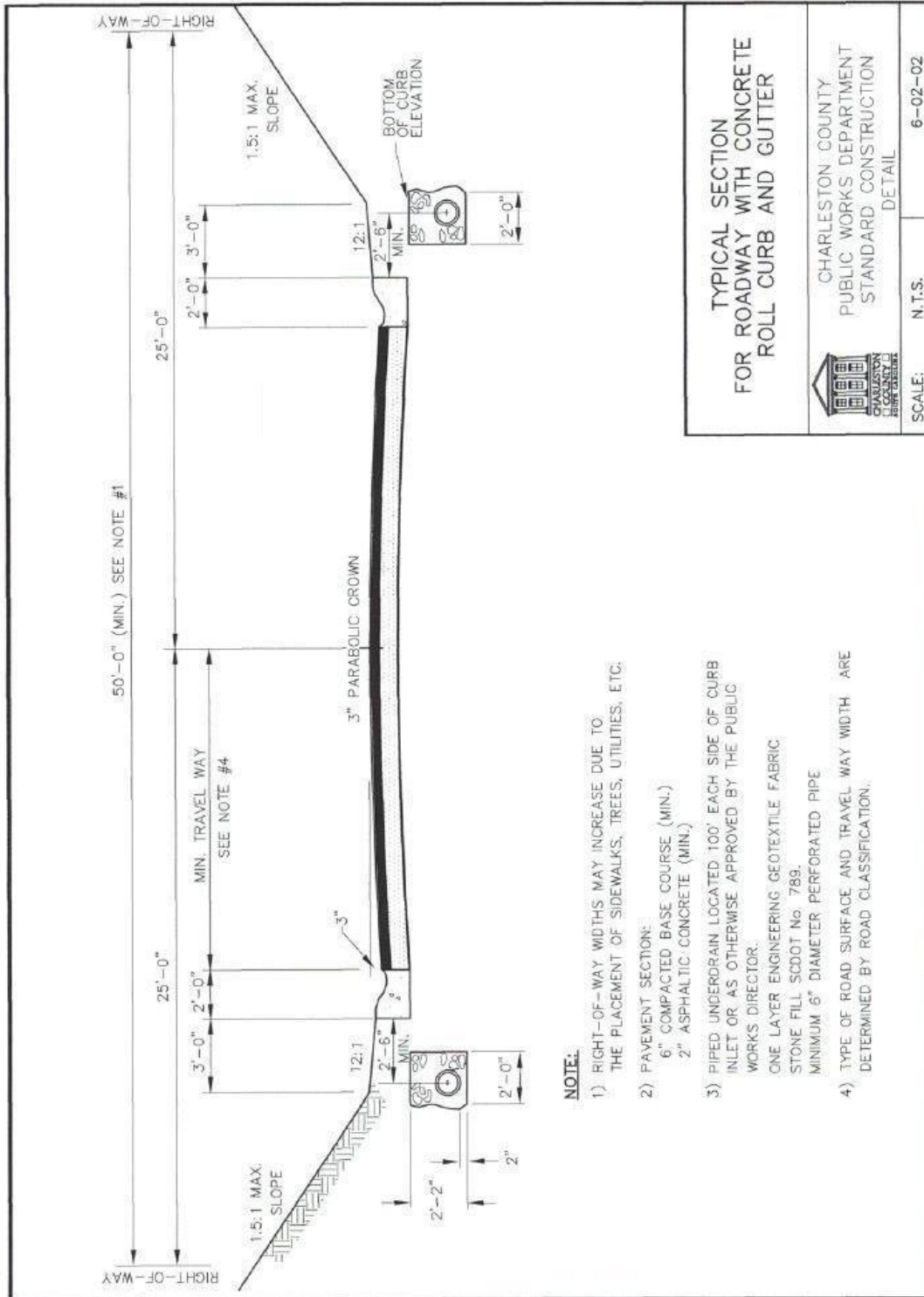


**A.E.1, Typical Section for Roadway with Open Roadside Drainage Swale**





**A.E.2, Typical Section for Roadway with Concrete Roll Curb and Gutter**



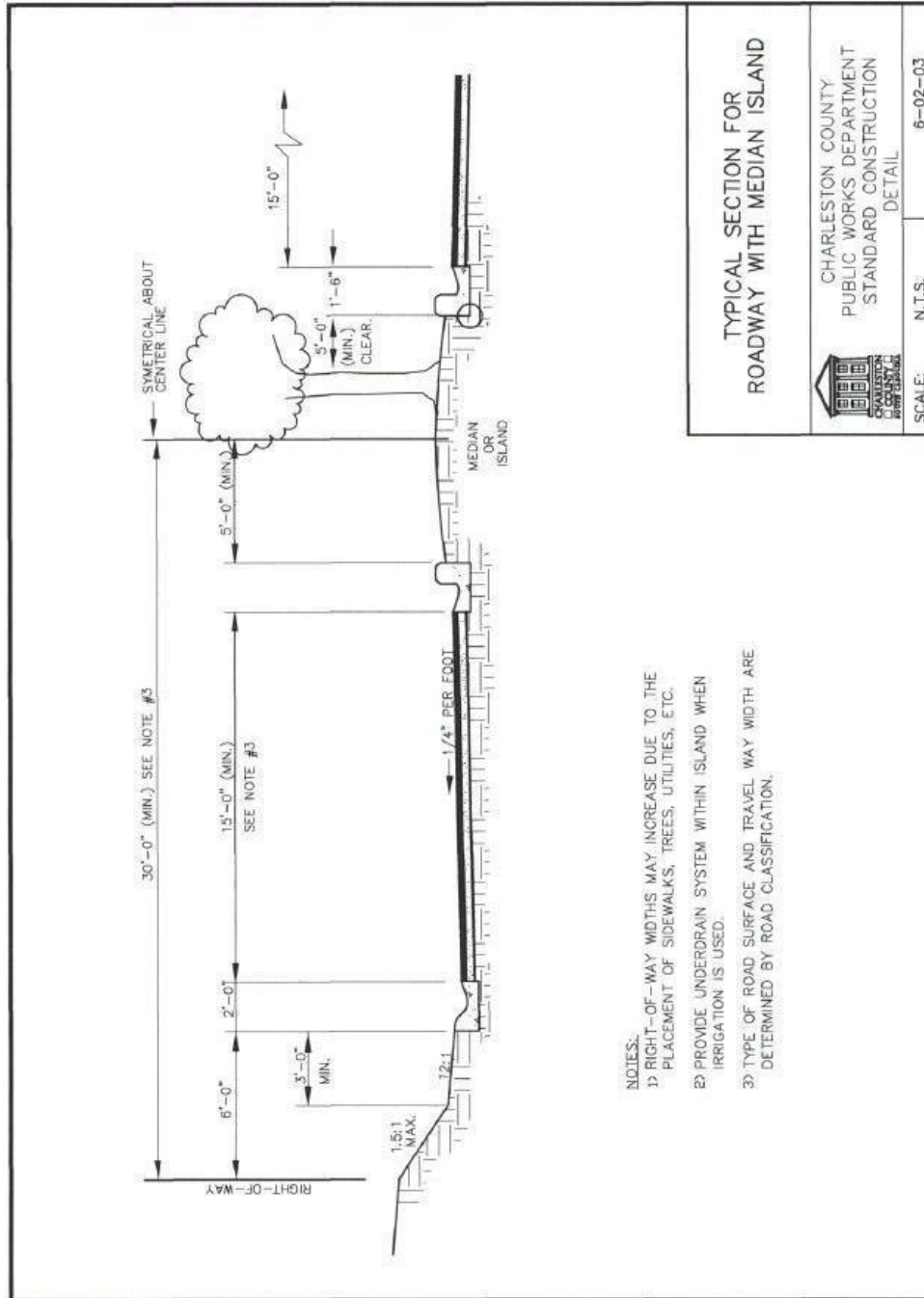
**TYPICAL SECTION  
FOR ROADWAY WITH CONCRETE  
ROLL CURB AND GUTTER**



CHARLESTON COUNTY  
PUBLIC WORKS DEPARTMENT  
STANDARD CONSTRUCTION  
DETAIL

SCALE: N.T.S. 6-02-02

### A.E.3, Typical Section for Roadway with Median Island



**NOTES:**

- 1) RIGHT-OF-WAY WIDTHS MAY INCREASE DUE TO THE PLACEMENT OF SIDEWALKS, TREES, UTILITIES, ETC.
- 2) PROVIDE UNDERDRAIN SYSTEM WITHIN ISLAND WHEN IRRIGATION IS USED.
- 3) TYPE OF ROAD SURFACE AND TRAVEL WAY WIDTH ARE DETERMINED BY ROAD CLASSIFICATION.

**TYPICAL SECTION FOR ROADWAY WITH MEDIAN ISLAND**

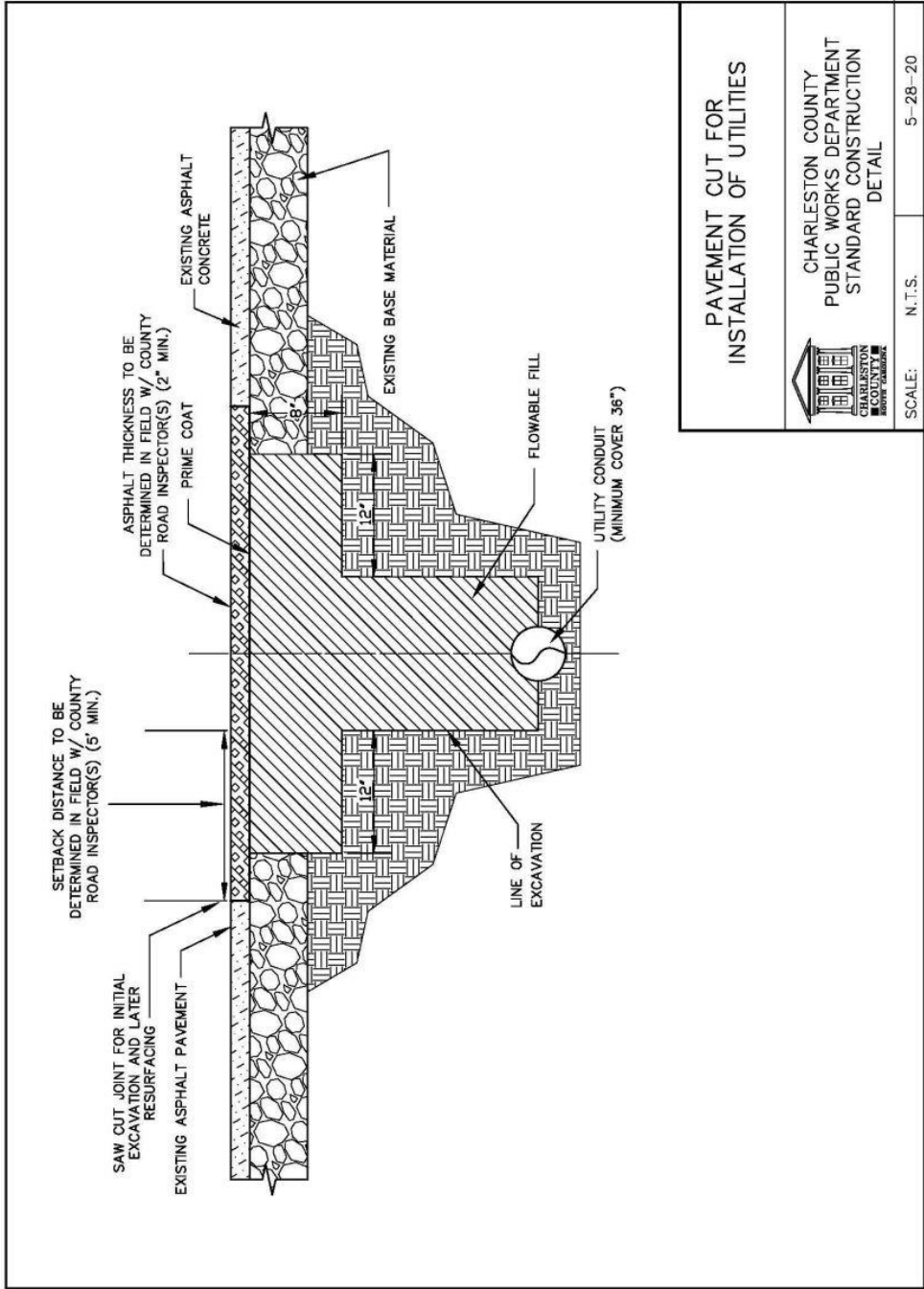



CHARLESTON COUNTY  
PUBLIC WORKS DEPARTMENT  
STANDARD CONSTRUCTION  
DETAIL

SCALE: N.T.S. 6-02-03



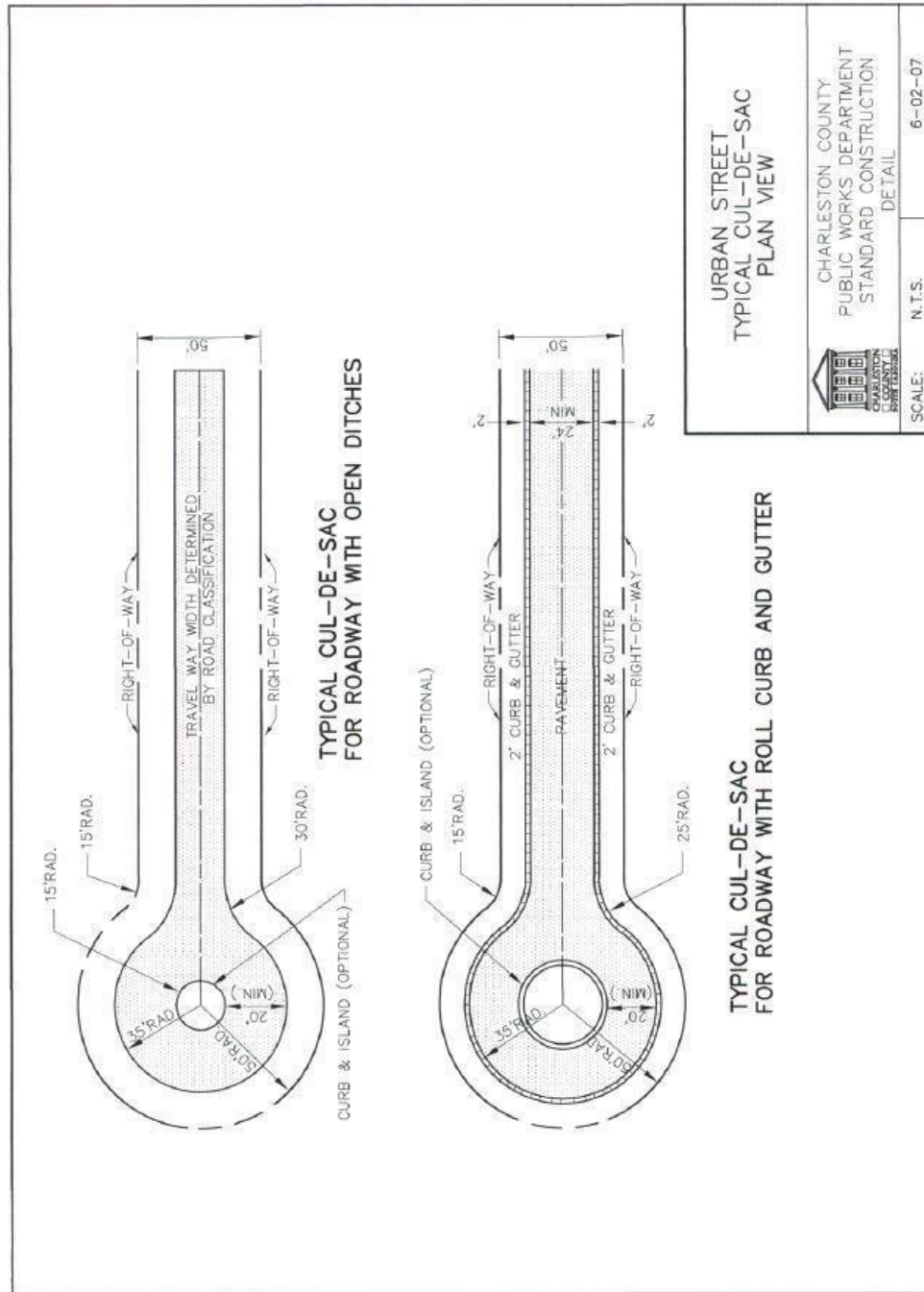
**A.E.4, Pavement Cut for Installation of Utilities**



<b>PAVEMENT CUT FOR INSTALLATION OF UTILITIES</b>	
 CHARLESTON COUNTY PUBLIC WORKS DEPARTMENT STANDARD CONSTRUCTION DETAIL	
SCALE: N.T.S.	5-28-20

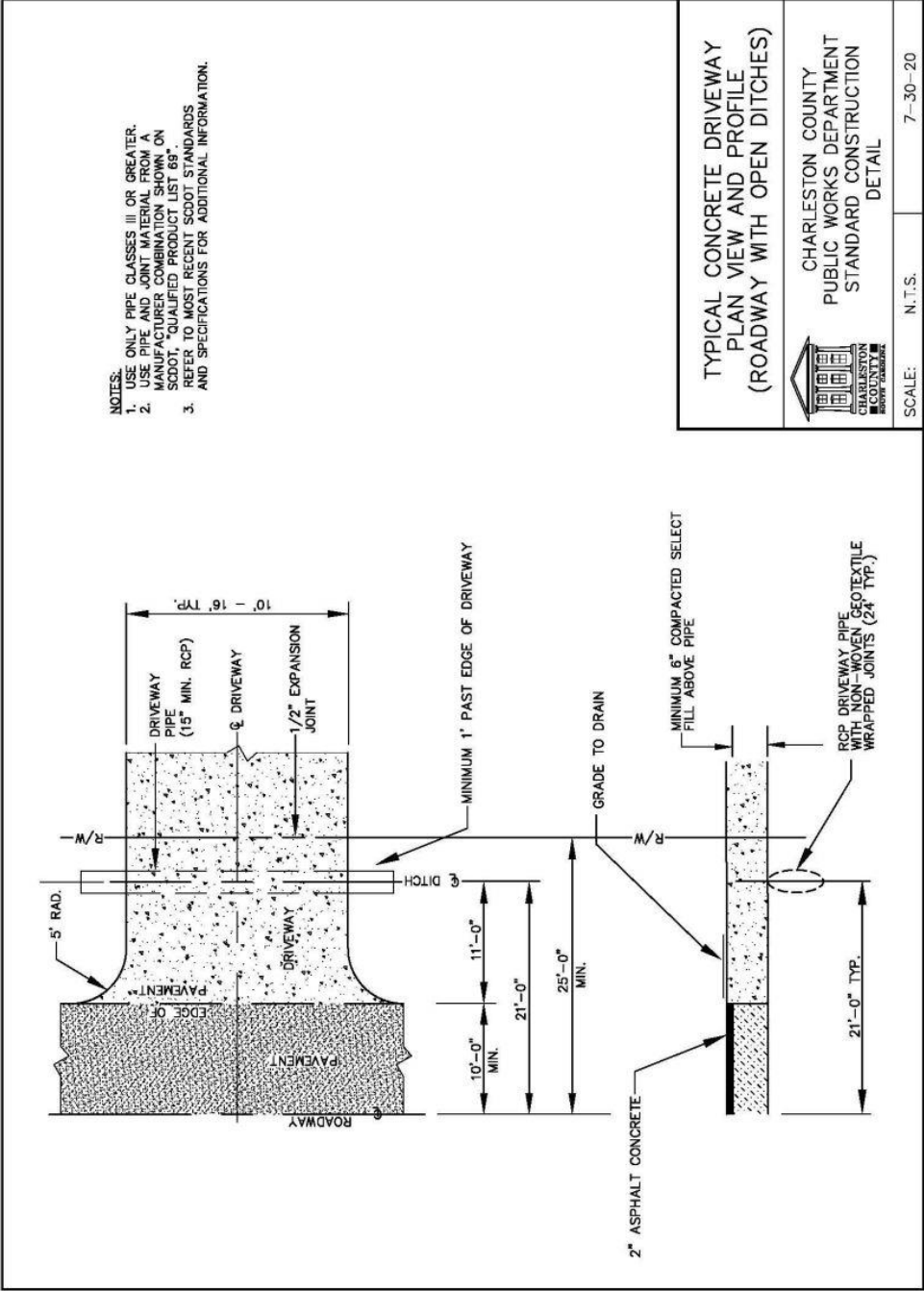


**A.E.5, Urban Street Typical Cul-de-Sac Plan View**



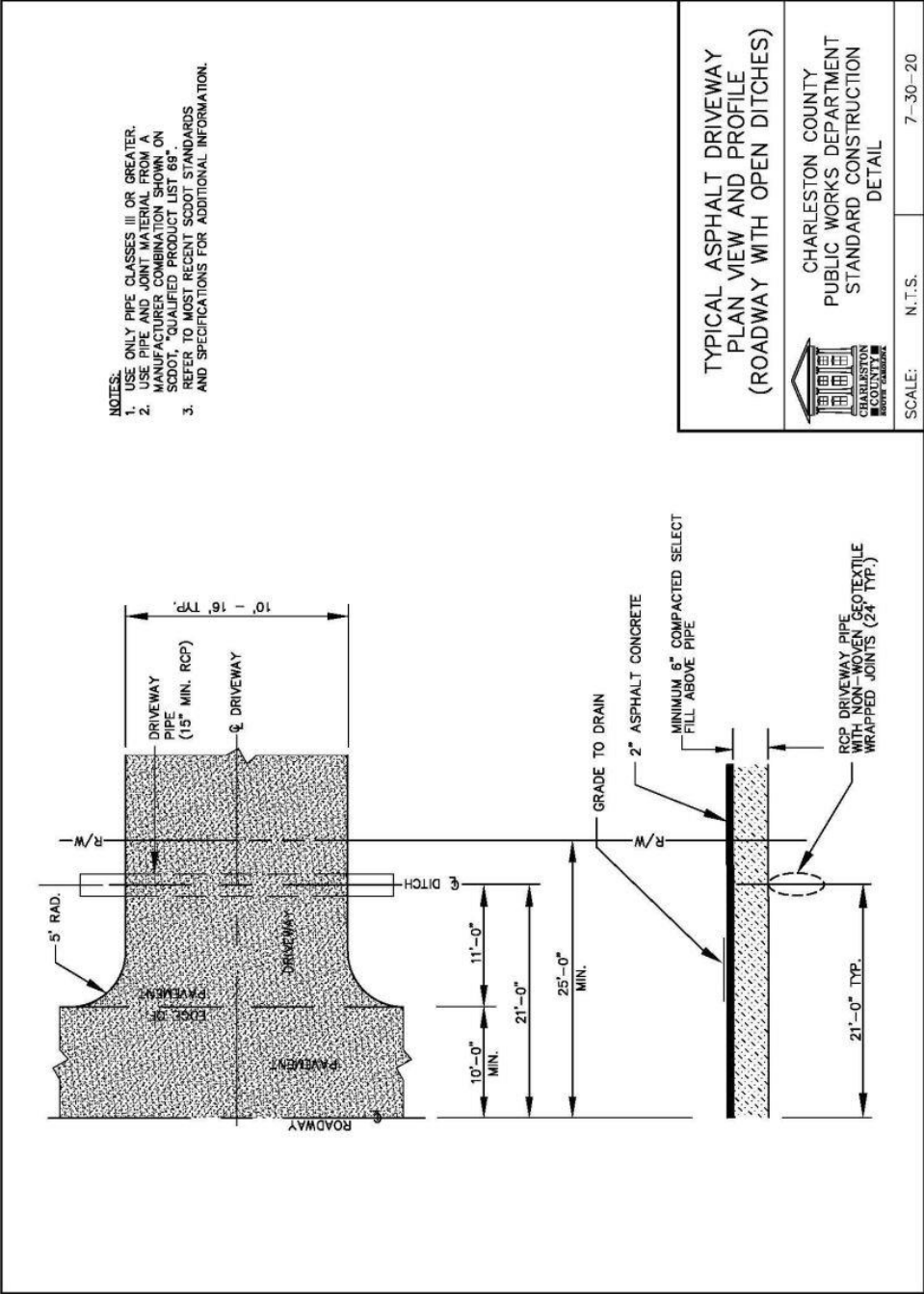
URBAN STREET TYPICAL CUL-DE-SAC PLAN VIEW	
CHARLESTON COUNTY PUBLIC WORKS DEPARTMENT CHARLESTON SOUTH CAROLINA	CHARLESTON COUNTY PUBLIC WORKS DEPARTMENT STANDARD CONSTRUCTION DETAIL
	SCALE: N.T.S. 6-02-07

**A.E.6, Typical Concrete Driveway Plan View and Profile (Roadway with Open Ditches)**

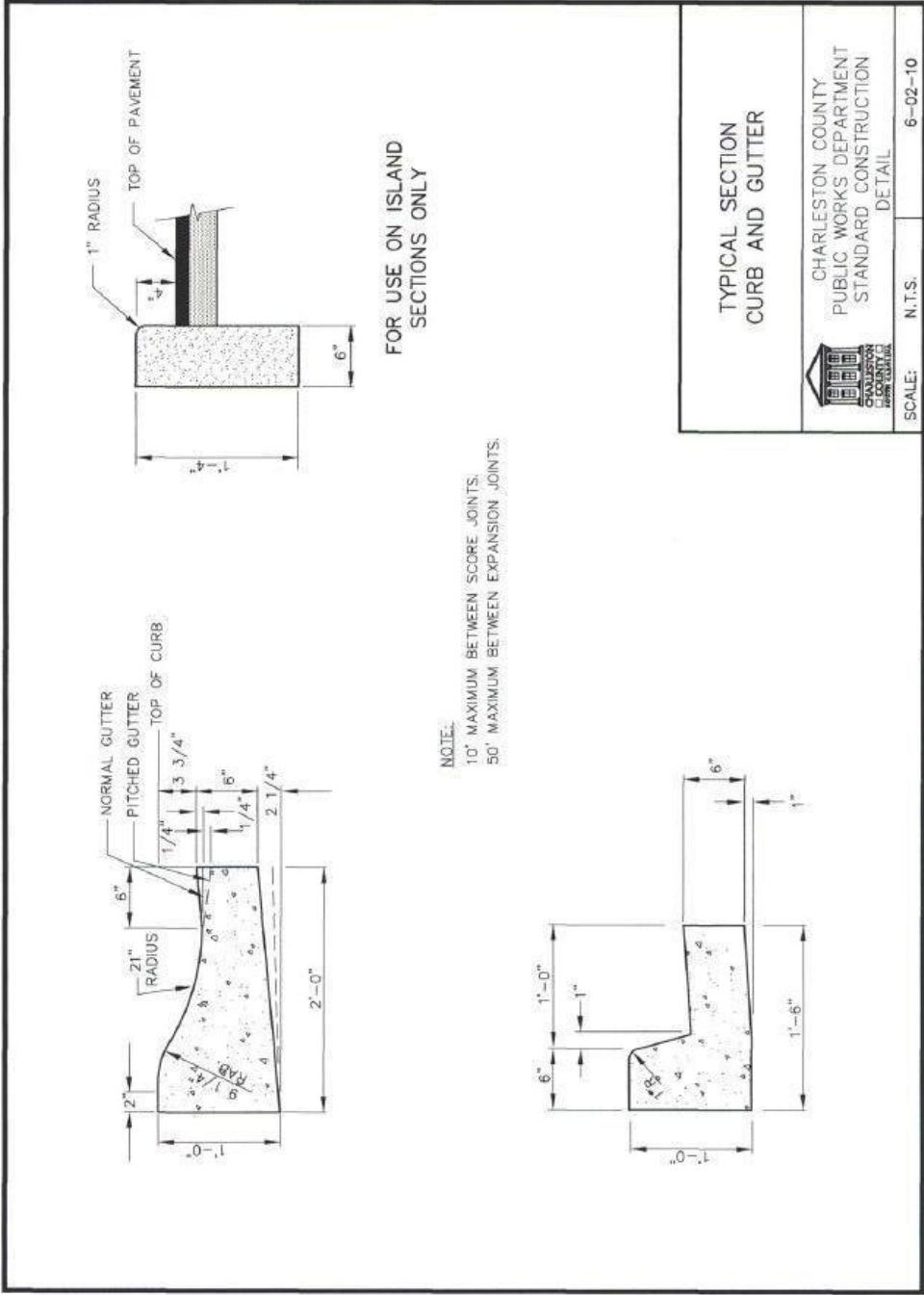




**A.E.7, Typical Asphalt Driveway Plan View and Profile (Roadway with Open Ditches)**

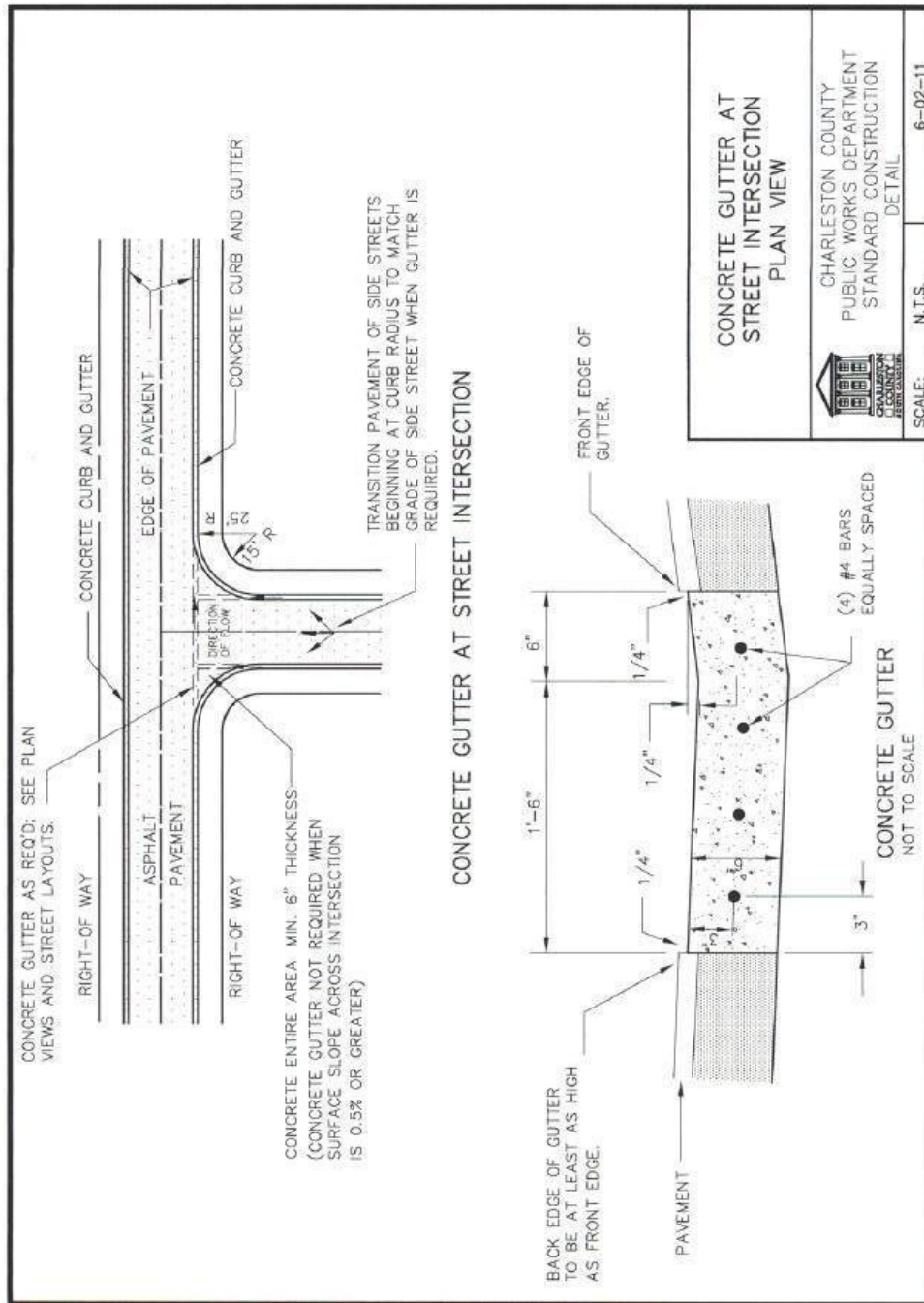


**A.E.8, Typical Section Concrete Curb and Gutter**



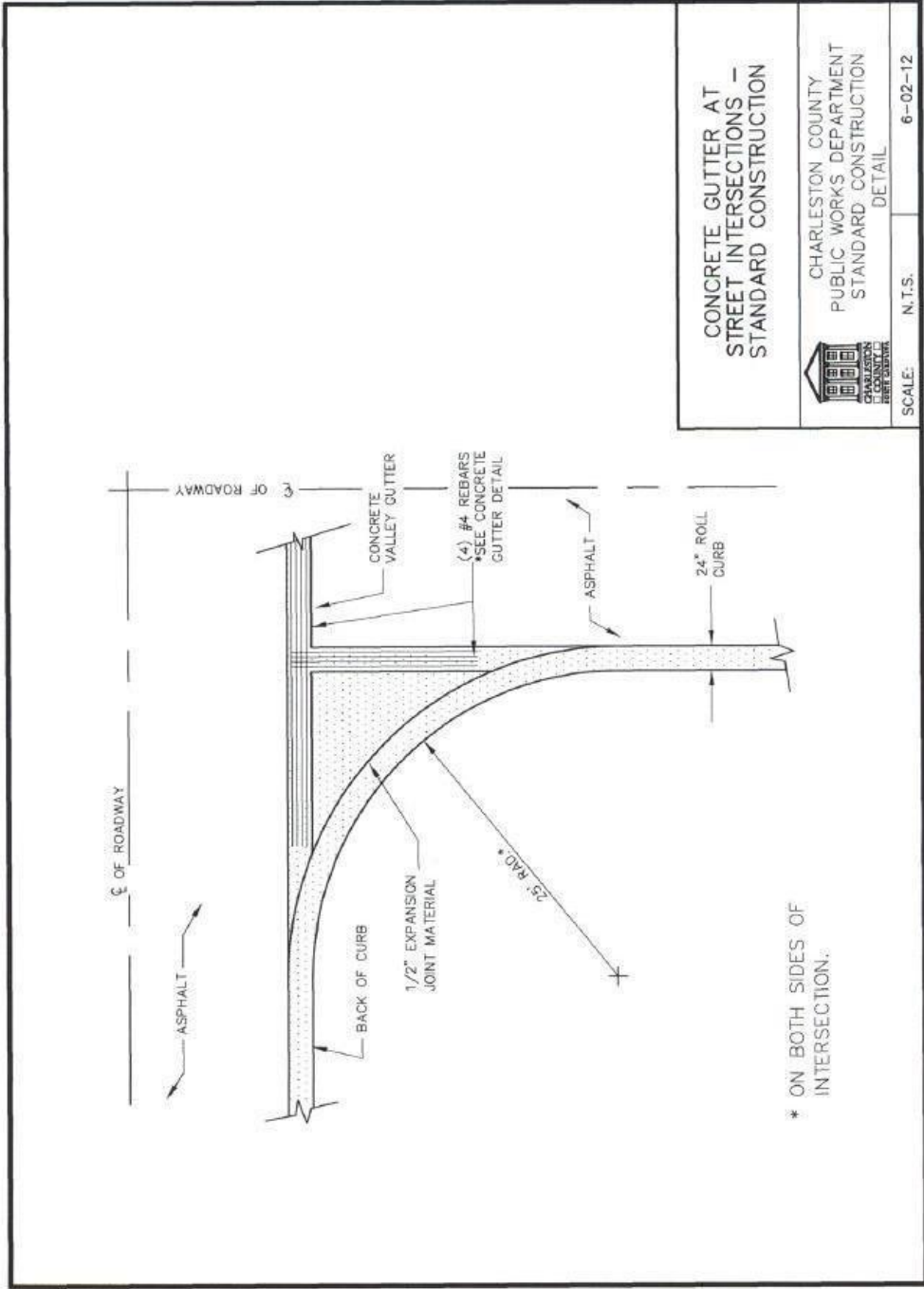


**A.E.9, Concrete Gutter at Street Intersection Plan View**

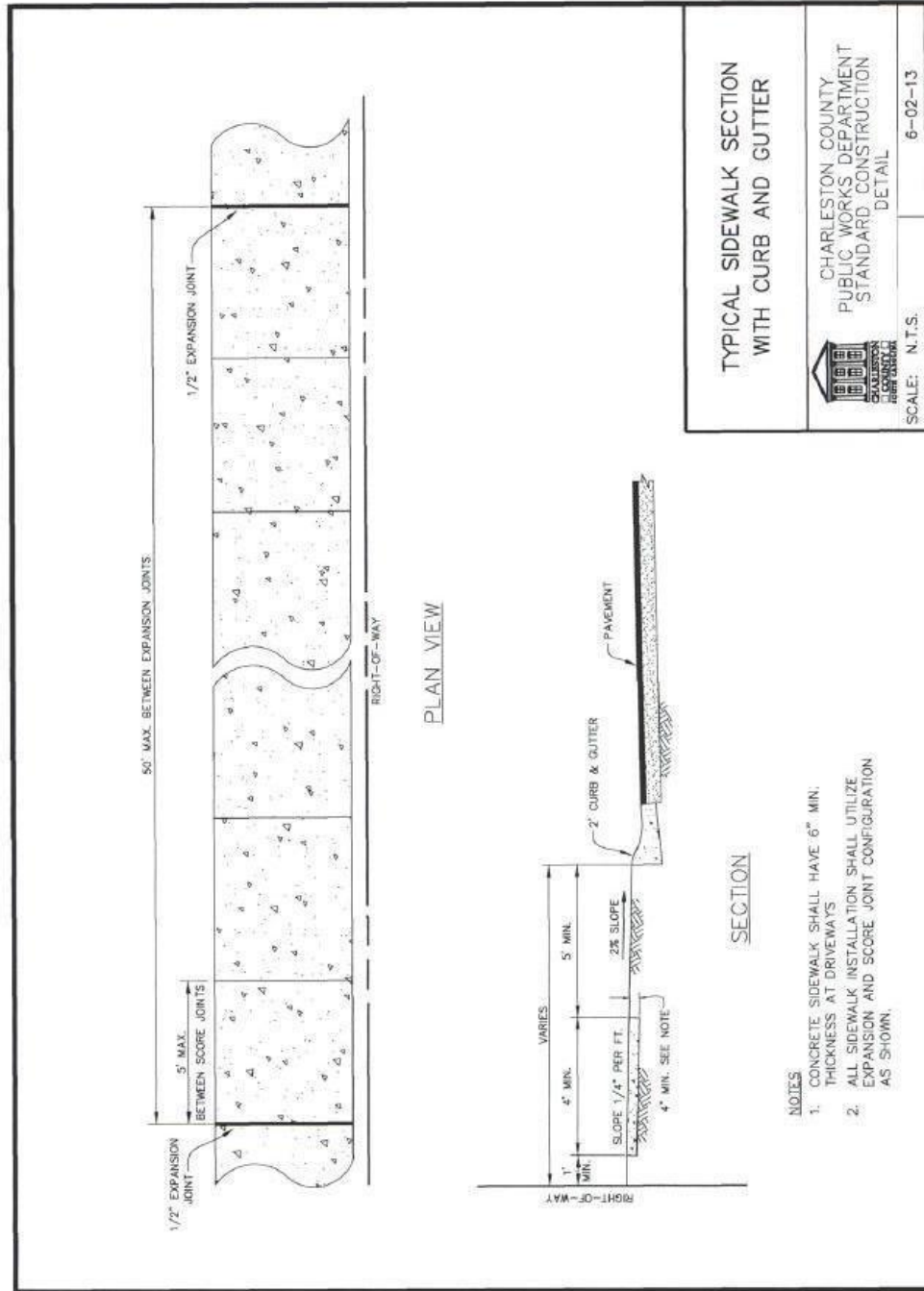




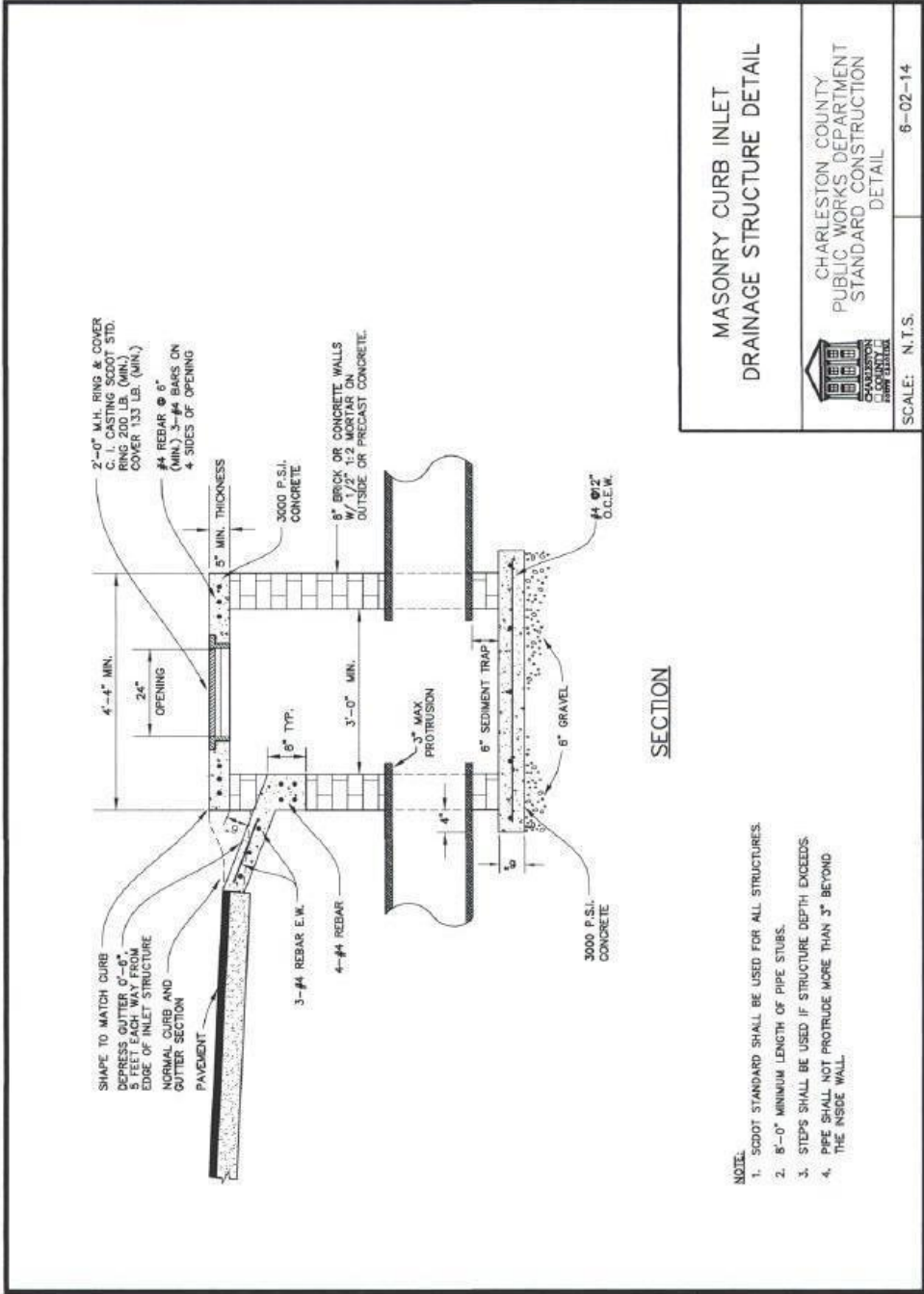
A.E.10, Concrete Gutter at Street Intersection Standard Construction



A.E.11, Typical Sidewalk Section with Curb and Gutter



**A.E.12, Masonry Curb Inlet Drainage Structure Detail**

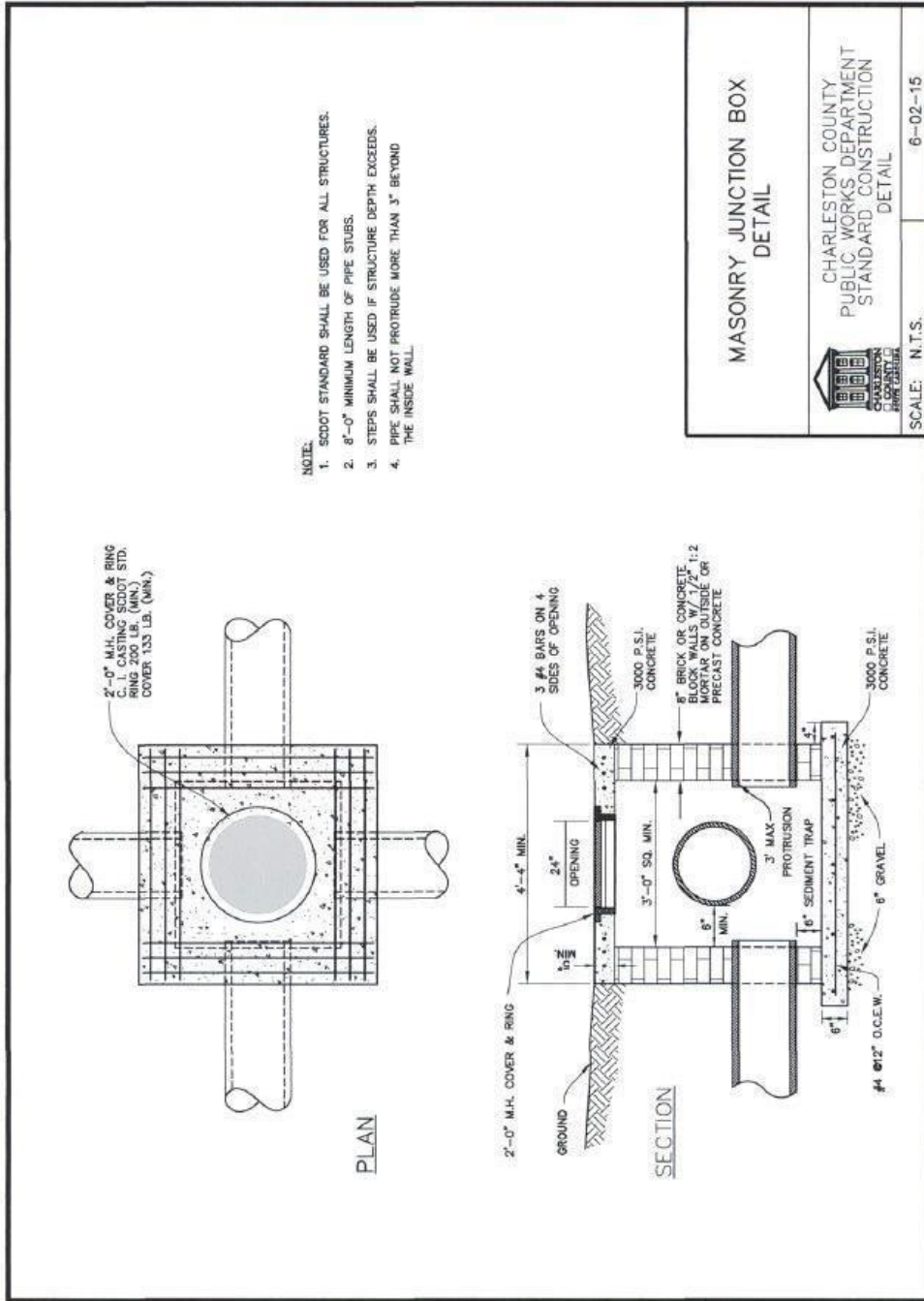


**MASONRY CURB INLET  
DRAINAGE STRUCTURE DETAIL**

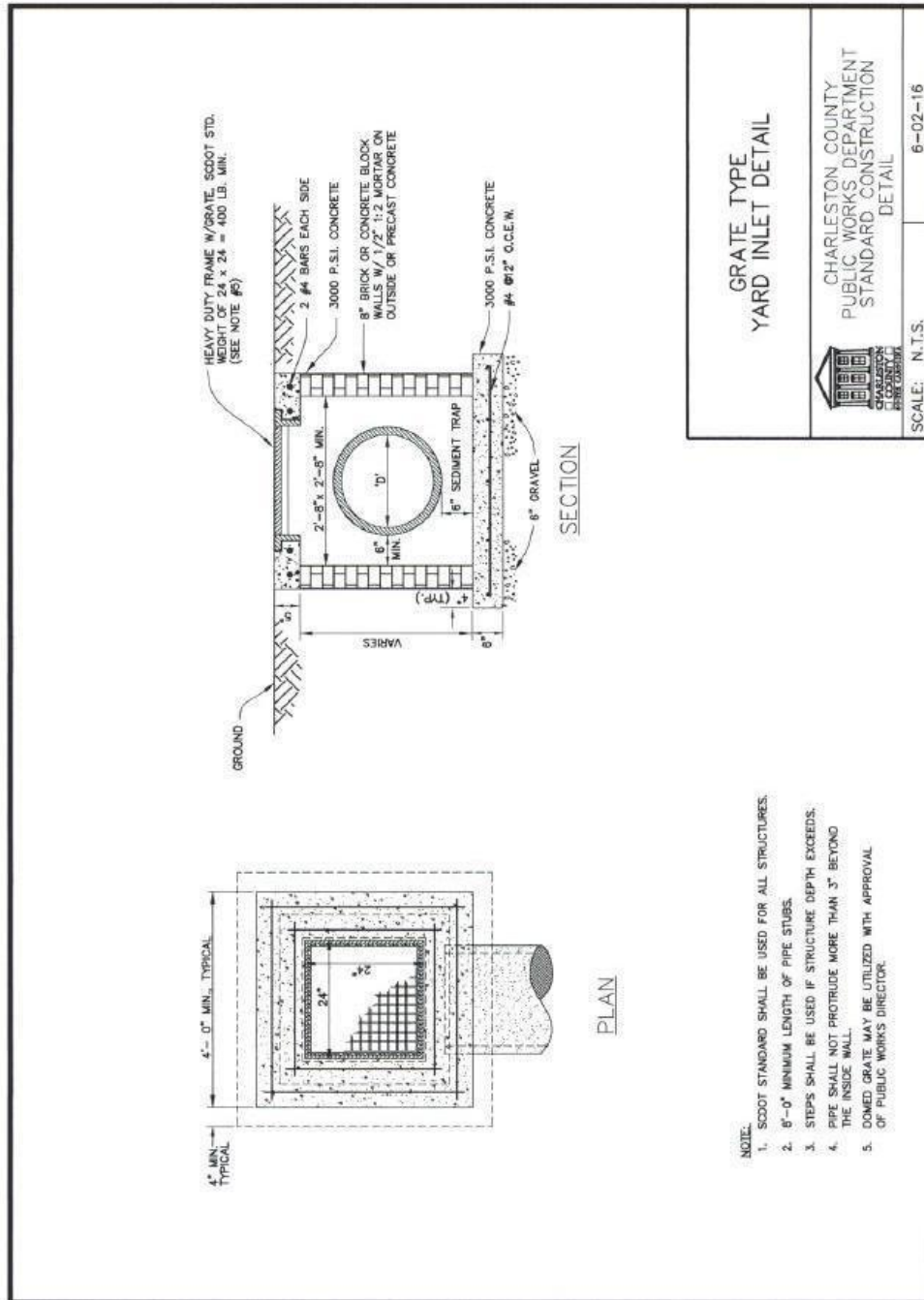
SCALE: N.T.S.      6-02-14

- NOTE.**
1. SCODOT STANDARD SHALL BE USED FOR ALL STRUCTURES.
  2. 8'-0" MINIMUM LENGTH OF PIPE STUBS.
  3. STEPS SHALL BE USED IF STRUCTURE DEPTH EXCEEDS.
  4. PIPE SHALL NOT PROTRUDE MORE THAN 3" BEYOND THE INSIDE WALL.

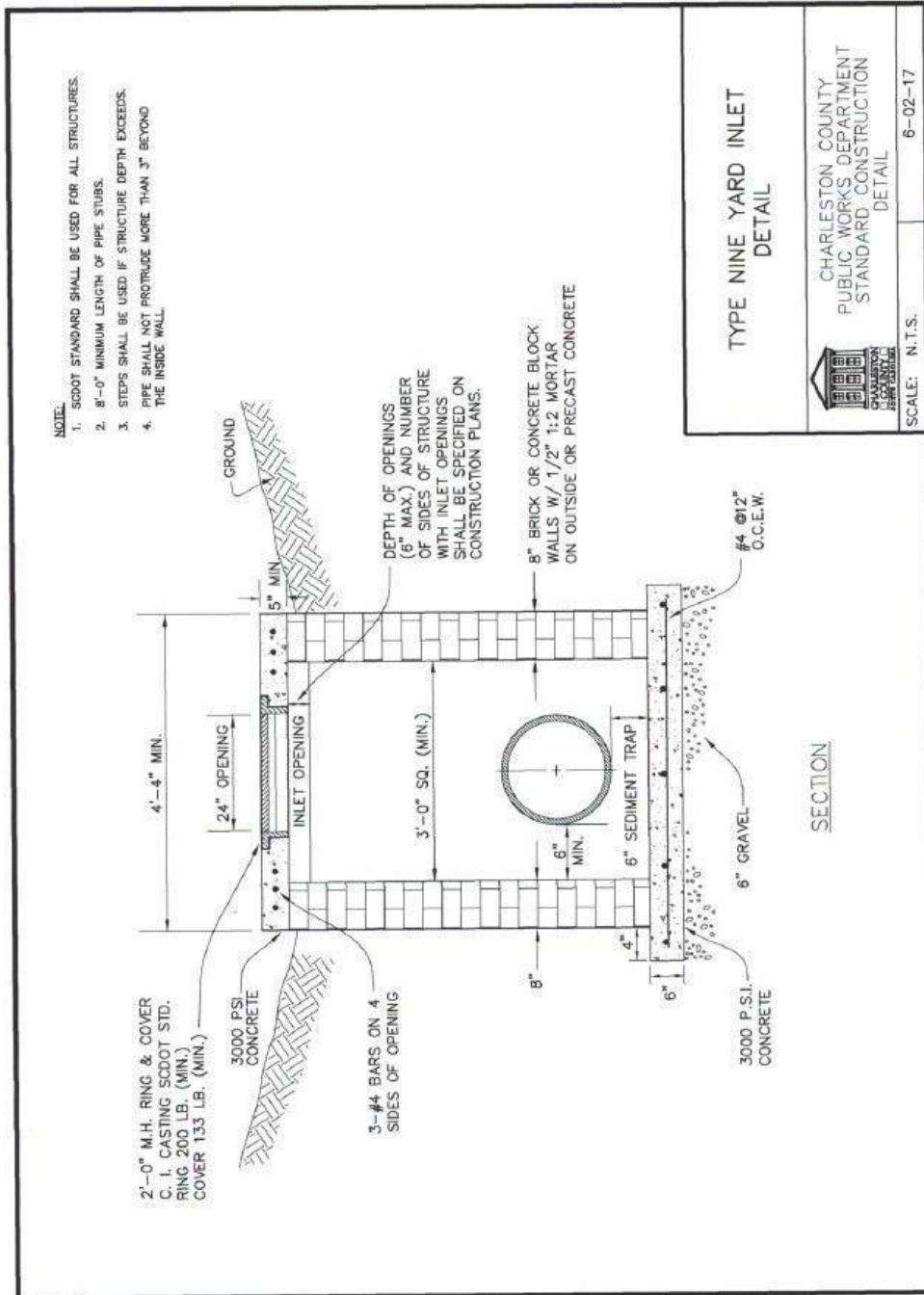
**A.E.13, Masonry Junction Box Detail**



## A.E.14, Grate Type Yard Inlet Detail

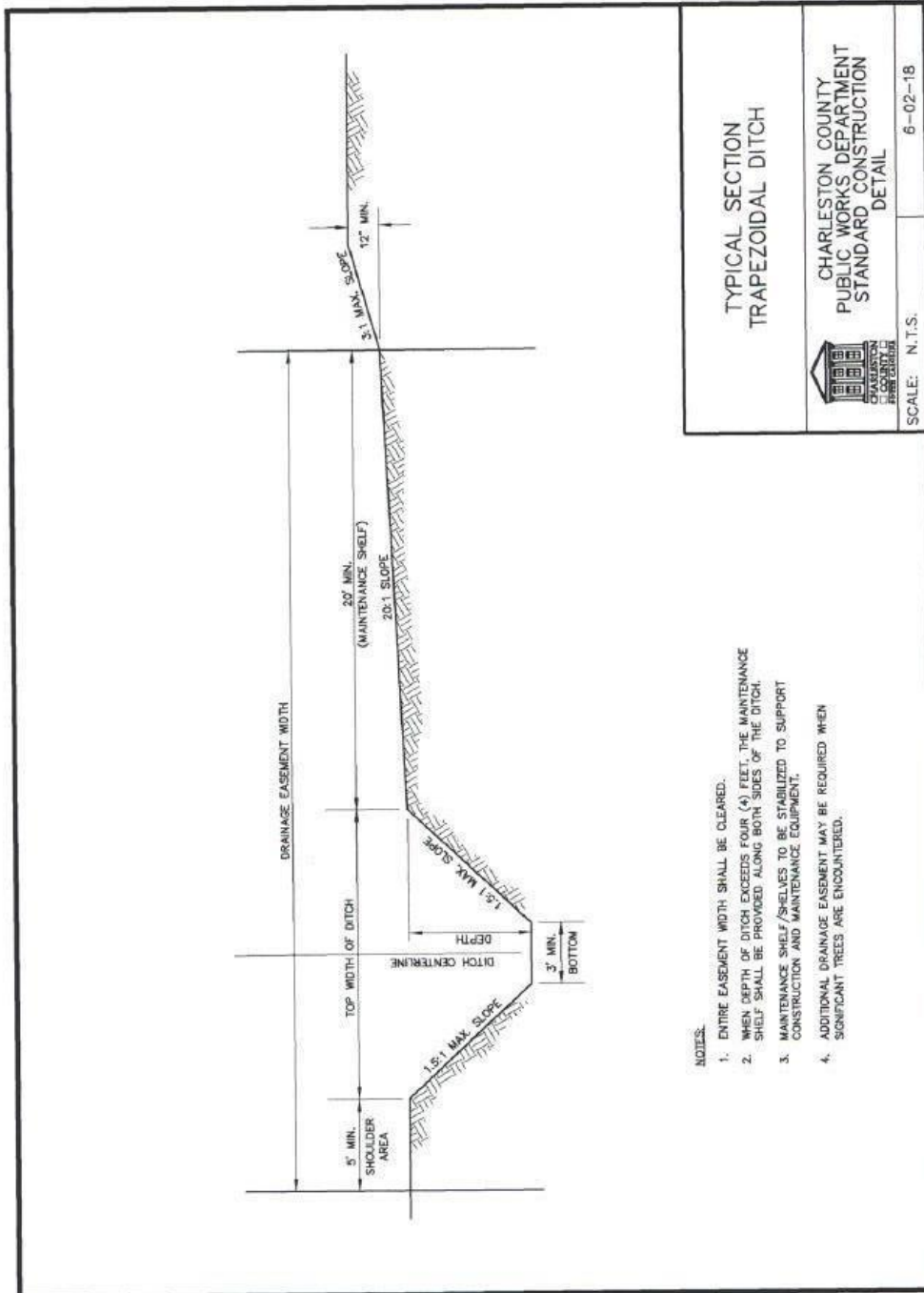


### A.E.15, Type Nine Yard Inlet Detail





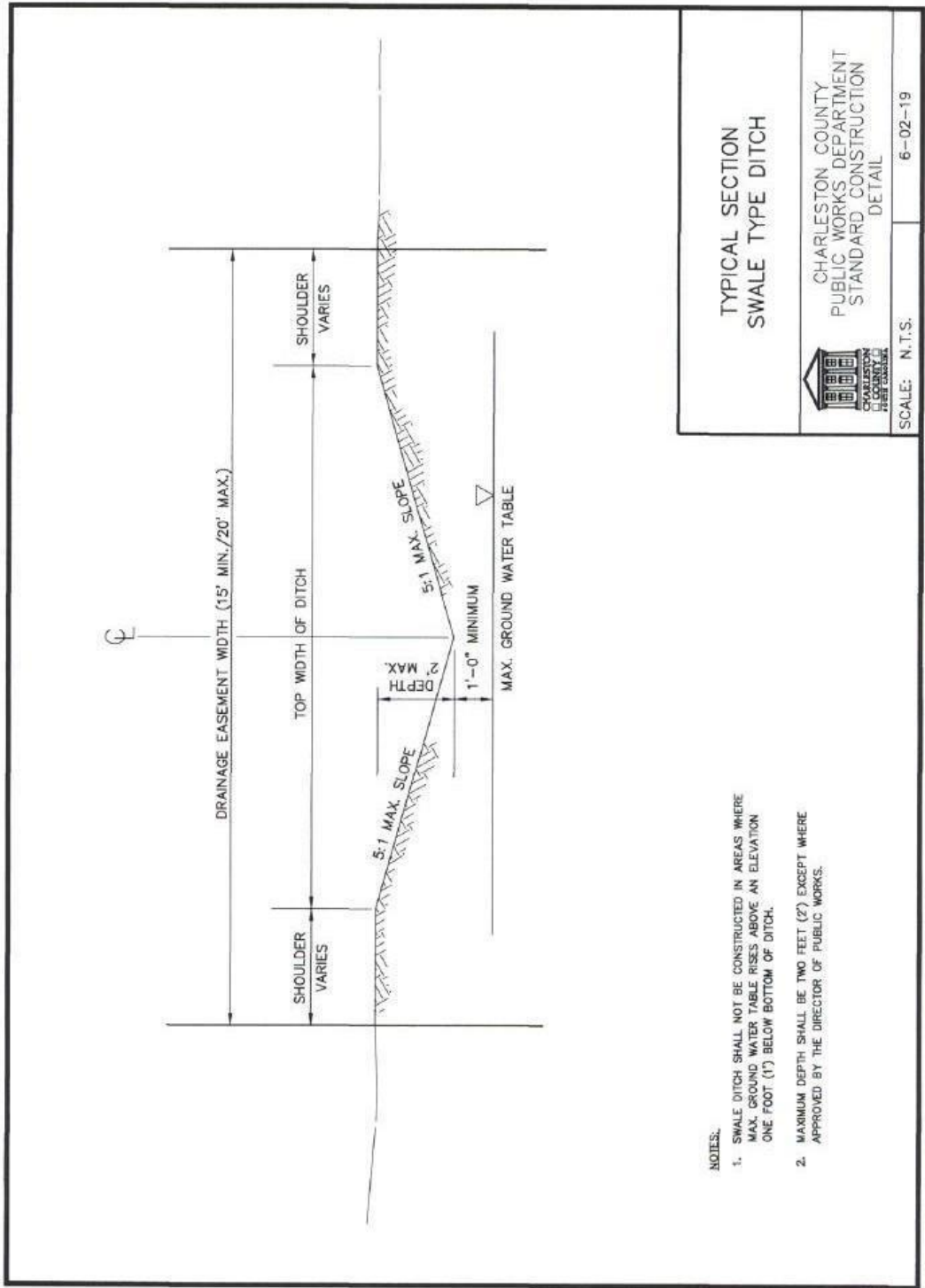
# A.E.16, Typical Section - Trapezoidal Ditch







# A.E.17, Typical Section— Swale Type Ditch



**NOTES:**

1. SWALE DITCH SHALL NOT BE CONSTRUCTED IN AREAS WHERE MAX. GROUND WATER TABLE RISES ABOVE AN ELEVATION ONE FOOT (1') BELOW BOTTOM OF DITCH.
2. MAXIMUM DEPTH SHALL BE TWO FEET (2') EXCEPT WHERE APPROVED BY THE DIRECTOR OF PUBLIC WORKS.

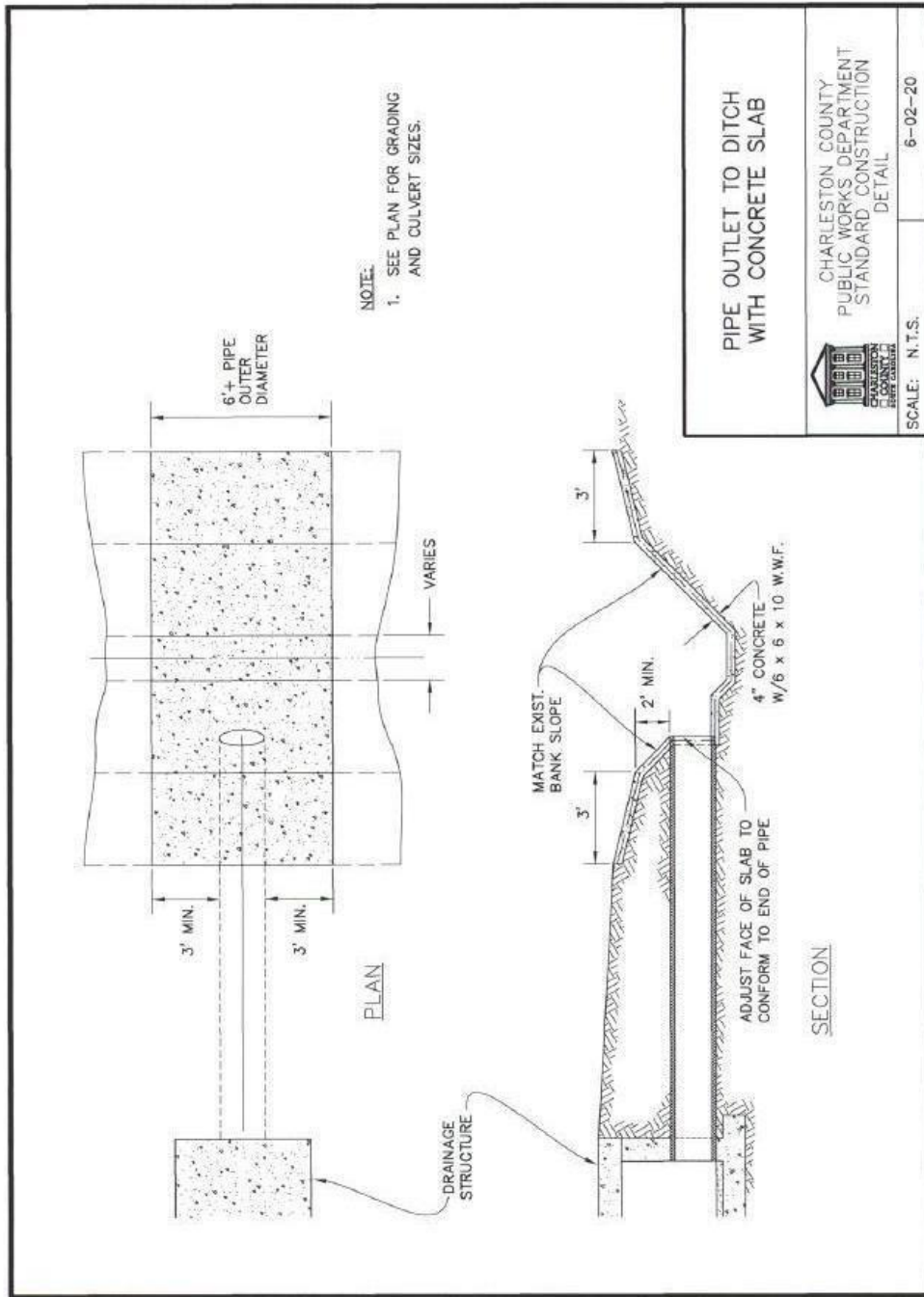
## TYPICAL SECTION SWALE TYPE DITCH



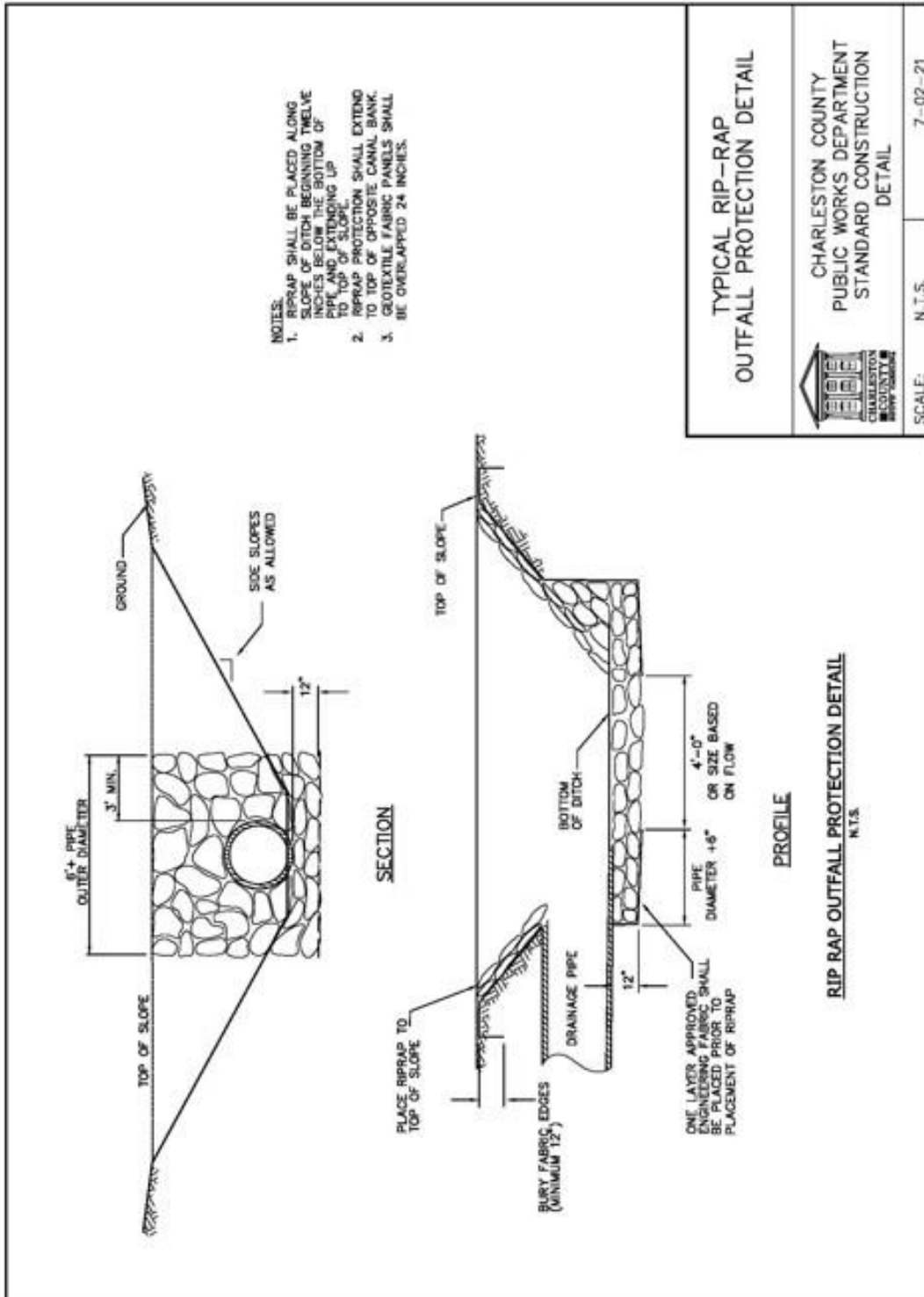
CHARLESTON COUNTY  
PUBLIC WORKS DEPARTMENT  
STANDARD CONSTRUCTION  
DETAIL

SCALE: N.T.S. 6-02-19

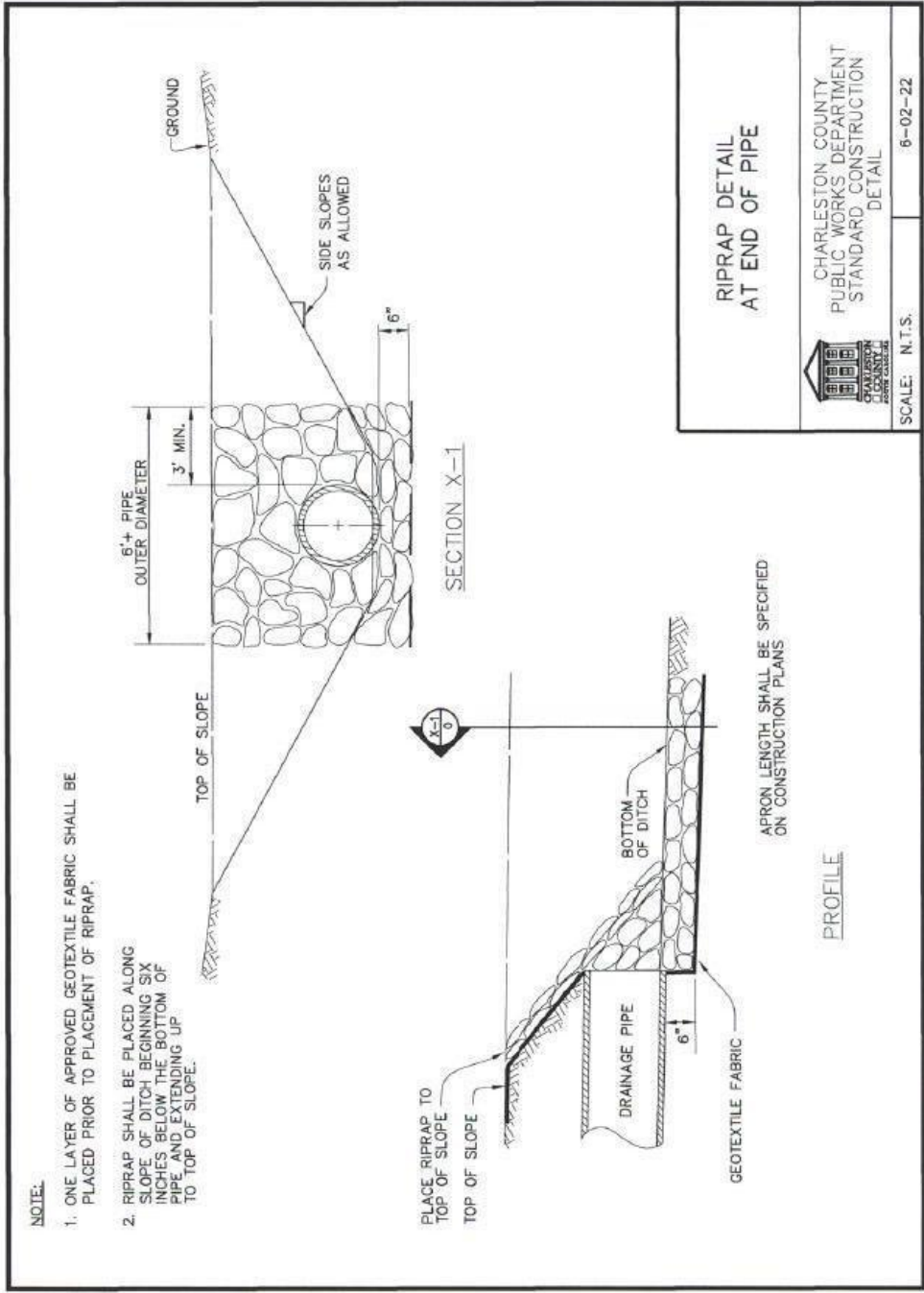
**A.E.18, Pipe Outlet to Ditch with Concrete Slab**



## A.E.19, Typical Rip-Rap Outfall Protection Detail

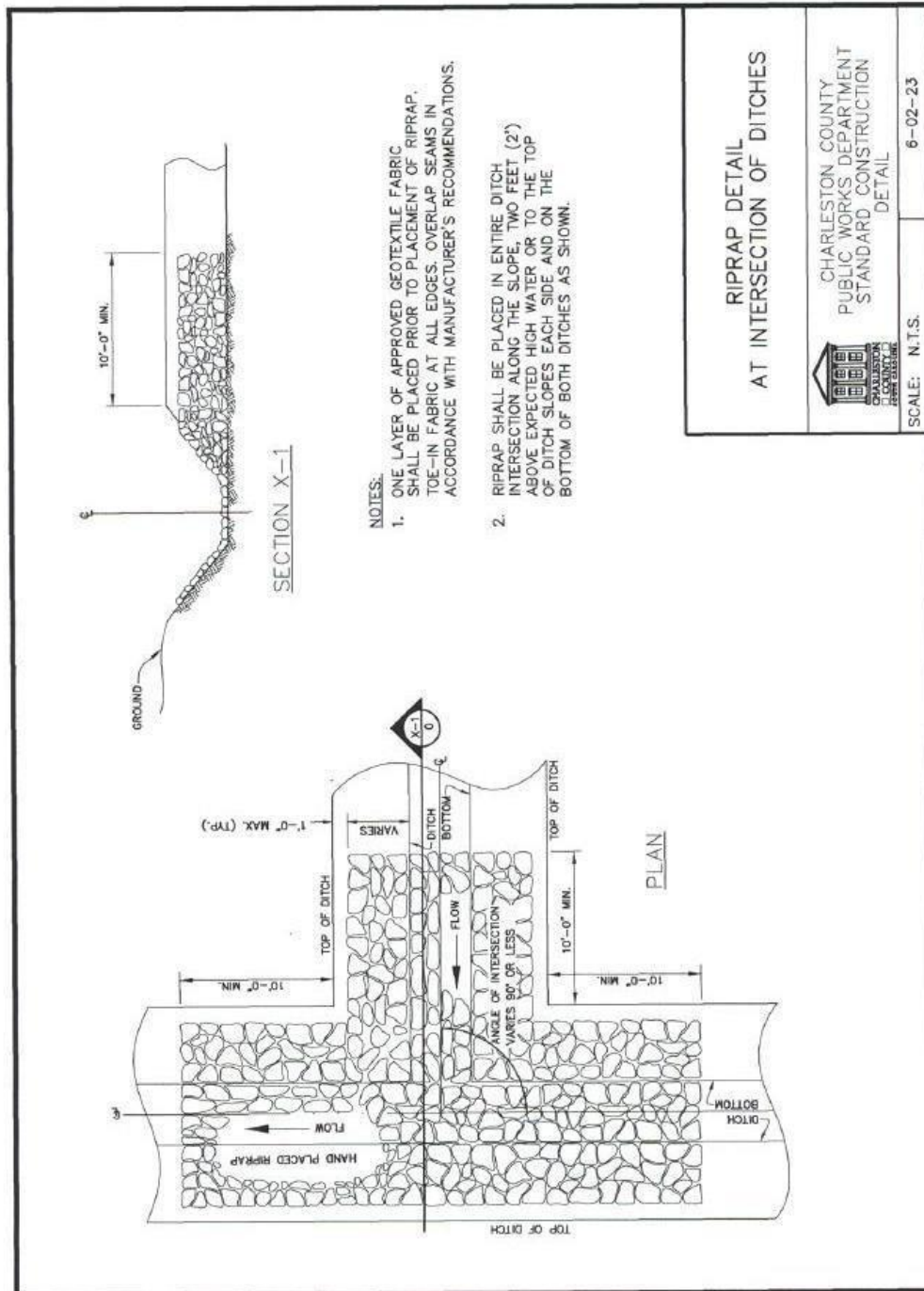


**A.E.20, Rip-Rap Detail at End of Pipe**

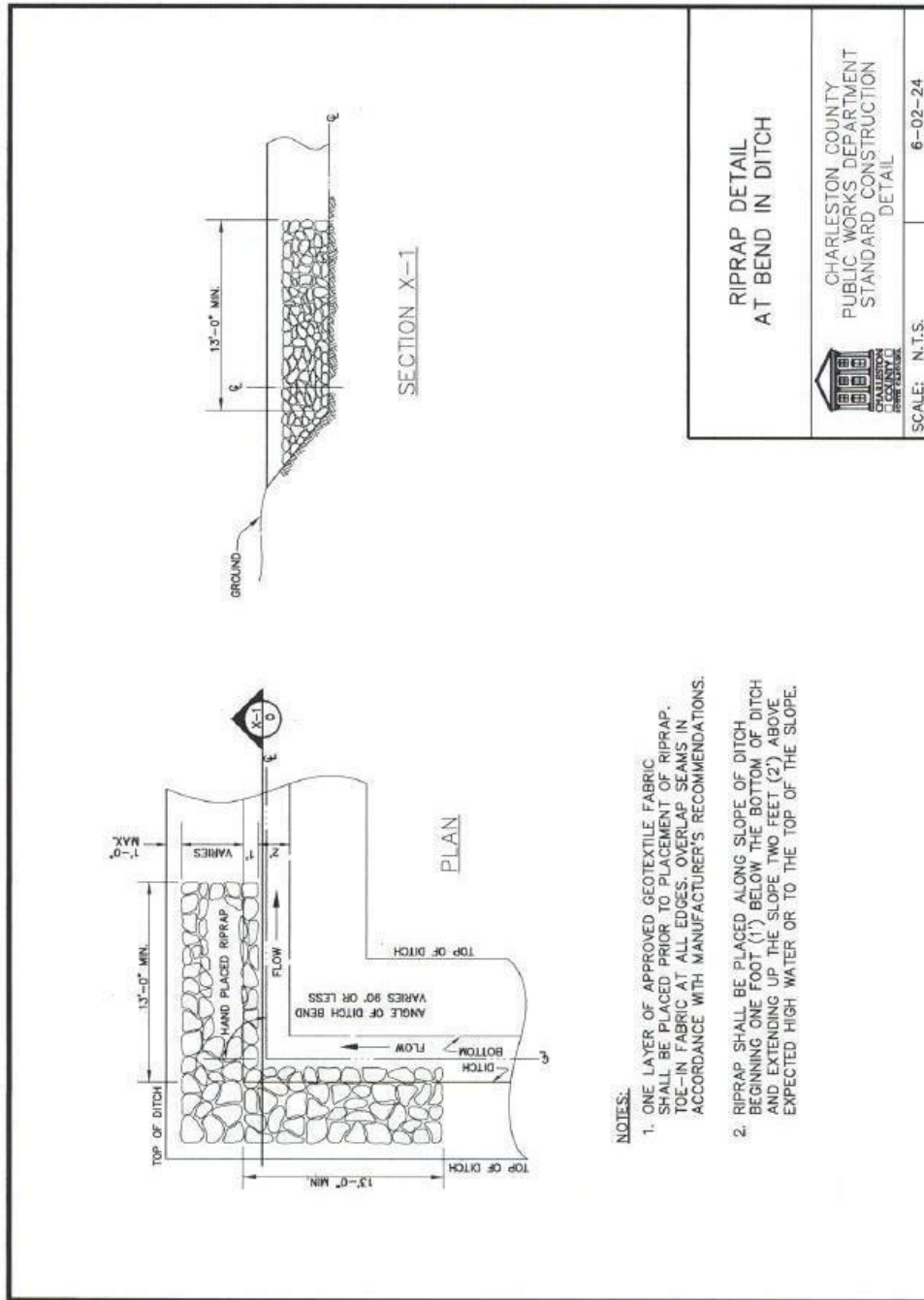


<b>RIPRAP DETAIL AT END OF PIPE</b>
CHARLESTON COUNTY PUBLIC WORKS DEPARTMENT STANDARD CONSTRUCTION DETAIL
SCALE: N.T.S. <span style="float: right;">6-02-22</span>

## A.E.21, Rip-Rap Detail at Intersection of Ditches



A.E.22, Rip-Rap Detail at Bend in Ditch



NOTES:

1. ONE LAYER OF APPROVED GEOTEXTILE FABRIC SHALL BE PLACED PRIOR TO PLACEMENT OF RIPRAP. TOE-IN FABRIC AT ALL EDGES. OVERLAP SEAMS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
2. RIPRAP SHALL BE PLACED ALONG SLOPE OF DITCH BEGINNING ONE FOOT (1') BELOW THE BOTTOM OF DITCH AND EXTENDING UP THE SLOPE TWO FEET (2') ABOVE EXPECTED HIGH WATER OR TO THE TOP OF THE SLOPE.

RIPRAP DETAIL  
AT BEND IN DITCH

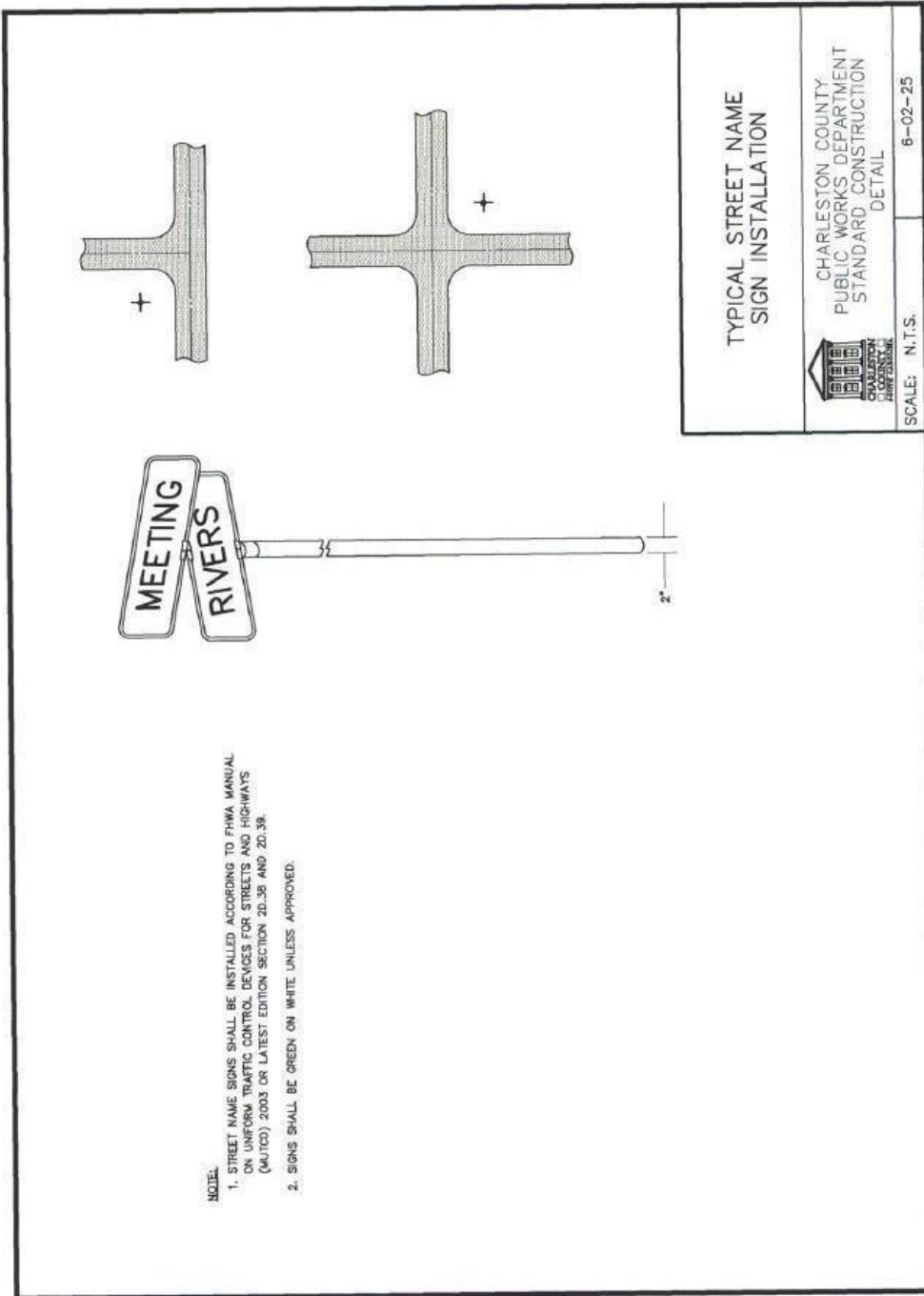


CHARLESTON COUNTY  
PUBLIC WORKS DEPARTMENT  
STANDARD CONSTRUCTION  
DETAIL

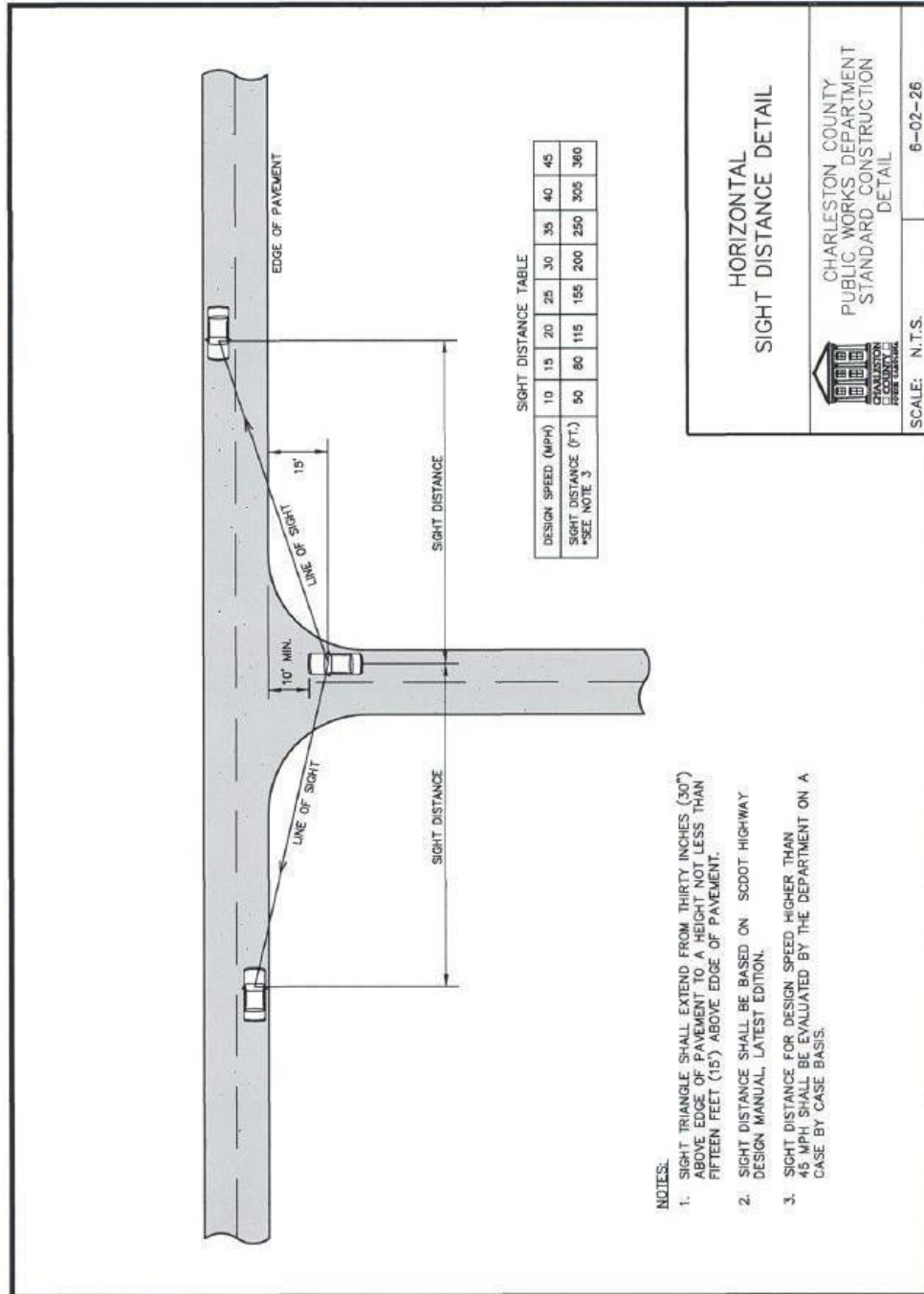
SCALE: N.T.S.

6-02-24

A.E.23, Typical Street Name Sign Installation



## A.E.24, Horizontal Sight Distance Detail



SIGHT DISTANCE TABLE

DESIGN SPEED (MPH)	10	15	20	25	30	35	40	45
SIGHT DISTANCE (FT.)	50	80	115	155	200	250	305	360

\*SEE NOTE 3

- NOTES:**
1. SIGHT TRIANGLE SHALL EXTEND FROM THIRTY INCHES (30") ABOVE EDGE OF PAVEMENT TO A HEIGHT NOT LESS THAN FIFTEEN FEET (15') ABOVE EDGE OF PAVEMENT.
  2. SIGHT DISTANCE SHALL BE BASED ON SCODOT HIGHWAY DESIGN MANUAL, LATEST EDITION.
  3. SIGHT DISTANCE FOR DESIGN SPEED HIGHER THAN 45 MPH SHALL BE EVALUATED BY THE DEPARTMENT ON A CASE BY CASE BASIS.

HORIZONTAL  
SIGHT DISTANCE DETAIL

CHARLESTON COUNTY  
PUBLIC WORKS DEPARTMENT  
STANDARD CONSTRUCTION  
DETAIL

SCALE: N.T.S. 6-02-26



## A.E.25, Standard Street Name Sign and Specifications

6" Upper Case (typ)  
w/4.5" Lower Case (typ)  
Series C

3" Upper Case  
w/ lower case (typ)  
Series C

Blue Background

N Carolina Bay Dr

9"

Varies

6" Upper Case (typ)  
w/4.5" Lower Case (typ)  
Series C

3" Upper Case  
w/ lower case (typ)  
Series C

Green Background

N Carolina Bay Dr

9"

Varies

**STANDARD STREET NAME SIGN SPECIFICATIONS**  
FOR PRIVATE AND PUBLIC ROADS WITH SPEED LIMITS 35 MPH OR LESS

All signs shall meet the minimum standards found in the Manual on Uniform Traffic Control Devices (latest version)

Standard sign material and sizes:  
Material — flat aluminum blanks, thickness .808 or Alpollic blanks, thickness 2mm

Sizes —  
9" x 24"  
9" x 36"  
9" x 36"  
9" x 42"  
9" x 48"

Coloring: White 3M HIP reflective sheeting #3930  
Green 3M ElectroCut Film #1177 (for Public Road Signs)  
Blue 3M ElectroCut Film #1175 (for Private Road Signs)

Lettering: Font — FHWA Standard Highway Sign Book (latest version) Highway Gothic Series "C" alphabet  
Size — First letter will be 6 inch upper case followed by 4.5 inch lower case  
Prefix (N, S, E, W) and Suffix (St, Av, Ln, etc.) First letter will be 3 inch followed by 2.5 inch letters

Assembly: Letters cut out of green (for Public Roads) or blue (for Private Roads) 3M electrocut film which is overlaid on white 3M sheeting applied to aluminum blank and mounted on 2 inch square post with breakaway system (see detail). Dual name plates will be used for each street name to be mounted on the post.

Installation: See Flat Sheet Sign Mounting Detail

**STANDARD STREET NAME SIGN SPECIFICATIONS**

CHARLESTON COUNTY  
PUBLIC WORKS DEPARTMENT  
STANDARD DETAIL

SCALE: N.T.S. 6-02-27



## A.E.26, As-Built Checklist

Charleston County Zoning and Planning Department  
4045 Bridge View Drive  
North Charleston, SC 29405  
(p) 843-202-7200

### SURVEY AS-BUILT CHECKLIST AND INSTRUCTIONS

As-built record drawings are required for all publicly dedicated roadway, and drainage plans. **Final plats seeking any Public dedication and acceptance of roads and/or subject infrastructure will not be approved, until as-built plans and all certifications are submitted, reviewed and approved by County Staff. In addition, staff recommendations for final approval to Council will also be held until submitted as-built plans have been reviewed and approved.** Use the following PROCESS and CHECKLIST in preparing as- built plans.

#### PROCESS

- Submit all as-builts to the address below including:
  - 1 – As-Built plan set hardcopy (final)
  - 1- Digital copy
  - 1- Completed As-Built Checklist
- As – built Plans are reviewed by Planning and Public Works staff. Approval may require the following:
  - Inspection records of Proof rolls for streets
  - Final inspection approval of stormwater and transportation related infrastructure
  - Final inspection of water/sewer and water/sewer test with SCDHEC approvals to operate.

Submit hardcopies to:  
Charleston County Zoning and Planning Department  
4045 Bridge View Drive  
North Charleston, SC 29405

#### AS-BUILT CHECKLIST

**All entities that construct with the intent to publicly dedicate road and/or stormwater infrastructure must submit an as-built set of construction drawings as a part of the County's final inspection process.**

Record as-built drawings must be submitted prior to public acceptance of improvements, final plat recording or building certificate of occupancy. The following checklist must be attached to each set of as-builts submitted for approval. Each blank must be initialed by the applicant as being included on the as-builts or marked N/A if not applicable to the project. All plan sheets must be 24" X 36" sheets and be accompanied by a digital version. Lettering shall be bold, clear and a minimum of 1/8" in height. All applicable information listed below must be included on all as-built drawings.

#### 1 : AS-BUILT GENERAL INFORMATION:

- A  Project Name: \_\_\_\_\_
- B  Project Address: \_\_\_\_\_
- C  Submitted by: \_\_\_\_\_ Phone: \_\_\_\_\_
- D  (Please check)
  - (1)  Hard Copies for Review Only
  - (2)  Digital copy
- E  Transmittal Date: \_\_\_\_\_
- F  **Note: Each sheet must include the Preparers' Seal that it is an As-Built drawing of the section that is shown.**
- G  When the County has accepted the plans (with signatures), provide the following items to the County for recordkeeping: One full sized paper set of plans with signatures, and Electronic files on a digital media, AutoCad files (version 2002 or later) or compatible of each sheet. If a CD-Rom is submitted it shall include the name of the project, the County's Planning Case Number, name of the engineering firm providing the CD, and (preferably) a paper insert with an index listing the contents of the CD.



Charleston County Zoning and Planning Department  
 4045 Bridge View Drive  
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**2 : SITE DATA: Page # \_\_\_\_\_**

At the minimum, all as-builts shall provide the following information:

- A [ ]** Project area acreage
- B [ ]** Average lot size (If Applicable)
- C [ ]** Total number of lots (If Applicable)
- D [ ]** Total linear footage of infrastructure chart, Page # \_\_\_\_\_
- (1) [ ]** \_\_\_\_\_ Streets (List individually in lengths)
- (2) [ ]** \_\_\_\_\_ Sidewalks (Identify size and length)
- (3) [ ]** \_\_\_\_\_ Number of fire hydrants
- (4) [ ]** \_\_\_\_\_ Number of manholes
- (5) [ ]** \_\_\_\_\_ Other (Any additional appurtenances)

**3 : GENERAL INFORMATION: Page # \_\_\_\_\_**

- A [ ]** Boundary of tract by courses and distance with references
- B [ ]** Tie two known points to S.C. State Plane grid coordinate system
- C [ ]** Vicinity map
- D [ ]** Scale of drawings and bar scale
- E [ ]** North arrow
- F [ ]** Location of benchmark with M.S.L. elevations
- G [ ]** Seal and signature of South Carolina registered P.E. or R.L.S. on each sheet that performed as-builts
- H [ ]** All easements identified and dimensioned
- I [ ]** horizontal locations and descriptions of any permanent structure encroachments or projections into easements
- J [ ]** Statement designating drawings are "as-built" on each sheet

**4 : STREETS and SIDEWALKS (Public Only): Page # \_\_\_\_\_**

- A [ ]** Horizontal alignment with radii, P.C.'s, and P.T.'s of all curves
- B [ ]** Vertical alignment with centerline grades, vertical curve lengths and station and elevation of all PVC's and PVT's and centerline profile.
- C [ ]** Dimensioned right of way, location of street widths and sidewalks
- D [ ]** Pavement section
- E [ ]** Typical cross section
- F [ ]** Types and materials shall be noted in the plan set

**5 : ROADSIDE DRAINAGE: Page # \_\_\_\_\_ \*PLEASE NOTE - ADDITIONAL STORMWATER AS-BUILTS MAY BE REQUIRED PRIOR TO PROJECT CLOSE OUT. REFER TO THE CHARLESTON COUNTY STORMWATER MANUAL APPENDIX I FOR ADDITIONAL INFORMATION**

- A [ ]** Ditches, swales, pipes and drainage easements adjacent to the project shown.
- B [ ]** Any stormwater lines shall include the following information (at a minimum): pipe size, length of line, slope of line, type of pipe and distance from near property line.
- C [ ]** Display size and location of existing culverts, storm drains and other drainage features within the street or within the right-of-way of streets or roads adjoining the tract.
- D [ ]** Need to show type, size and location of stormwater best management practice(s).
- E [ ]** Permanent drainage easements shown and labeled for storm sewers and ditches outside of the streets where the system is maintained by the County or Private.
- F [ ]** Details of Stormwater management device agreements and any or private drainage easements shall be noted. (If Applicable)
- G [ ]** Need to show location of all drainage structures including type of structure (frame, grate, and box, and drop inlet). Need to show all elevation including top of structure and pipe(s).



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- H [ ] Need to show location of all drainage ditches. In addition, need to show typical drainage ditch section. (If Applicable)
- I [ ] Headwall or flared end dimensions and elevations need to be shown as well as the pipe invert.
- J [ ] Indication of direction of flow (flow arrows).

**6 : WATER SYSTEM: Page # \_\_\_\_\_**

- A [ ] Overall plan view of locations as located via PUPS (including all phases)
- B [ ] Water, sewer and general utility drawings may be shown on same sheet or separate.

**7 : SANITARY SEWER SYSTEM: Page # \_\_\_\_\_**

- A [ ] Overall Horizontal Locations as located via PUPS (including all phases)
- B [ ] Water, sewer and general utility drawings may be shown on same sheet or separate.

**8 : GENERAL UTILITY LOCATIONS: Page # \_\_\_\_\_**

- A [ ] Overall plan view of locations as located via PUPS to include overhead power (including all phases)
- B [ ] Water, sewer and general utility drawings may be shown on same sheet or separate.

Road As-Built Reviewed Date	_____
County Representative	_____
Storm Water As-Built Reviewed Date	_____
County Representative	_____