

PLANNED DEVELOPMENT DISTRICT GUIDELINES

FOR

**The Commons at Canyon Lane
Charleston County, South Carolina**

July 10, 2009

PLANNING COMMISSION SUBMITTAL

APPLICANT:

Carriage Hill Associates of Charleston
1023 Clements Ferry Road
Wando, South Carolina 29492
Phone 843/375-2200

Prepared By:

Seamon, Whiteside & Associates, Inc.
501 Wando Park Blvd., Suite 200
Mt. Pleasant, SC 29464
(843) 884-1667

Project No. 7071.00

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I. STATEMENT OF PURPOSE, INTENT, OBJECTIVES

The Commons at Canyon Lane, located within the Phillips Community on Canyon Lane and further described as TMS No. 583-00-00-042, is located on 8.85 acres currently zoned S-3 in Charleston County. Carriage Hill Associates of Charleston seeks to fill the need for lower cost single-family, owner-occupied homes along the Hwy. 41 corridor.

Access to the property from US Hwy. 41 exists along Canyon Lane (see Section III.C.), approximately 530 lf from the development entrance. Roads inside the development will be located within a 50' private right of way, terminating at a large-median turnaround. Possible future interconnectivity to neighboring property will be available along both northern and southern property boundaries, with road stub-outs provided for such at the time of this development.

The site is currently wooded, primarily by pines, and bounded to the east by single family development (Dunes West), to the north and south by cleared, vacant property, and to the west by Canyon Lane. A minimum 20' buffer is to be located along the lots adjacent to the north and south property boundaries. The easternmost lots (lots 9-12) back up to 2.50 acres of wooded, undisturbed green space (as illustrated in the Sketch Plan, Appendix C.)

It is the objective of Carriage Hill Associates of Charleston, by application for Planned Development District zoning in Charleston County, South Carolina, to guide development of the property in a manner which encourages pedestrian use, greater sense of community and the maintaining and protection of the natural environment. Under the current zoning designation (S-3) and under the Residential/Special Management designation, the property could yield up to 27 single family lots of greater than 12,500 square feet (as sewer access is available by permission of Mt. Pleasant Waterworks.) The current plan proposes 22 lots with a minimum size of 6,300 square feet. Smaller lots will enable the plan to provide large areas of common green space throughout, thus creating a more livable, pedestrian friendly layout while protecting the site's natural resources.

This property is designated as Residential/Special Management (1 to 3 d.u. per acre suggested per Table 3.1.1) and located within the Urban/Suburban area per the Charleston County Comprehensive Plan. Although not required, under this Planned Development proposal, a maximum density of 2.65 units per highland acre is proposed (see Sketch Plan, Appendix C).

Other guidelines of the Comprehensive Plan that are addressed through this Planned Development include:

- a) *Design developments to include an interconnected street network of roads, sidewalks, paths, and buildings that portray a traditional urban or suburban style of life (Urban/Suburban Guideline 3):*

Sidewalks are located throughout the development, linking Canyon Lane and each lot to the large open space located at

the rear of the property. Additionally, the possibility of future roadway interconnectivity to the properties directly north and south of the site is provided.

- b) *Provide sidewalks, pedestrian ways, bike ways and streetscaping in all new residential and nonresidential developments to establish linkages to parks, open space, schools and public transportation as well as retail and service uses (Urban/Suburban Guideline 4):*

Sidewalks and streetscape link this development and the 2.94 acres of open space located within, to Canyon Lane, the main road which passes through the Phillips Community.

- c) *Provide a variety of size, affordability and creativity in housing design (Urban/Suburban Guideline 6):*

Homes within the Commons at Canyon Lane are planned to be priced below that of typical new homes in the Mount Pleasant area to create a home ownership option for those of lower to moderate income families.

- d) *Include parks, recreational uses, greenspace, and water access in urban/suburban neighborhood design (Urban/Suburban Guideline 13):*

Over 33% of the development, a total of 2.94 (2.38 highland) acres, is dedicated green space.

- e) *Maintain areas occupied by marshes and unique vegetative and wildlife habitats (Urban/Suburban Guideline 14):*

The existing 0.56 acre wetland located at the rear of the property is to remain untouched and will be protected from the development by a 35 foot buffer as well as the surrounding undeveloped highland open space set aside for the residents.

A Homeowners Association (HOA) as well as covenants and restrictions shall be organized and conform to Charleston County Road Codes and Zoning Ordinance standards. The HOA shall maintain the private entry/access, drives and common areas.

II. LAND USES AND DEVELOPMENT CRITERIA

A. ACREAGES

Total Acreage of Planned Development 8.85 acres

Highland Acreage 8.29 acres

Freshwater Wetland Acreage 0.56 acres

B. LAND USES

The property will be limited to residential use as single family homes, with each lot connected to the community open space and to the Phillips Community via Canyon Lane through an interconnecting sidewalk system.

The maximum building coverage of a lot by structures, including accessory structures shall be 40%.

The maximum height of any structure shall be 35 feet, measured between the base flood elevation and: (1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; (2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.

In addition to the dedicated green space, a 20 foot natural buffer is to remain along lots bordering the north and south boundaries of the developed area.

Architectural character of homes built at the Commons at Canyon Lane will echo many others located east of the Cooper River and is further shown in Appendix G.

Lighting for this development will be located along the internal street and designed in accordance with the standards set forth in Article 9.6 of the Zoning Ordinance (See Appendix J.)

Open/green space areas shall include gardens, pathways, and seating opportunities as well as undisturbed woodland.

C. DEVELOPMENT REQUIREMENTS/ LOT STANDARDS

All lots will conform to dimensional, density, and zoning requirements as found in the chart below:

Min. Lot Area	6,300 sf
Min. Lot Width (ft)	60 feet
Max. Building Height (ft)	35 feet
Max. Building Coverage	40%
Minimum Buffers/Setbacks (ft)	
Front Yard Setback	15 feet
Rear Yard Setback	20 feet

Side Yard Setback	5 feet
Side Yard Setback (Corner Lot – Street Side)	10 feet

A tree survey performed for the site located 2 grand hardwood trees measuring 24" and greater, both found within defined open space areas and planned to remain. Roads throughout the site have been designed to work around the site's largest trees. All Grand and Protected Trees located within the single family lots may only be removed upon meeting the requirements of Section 9.4.5 of the County Zoning Ordinance as determined by the Planning Director or as approved by the Board of Zoning Appeals. Additionally, a permit from Charleston County is required prior to clearing and grubbing on the site.

All applicable Charleston County Zoning requirements for S-3 District not specifically modified through these Planned Development Guidelines shall apply to this development. Other requirements include:

The pertinent sections of the Charleston County Ordinance which apply to this development are included as follows and can be found in Appendix J.

1. Chapters 4, 6, 8 and 10
2. Article 9.3 Off-street Parking and Loading
3. Article 9.4 Tree Protection and Preservation
4. Article 9.5 Landscaping, Screening and Buffers
5. Article 9.6 Architectural and Landscape Design Standards
6. Article 9.11 Signs
7. Article 9.12 Drainage Design

III. PUBLIC FACILITIES IMPACT ANALYSIS

A. WATER

An 8" water main will be installed in order to provide adequate fire protection to the proposed homes. This new line will be extended at the Developer's expense from an existing 8" main located approx. 1200 lf from the site along Julius Robertson Road (See Appendix E for Utility Sketch Plan).

B. SEWER

Each lot will be served by a sewer main extending from an existing main located along Canyon Lane.

C. STREETS, ROADWAYS AND STORMWATER DRAINAGE

Vehicular access to the site will occur off of Canyon Lane, approximately 530 lf from Highway 41. As approved in concept by the Awendaw Fire Department and Mount Pleasant Waterworks (see Appendix F), the currently unimproved community road, which is located within a 30' MPW easement, will be paved with asphalt at a width of 18 feet at the time of the development's construction. The asphalt will begin at Hwy 41 and will terminate at the south eastern property line (see Appendix K). An additional 15 feet along the project frontage has also been provided to further assist in these road and drainage improvements. The proposed improvements will be sufficient to mitigate the impacts of the development and has been approved by the Town of Mount Pleasant Fire Department as well as other agencies. These improvements will be in place prior to the end of construction and before the occupancy of any structure. The proposed improvements to Canyon Lane will be maintained by the Canyon Lane HOA.

A 50-foot wide private right of way will serve the internal streets of this project, terminating in a large drive-around island. Five-foot wide concrete sidewalks and asphalt paved streets with rolled concrete curb and gutter will utilize Charleston County standards and will be dedicated to the Homeowners Association (HOA). Roadway stubs to the north and south provide for possible future vehicular and sidewalk interconnectivity to adjacent properties. Tree protection, removal and replacement will be governed by Article 9.4 of the County Zoning Ordinance.

The drainage ditch which presently bisects the site shall be piped for its entire length inside this site, beginning at its entrance into the site between Lots 18 and 19 and depositing into the project drainage pond at the Canyon Lane entrance. Drainage for lots and roadways within the development will be collected to this pond (see Sketch Plan, Appendix C), which shall outfall to the existing drainage ditch found at the southern property line.

All proposed drainage shall meet County and State stormwater requirements, and may include detention ponds, dry wells, or other means of drainage control.

D. POWER

All existing and future power lines and utilities within the project will be relocated underground.

IV. DEVELOPMENT SCHEDULE AND PHASING

The project is anticipated to be developed in one phase, beginning fall of 2009, upon necessary approvals. 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.

V. COMMON OPEN SPACE / RECREATION

Open/green space for this project occurs throughout the site and accessible to pedestrian traffic. Total area for this use will combine for approximately 33% of the overall development acreage. Wetlands comprise approximately 16% of the overall open space acreage.

Approximately 0.37 acres of common open/green space is located along the main entrance at Canyon Lane. Further into the site, a large island located within the drive-around road terminus functions as landscaped open space for pedestrians. This space is connected to the sidewalk system within the development and will include benches in addition to new plantings. The largest area of common green space is found on 2.50 total acres (0.56 acres wetland; 1.94 acres highland) at the eastern end of the site. Access to this area can be found within the 20' drainage easement which also connects to the development's sidewalks. This area contains the majority of the larger hardwoods on the site and is to remain undisturbed.

All open space will be owned and managed by the Homeowners Association.

VI. LANDSCAPE BUFFERS / LANDSCAPING SKETCH PLAN

Supplementing the green space area described above, each lot will additionally include 20-foot natural buffers in areas adjacent to properties to the north and south. These buffer areas will retain, at minimum, trees over 3" dbh, and may be cleared of vines and dead plant material. Fences up to 6 feet in height are permitted along the side lot lines at the back of homes, connecting to the homes, and along the front of rear buffers, but may not encroach into the rear buffer in any way. Conceptual street tree plantings for this development are shown within the Sketch Plan (See Appendix C).

VII. WETLAND BUFFERS

Wetland buffers shall be a minimum of 35 feet as shown on the Sketch Plan (see Appendix C). Wetlands located on this site are additionally buffered from development by the surrounding common open space. A Wetland Determination Letter from the Corps of Engineers is located in Appendix I.

VIII. TRAFFIC

As the project contains only 22 single family lots, traffic impact to Canyon Lane and Highway 41 is expected to be minimal.

IX. SIGNAGE/LIGHTING/PARKING

A 40-inch height masonry wall with 48-inch masonry columns along with appropriate landscape plantings will be constructed as a part of the entry statement for the development along Canyon Lane. Identification for the Commons at Canyon Lane will be integral with this wall, not exceeding its 40-inch height, and consisting of no more than 2 sign panels not to exceed 35 square feet each.

Signage internal to the development will consist only of necessary directional and traffic signage.

All signage, lighting, and parking shall conform to the requirements of the Charleston County Ordinance as found within the pertinent Articles within Appendix J.

Parking for the development will meet County Standards.

X. ARCHAEOLOGY

A coordination letter from SC Archives and History indicates that no historic sites would be affected.

XI. CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT COMPLIANCE

A. COMPREHENSIVE PLAN

This development will comply with all of the applicable processes and requirements of the Charleston County Zoning and Land Development Regulations for the S-3 District, and with such conditions as may be attached to any rezoning to the applicable PD district (See Appendix J for applicable Charleston County Ordinance Sections).

Additionally, the development will proceed with the applicable provisions of the Charleston County Comprehensive Plan.

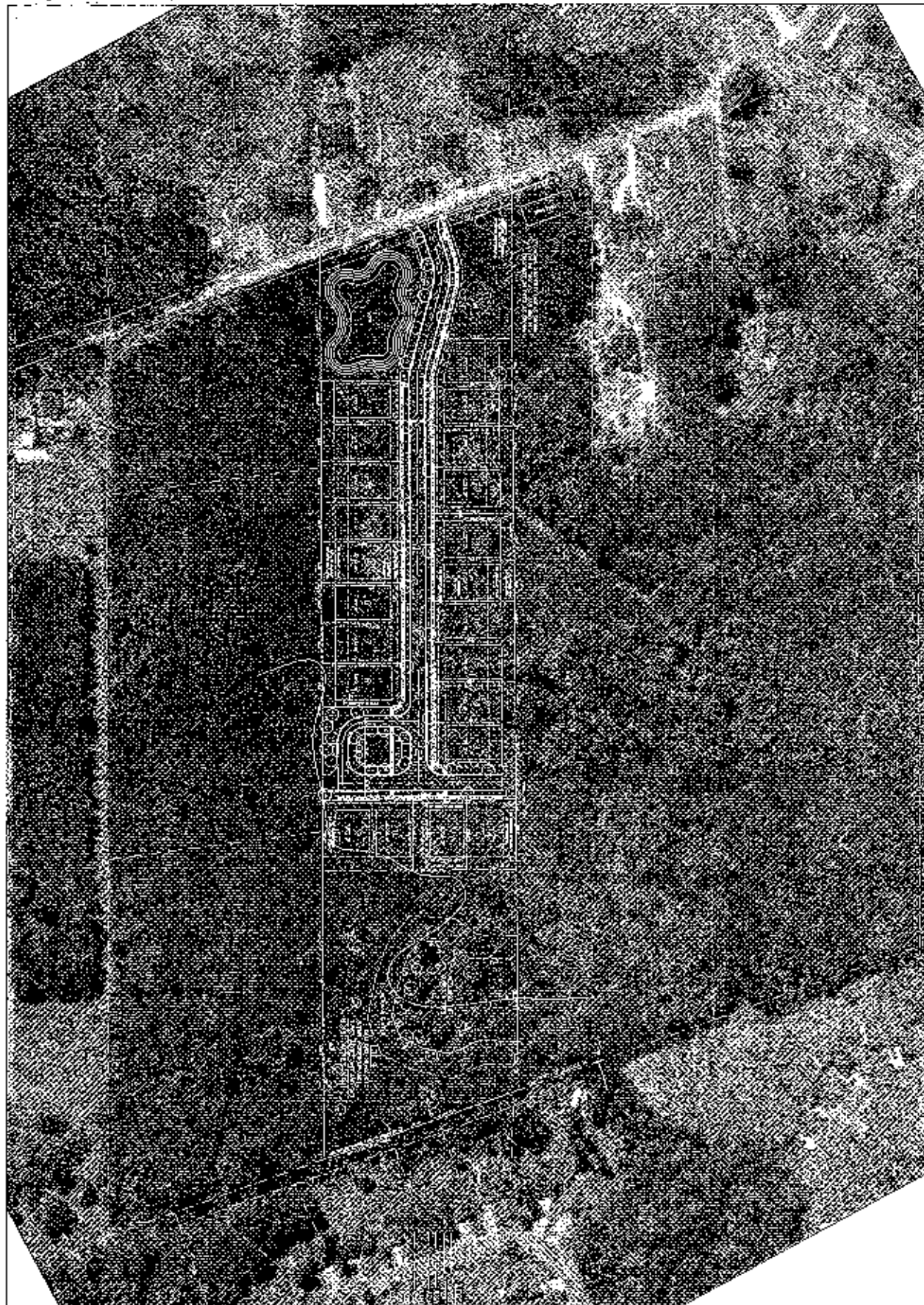
B. ARTICLE 3.10

The provisions of Article 3.10 of the Charleston County Zoning and Land Development Regulations shall not apply to the planned development and all major changes to the planned development must be approved by County Council. Tree variances may be granted in accordance with this Article and all other sections of this Ordinance.

XIII. APPENDICES

APPENDIX A: ILLUSTRATIVE PLAN

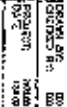
APPENDIX B: AERIAL SKETCH PLAN OVERLAY



SHEET 3 OF 1



Donato
Engineering & Planning, L.L.C.
2145 E. Main Street
Vancouver, WA 98661
Phone: 509-536-4700
Fax: 509-536-4704

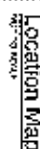


THE COMMONS AT
CANYON LANE
DEVELOPED BY
CARPINE HILL ASSOCIATES, INC.
CHARLESTON COUNTY, SOUTH CAROLINA



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APPENDIX C: SKETCH PLAN



E-mail: info@wiley.com

CONTACT:
Ganguli Associates and Vrakas
103 Carver Farm Road
Auburndale, MA 01901
Phone: (508) 745-3250
Fax: (508) 745-3202
Circle 33 Reader Service

Person: Deborah and Jonathan, LLC
 300 Willow Park Road, Suite 200
 Round Bay, TX 78063
 Phone: (844) 584-1587
 Fax: (844) 28-0294
 Company: Vercy Properties

612-234-0710 ext. 100
 612-234-0710 ext. 200
 Fax: 612-234-0710
 Fax: 612-234-0710
 Fax: 612-234-0710

Site Information

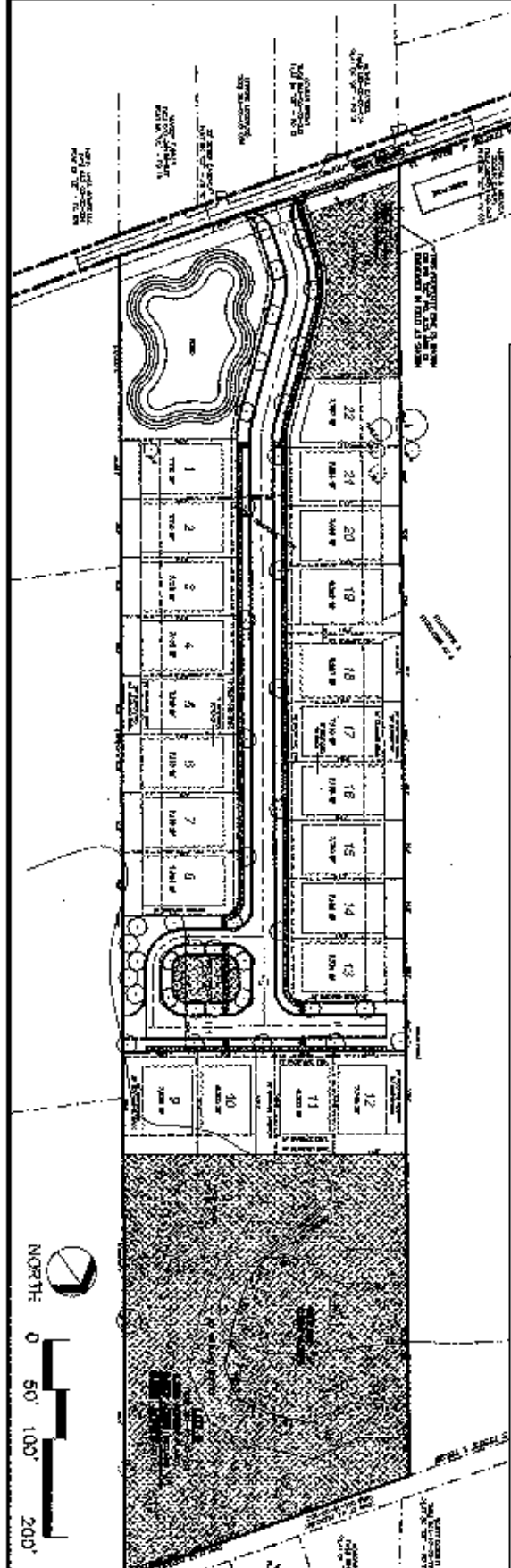
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Development Information

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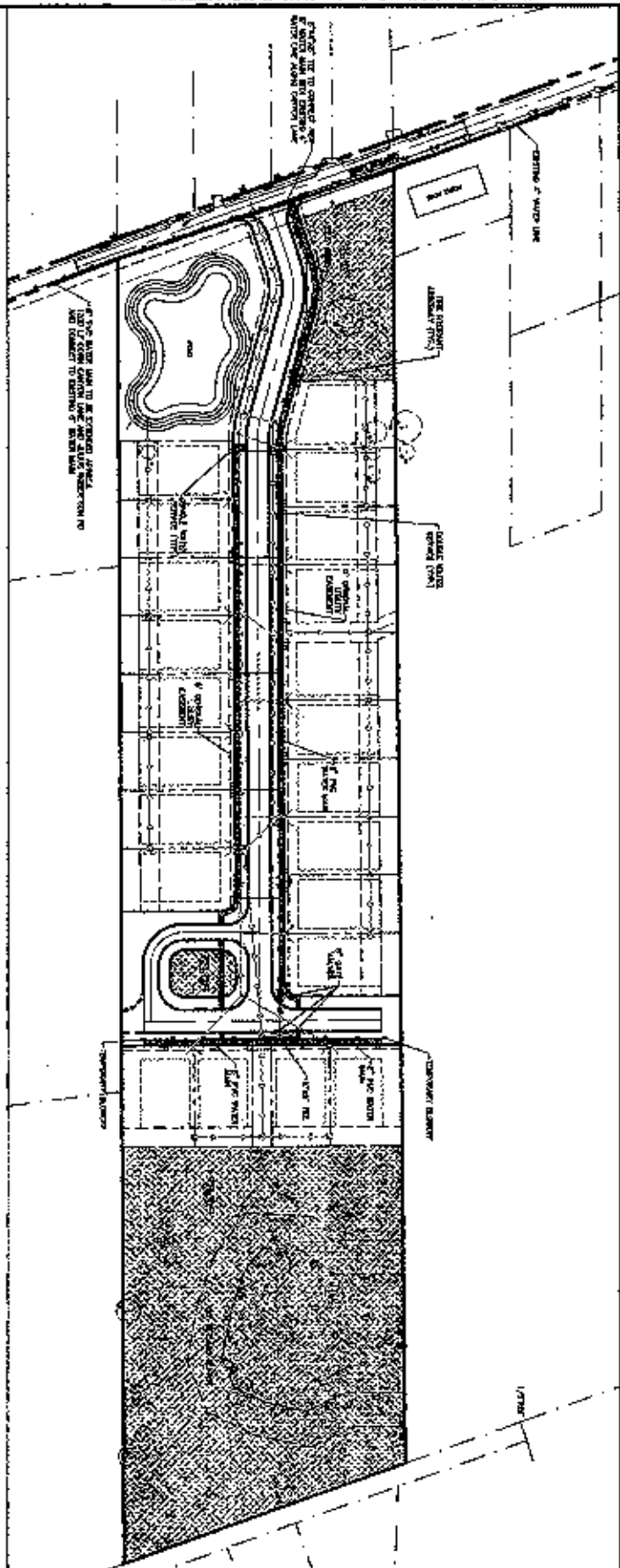
Legend

- [illegible]



APPENDIX D: DRAINAGE SKETCH PLAN

APPENDIX E: UTILITY SKETCH PLANS (WATER AND SEWER)



Major: 016149

[illegible]

APPENDIX F: ROAD IMPROVEMENT COORDINATION LETTERS



Town of Mount Pleasant Fire Department
Herbert Williams, Fire Chief
100 Ann Edwards Lane
Mt. Pleasant, South Carolina 29464
(843) 884-0623 voice (843) 856-2509 facsimile



August 25, 2009

Betsy Ellington
Seamon Whitesides & Associates
501 Wando Park Blvd.
Mt. Pleasant, SC, 29464

Dear Ms. Ellington,

Re: Canyon Road Project

Thank you for taking time to meet with me this morning to discuss the Canyon Road project. I am in receipt of your letter (email) dated 8.25.09 in reference to this project. As we discussed, the proposed road, Canyon Lane, currently does not fall within the Jurisdictional boundaries of the Town of Mount Pleasant Fire Department; however, to service the residential development The Commons at Canyon Lane which is currently being proposed, the fire department would have to transverse Canyon Lane to gain access for service.

That being said, minimum requirements for this road section would include the following:

- 1) Clear roadway width of 20 feet is typically required; however, 18' wide with 2' wide hard packed shoulders will be acceptable.
- 2) Minimum tree height of no less than 14' 6"
- 3) Hard packed roadway capable of supporting a 36 ton fire apparatus

If we can be of any further assistance, please feel free to contact me.

Sincerely,

Alton W. Tyler, II, Captain
Fire Marshal
Mount Pleasant Fire Department

E-mail atyler@townofmountpleasant.com

AWT:
CC:
Fire Inspection File

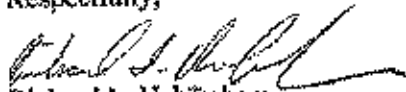
Phillips Community Association
2938 Bennett Charles Road
Mount Pleasant, SC 29466
Richard L. Habersham, President

Mr. Noel Thorn
Chairman
Charleston County Planning Commission
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405-7464

Dear Mr. Thorn:

Please be advised that the Phillips Community Association is in support of the Planned Development (PD) Zoning District proposed for Charleston County TMS 583-00-00-042, the site plan of which is attached as Exhibit "A".

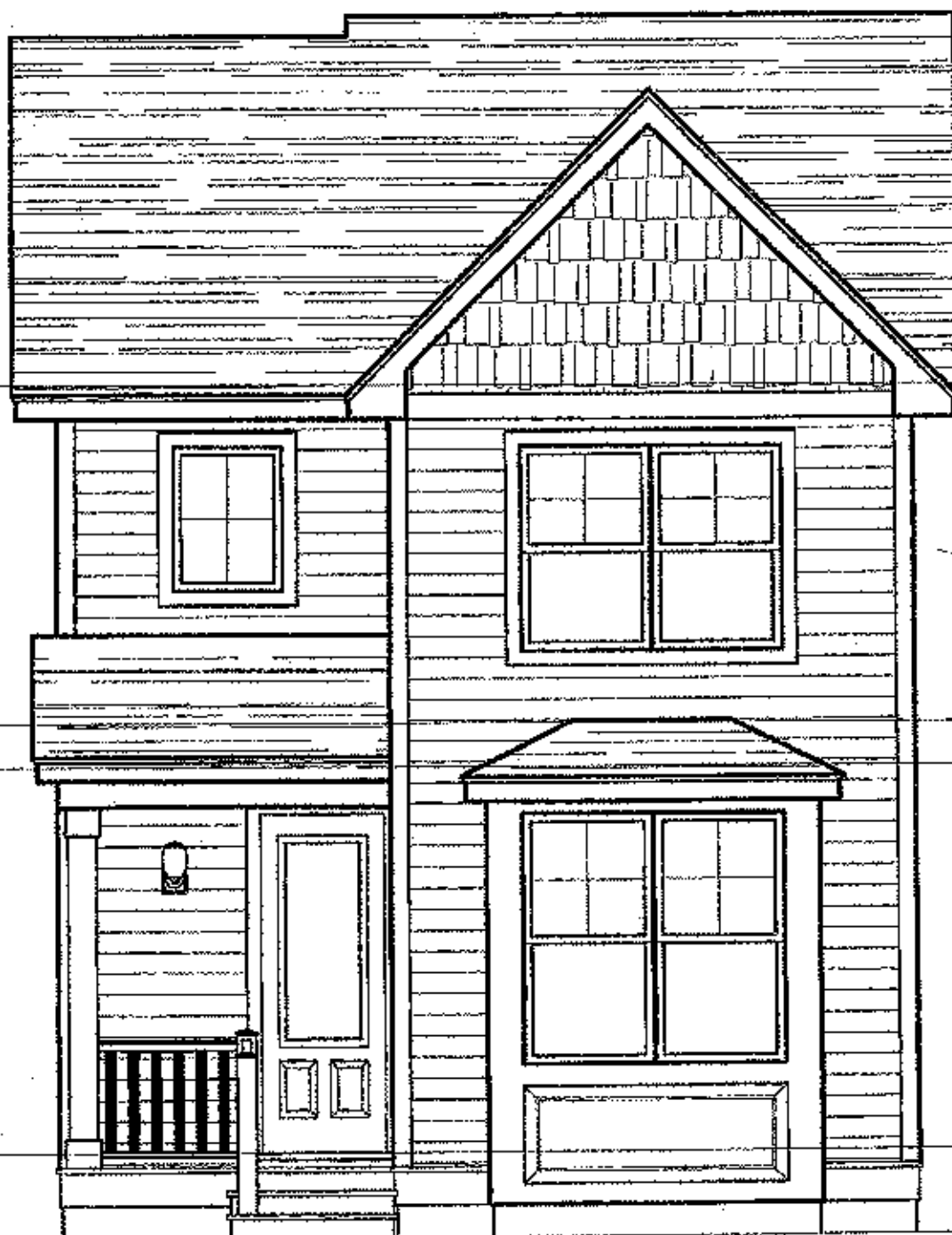
Respectfully,


Richard L. Habersham
President

*No more than
22 LOTS*

APPENDIX G: ARCHITECTURAL ELEVATIONS





8'11 1/2"
SECOND FLOOR

9'1 1/2"
FIRST FLOOR

APPENDIX H: LETTERS OF COORDINATION

Elected

William L. Golightly, Jr., Ph.D., Chairman
Rick M. Crosby, Vice Chairman
H. Chapman McKay, Secretary-Treasurer
Diane D. Lauritsen, Ph.D.
Susan I. Mellichamp



Ex-Officio
Harry M. Hallman, Jr., Mayor
Billy Swails, Chairman
Water Supply Committee, Town Council

Clay Duffie, General Manager

June 11, 2009

Mr. Frank Toland
Charleston County Planning
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
Charleston, SC 29405-7464

RE: Project Name: The Commons at Canyon Lane
Project No.: RE0022
TMS No.: 583-00-00-042

Dear Mr. Toland:

Please be advised that water and wastewater service is available to the above referenced parcel (see enclosed map).

This availability information is considered valid for 12-months from the date of this letter. However, capacity is not considered reserved in MPW's system until the impact fee(s) has been paid. Should you have any questions, please do not hesitate to contact me at 375-5844 or by email at ddarby@mpwonline.com.

Sincerely,

MOUNT PLEASANT WATERWORKS

A handwritten signature in dark ink, appearing to read "Daniel D. Darby", is written over a horizontal line.

Daniel D. Darby
Engineer

DDD:lk
Enclosure

cc: Project Developer

RECEIVED
JUN 15 2009

BY: _____

Elected

William L. Golightly, Jr., Ph.D., Chairman
Rick M. Crosby, Vice Chairman
H. Chapman McKay, Secretary-Treasurer
Diane D. Lauritsen, Ph.D.
Susan L. Mellichamp



Ex-Officio

Harry M. Hallman, Jr., Mayor
Billy Swatts, Chairman
Water Supply Committee, Town Council

Clay Duffie, General Manager

June 11, 2009

Mr. Frank Toland
Charleston County Planning
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
Charleston, SC 29405-7464

RE: Project Name: The Commons at Canyon Lane
Project No.: RE0022
TMS No.: 583-00-00-042

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Sincerely,

MOUNT PLEASANT WATERWORKS

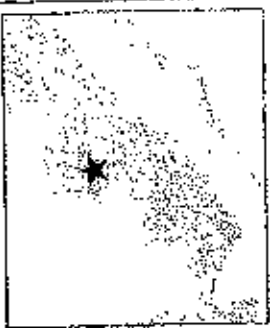
A handwritten signature in dark ink, appearing to read "Daniel D. Darby", is written over a horizontal line.

Daniel D. Darby
Engineer

DDD:lk
Enclosure

cc: Project Developer

Commons At Canyon Lane



Legend

- New Streets
- Critical Customers
- Appliances - Master Meter
- Car Wash
- Child Care
- Commercial buildings Living
- Dialysis Clinic
- Dental/Dentist Office
- Evangelical Center
- Fast Food
- Food Service
- Laundry/Dry Cleaner
- Restaurant
- School
- New Building Footprints
- New Parcels
- Sewer Manhole
- Sewer Control Valve
- Sewer Elbow/Off Valve
- Sewer Check Valve
- Sewer Air Release Valve
- Sewer Vacuum Valve
- Sewer Combination Valve
- Sewer Air Check Valve
- Sewer Check New Equipment
- Unknown Sewer Control Valve
- Sewer Fitting
- Sewer Tee
- Sewer Saddle
- Sewer Cross
- Sewer Bend
- Sewer Coupling
- Sewer Elbow
- Sewer Short
- Sewer Reducer
- Sewer Transition

Scale: 1:8,220

Map center: 32° 53' 21.2" N, 79° 48' 39.8" W

120 360 540 m

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Charleston > excellence is our standard
County SCHOOL DISTRICT

June 11, 2009

Ms. Sharon Chapman
Seamon, Whiteside & Associates
501 Wando Park Blvd., Suite 200
Mount Pleasant, SC 29464

Administration

Dr. Nancy J. McGinley
Superintendent of Schools

Dr. J. Douglas Gepford
Chief Academic Officer

Ms. Terri H. Nichols
Associate Superintendent

Dear Ms. Chapman:

I have received your master plan for the development of Canyon Lane (22 single family lots) in Mount Pleasant.

Laurel Hill Primary, Charles Pinckney Elementary, Cario Middle, and Wando High School will serve this site. All three schools have a current enrollment for the 2008-2009 school year that puts them over capacity in the permanent building.

This district is required by state law to provide educational services to all county residents without regard to potential impact from future development. Even though the proposed project will impact the school district, educational services will be provided to these residents. Please be aware that the above designated school assignments may change due to future rezoning authorized by the Moultrie District Two Constituent Board.

If I can provide additional information as your project proceeds, please call me.

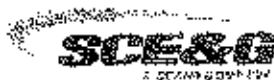
Sincerely,

Terri H. Nichols (KA)

Terri H. Nichols
Associate Superintendent

ka

- c Dr. Nancy J. McGinley, Superintendent, CCSD
- Mr. Mark Cobb, Director of Facilities, CCSD
- Mr. Ralph Watkins, Facilities Planning Director, CCSD
- Mr. Mac Burdette, Administrator, Town of Mount Pleasant
- Mr. Dan Hatley, Council of Governments



June 3, 2009

Ms. Sharon Chapman
Scamon, Whiteside & Associates
501 Wando Park Blvd., Suite 200
Mt. Pleasant, SC 29464

Re: The Commons at Canyon Lane
TMS 583-00-00-042

Dear Ms. Chapman:

I am pleased to inform you that South Carolina Electric & Gas Company (SCE&G) will be able to provide electric service to the above referenced project. Electric service will be provided in accordance with SCE&G's General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures. At this time, natural gas is approximately 1/2 mile from the property. To discuss the likelihood of extending the gas main for this project, please contact Jimmy Howe at (843) 576- 8932 or JHOWE@scana.com. Any associated customer contribution will be determined when equipment loads and projected revenues are analyzed. In order to begin engineering work for the project, the following information will need to be provided:

- Detailed utility site plan (AutoCAD format preferred) showing water, sewer, and storm drainage as well as requested service point/transformer location.
- Additional drawings that indicate wetlands boundaries, tree survey with barricade plan and buffer zones (if required), as well as any existing or additional easements.
- Electric and gas load breakdown by type with riser diagrams.
- Signed copy of this letter acknowledging its receipt and responsibility for its contents and authorization to begin engineering work with the understanding that SCE&G intends to serve the referenced project.

SCE&G construction standards and specifications detailing customer responsibilities are available at www.SCEG.com/en/builder-services/resources. For more information or questions, contact me by phone at (843) 576-8434 or at lmartin@scana.com.

Sincerely,

Linda Martin Flynn
Customer Services Engineering

AUTHORIZED SIGNATURE: _____ DATE: _____
TITLE: _____ PHONE: _____



AT&T
Southeast

Andrew Jur
2600 Meeting St
N Charleston, SC 29406
843 722 5182
Andrew.jur@att.com
843 745-0856

June 1, 2009

Administrative Coordinator
Seamon Whiteside
501 Wando Park Blvd., Suite 200
Mount Pleasant, South Carolina 29464

RE: TMS No. 538-00-DC-042.

Dear Sharon Chapman :

This is in response to your request for confirmation of service availability by AT&T. The above referenced project/development is located in an area served by AT&T.

Prior to confirming service availability to this project, AT&T requires information such as proposed land use, density, site plans, and agreements with respect to service arrangements for the project. Please contact me at the telephone number or email address shown above to arrange for providing any information that you may not have included in this request for service availability. No preparatory work towards providing service will begin at this time.

General information regarding AT&T's service to commercial buildings can be obtained from AT&T's Building Industry Consulting Service (BICS) and at hs7769@att.com.

Thank you for contacting AT&T.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Jur", written over a horizontal line.

Andrew Jur
AT&T



May 29, 2009

Sharon Chapman
Seamon, Whiteside & Associates, Inc.
501 Wando Park Blvd., Ste. 200
Mt. Pleasant, SC 29464

Re: The Commons at Canyon Lane TMS #538-00-00-042

Dear Ms. Chapman:

Regarding the development of the above referenced project, Comcast of Carolina, Inc. has cable facilities in the general area which will allow us to serve the project. However, depending on the type of cable plant construction required, Comcast may pass some or all of the costs to build this plant extension on to the developer. Please contact our construction department at 843.266.3152 regarding any pre-construction meetings. You can also send any drawings or plans to our construction coordinator, Gary Komosa, at gary_komosa@cable.comcast.com.

Sincerely yours,


Charles Youkman
Bulk/MDU Coordinator
843.266.3094
843.266.3105 (fax)
843.475.5350 (cell)
Charles_youkman@cable.comcast.com

Comcast Cable
4400 Belle Oaks Dr.
North Charleston, SC 29405

June 22, 2009

Betsy Ellington
Seamon Whiteside and Associates
501 Wando Park Blvd., Suite 200
Mt. Pleasant, SC 29464

Re: The Commons at Canyon Lane
Charleston County, South Carolina
SHPO Project No. 09CW0344

Dear Ms Ellington:

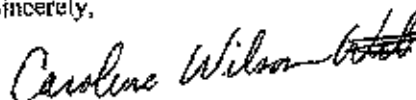
Our Office has received the documentation received June 3 that was submitted via e-mail as due diligence for the project referenced above. This letter is for preliminary, informational purposes only and does not constitute consultation or agency coordination with our Office as defined in 36 CFR 800: "Protection of Historic Properties" or by any state regulatory process. The recommendation stated below could change once the responsible federal and/or state agency initiates consultation with our Office.

If the above referenced project were to require state permits or federal permits, licenses, funds, loans, grants, or assistance for development, we would recommend to the federal or state agency or agencies that no historic properties would be affected.

The State Historic Preservation Office will provide comments regarding historic and archaeological resources and effects to them once the federal or state agency initiates consultation. Project Review Forms and additional guidance regarding our Office's role in the compliance process and historic preservation can be found on our website at <http://shpo.sc.gov/revcomp>.

If you have any questions, please contact me at (803) 896-6169 or at cwilson@scdah.state.sc.us.

Sincerely,



Caroline Dover Wilson
Review and Compliance Coordinator
State Historic Preservation Office



APPENDIX I: WETLAND DETERMINATION LETTER (CORPS OF ENGINEERS)

JUL 24 2008



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
88A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

July 23, 2008

Regulatory Division

Mr. Eric McClanahan
S&ME, Inc.
620 Wando Park Boulevard
Mt. Pleasant, South Carolina 29464

Re: SAC 2007-2470-2JM
Charleston County

Dear Mr. McClanahan:

This is in response to your letter of November 1, 2007, requesting a wetland determination, on behalf of Mr. Stanley Baker c/o HEG Engineering, for a 9.241 acre tract located on Cainhoy Lane near Richie Way off of U.S. Highway 41 in Mount Pleasant, Charleston County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Joseph O. Eelman with HEG, dated December 13, 2007, and entitled "WETLAND PLAT SHOWING LOT 9 TMS 583-00-00-042 PROPERTY OF ROBERT GALLOON LOCATED AT ST JAMES SANTEE PARISH AREA OF COUNTY CHRIST CHURCH PARISH CHARLESTON COUNTY, SC".

This plat depicts surveyed boundaries of wetlands or other waters as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 0.427 acres of federally defined freshwater wetlands or other waters. However, none of these aquatic resources are considered to be subject to the jurisdiction of this office due to a decision by the U.S. Supreme Court. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

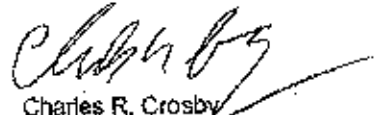
Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed boundaries shown on the referenced plat are an accurate representation of federally defined freshwater wetlands or other waters that exist on the property in question.

Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted.

In future correspondence concerning this matter, please refer to SAC 2007-2470-2JM. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, *Office of Ocean and Coastal Resource Management*. A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,


Charles R. Crosby
Chief, South Branch

Enclosure;
Basis for Jurisdiction
Customer Service Survey

Copy Furnished:

South Carolina Department of Health
and Environmental Control Office of
Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

APPENDIX J: APPLICABLE CHARLESTON COUNTY ORDINANCE SECTIONS

CHAPTER 4 | BASE ZONING DISTRICTS

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CHAPTER 4 | BASE ZONING DISTRICTS**ARTICLE 1.1 GENERAL****§4.1.1 ESTABLISHMENT OF ZONING DISTRICTS**

The following base zoning districts are hereby established:

District Name		Comprehensive Plan Land Use Designation
RM	Resource Management	Resource Management [Agricultural]
AG-15	Agricultural Preservation	Agricultural Preservation [Agricultural]
AG-10	Agricultural Preservation	Agricultural Preservation [Agricultural]
AG-8	Agricultural Preservation	Agricultural Preservation [Agricultural] Rural Agricultural [Rural]
AGR	Agricultural/Residential	Agricultural Residential [Agricultural]
RR-3	Rural Residential	Rural Residential [Rural]
S-1	Special Management 1	Residential/Special Management (Suburban)
S-2	Special Management 2	Residential/Special Management (Suburban)
S-3	Special Management 3	Residential/Special Management (Suburban)
R-2	Single Family Residential 2	Single Family Residential (Suburban)
R-3	Single Family Residential 3	Single Family Residential (Suburban)
R-4	Single Family Residential 4	Single Family Residential (Suburban)
M-8	Mixed Style Residential 8	Mixed Style Residential (Suburban)
M-12	Mixed Style Residential 12	Mixed Style Residential (Suburban)
MHS	Low-Density Manufactured Housing Subdivision	Residential Low Density [Suburban]
MHP	Manufactured Housing Park	Residential Moderate Density [Suburban]
OR	Residential Office	Commercial [Suburban]
OG	General Office	Commercial [Suburban]
CN	Neighborhood Commercial	Commercial [Suburban]
CT	Commercial Transition	Commercial [Suburban]
CR	Rural Commercial	Commercial [Rural and Agricultural]
CC	Community Commercial	Commercial [Suburban]
I	Industrial	Industrial [Rural and Suburban]
PD	Planned Development	Planned Development (All areas of Plan)

§4.1.2 ZONING DISTRICT REFERENCES

References in this Ordinance to "nonresidential" zoning districts shall be construed as references to all base zoning districts beginning with the letters "O" (Office), "C" (Commercial) or "I" (Industrial). References to "residential" zoning districts shall be construed as references to all base zoning districts beginning with the letter "S", "R" and "M". References to "agricultural" zoning districts shall be construed as references to all base zoning districts beginning with the letter "A."

§4.1.3 ZONING DISTRICT HIERARCHY

Under the hierarchy established by this Ordinance, the RM district is the most restrictive base zoning district, while the I district is the least restrictive base zoning district. The table of Section 4.1.1 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.

ARTICLE 12. MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS**§4.2.1 DENSITY**

Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of highland (including freshwater wetlands) of the site on which the dwelling units are located. The number of 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.

§4.2.2 LOT AREA**A. Measurement**

Lot area refers to the horizontal land area within lot lines, including freshwater wetlands.

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 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).

§4.2.3 SETBACKS

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.

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 subsection.

1. Trees, shrubbery or other landscape features may be located within any required setback.
2. Fences and walls may be located within any required setback, provided that in residential, office and commercial districts no fence, wall or hedge shall exceed:
 - a. Four feet in height when located within any front or street side setback;

- b. Eight feet in height when located in an interior side or rear setback.
3. Driveways may be located in front and street side setbacks.
4. Sidewalks may be located within any required setback.
5. Utility lines, wires and associated structures, such as power poles, may be located within any required setback.
6. 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.
7. Openwork fire balconies and fire escapes may extend up to five feet into any required side setback.
8. Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.
9. Chimneys and flues may extend up to two feet into any required setback.
10. Satellite dish antennas may be placed in required rear setbacks.
11. 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.

B. Contextual Setbacks

Notwithstanding the front setback requirements of the underlying 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 underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.

D. Front Setbacks on Narrow Streets

Where a lot abuts a dedicated street (that has been accepted for street maintenance) with a right-of-way width of less than 50 feet, the required front setback shall be measured from a line measured 25 feet from the center of such right-of-way.

E. Setbacks on Corner and Double-Frontage Lots

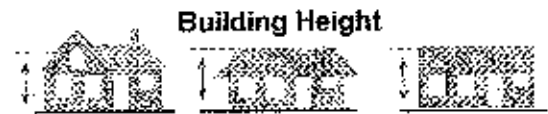
On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street. The remaining lot lines will be subject to side setback standards. There is no rear lot line.

F. 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.

§4.2.4 BUILDING HEIGHT

Building height refers to the vertical distance between the base flood elevation and: (1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; (2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.



A. Fences or Walls

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

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 (A) district;
2. Electrical power transmission lines;
3. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or
4. 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.

§4.2.5 BUILDING COVERAGE

Building coverage refers to 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 open porches, fire escapes, canopies and the first two feet of a roof overhang.

ARTICLE 4.3 RM RESOURCE MANAGEMENT DISTRICT**§4.3.1 DESCRIPTION**

The RM, Resource Management district implements the Resource Management (Rural Landscape-Agricultural Area) policies of the *Comprehensive Plan*.

§4.3.2 USE REGULATIONS

Uses are allowed in the RM district in accordance with the Use Regulations of Chapter 6.

§4.3.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the RM district shall be subject to the following density, intensity and dimensional standards:

RM DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY [1]	1 dwelling unit per 25 acres
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	135 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
OCRM Critical Line	50 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 dwelling shall be allowed on the residual area of the parent tract.

§4.3.4 OTHER REGULATIONS

Development in the RM district shall comply with all other applicable regulations of this ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.3.5 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 the RM Zoning District.

ARTICLE 4.4 AG-15, AGRICULTURAL PRESERVATION DISTRICT**§4.4.1 DESCRIPTION**

The AG-15, Agricultural Preservation district implements the Agricultural Preservation (Rural Landscape-Agricultural Area) policies of the Comprehensive Plan.

§4.4.2 USE REGULATIONS

Uses are allowed in the AG-15 district in accordance with the Use Regulations of Chapter 6.

§4.4.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**A. Density/Intensity and Dimensional Standards Table**

All residential and nonresidential development in the AG-15 district shall be subject to the following density, intensity and dimensional standards:

AG-15 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 15 acres
MINIMUM LOT AREA	3 acres
MINIMUM LOT WIDTH	135 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	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 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 dwelling unit per 15 acres.

§4.4.4 OTHER REGULATIONS

Development in the AG-15 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.4.5 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 the AG-15 Zoning District.

ARTICLE 4.5 AG-10, AGRICULTURAL PRESERVATION DISTRICT**§4.5.1 DESCRIPTION**

The AG-10, Agricultural Preservation district implements the Agricultural Preservation (Rural Landscape-Agricultural Area) policies of the Comprehensive Plan.

§4.5.2 USE REGULATIONS

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

§4.5.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the AG-10 district shall be subject to the following density, intensity and dimensional standards:

AG-10 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 10 acres
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	135 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

§4.5.4 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. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.5.5 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 the AG-10 Zoning District.

ARTICLE 4.6 AG-8 AGRICULTURAL PRESERVATION DISTRICT**§4.6.1 DESCRIPTION**

The AG-8, Agricultural Preservation district implements the Agricultural Preservation (Rural Landscape-Agricultural Area) and Rural Agricultural (Rural Landscape-Rural Area) policies of the Comprehensive Plan.

§4.6.2 USE REGULATIONS

Uses are allowed in the AG-8 district in accordance with the Use Regulations of Chapter 6.

§4.6.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the AG-8 district shall be subject to the following density, intensity and dimensional standards:

AG-8 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 8 acres
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	135 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

§4.6.4 OTHER REGULATIONS

Development in the AG-8 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.6.5 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 the AG-8 Zoning District.

ARTICLE 17. AGR AGRICULTURAL RESIDENTIAL DISTRICT**§4.7.1 DESCRIPTION**

The AGR, Agricultural/Residential district implements the Agricultural Residential (Rural Landscape-Agricultural Area) policies of the Comprehensive Plan. The district is intended for application in all settlement areas.

§4.7.2 USE REGULATIONS

Uses are allowed in the AGR district in accordance with the Use Regulations of Chapter 6.

§4.7.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the AGR district shall be subject to the following density, intensity and dimensional standards:

AGR DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per Acre
MINIMUM LOT AREA	30,000 square feet
MINIMUM LOT WIDTH	100 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

§4.7.4 OTHER REGULATIONS

Development in the AGR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.7.5 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 the AGR Zoning District.

§4.7.6 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 parcels to qualify for inclusion into a "Settlement Area" are as follows:

1. Parcel size of 30 acres or less on parcels existing prior to April 21, 1999; and
2. Parcel must be located in an AG-8, AG-10, or RM Zoning Districts or adjacent to lands currently zoned AGR; and
3. 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

4. Tax parcels are not located on Wadmalaw Island.

ARTICLE 4.8 RR-3 RURAL RESIDENTIAL DISTRICT

§4.8.1 DESCRIPTION

The RR-3, Rural/Residential district implements the Rural Residential (Rural Landscape-Rural Area) policies of the Comprehensive Plan.

§4.8.2 USE REGULATIONS

Uses are allowed in the RR-3 district in accordance with the Use Regulations of Chapter 6.

§4.8.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the RR-3 district shall be subject to the following density, intensity and dimensional standards:

RR-3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 3 acres
MINIMUM LOT AREA	30,000 sq. ft.
MINIMUM LOT WIDTH	100 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

§4.8.4 OTHER REGULATIONS

Development in the RR-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.8.5 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 of the RR-3 zoning district.

ARTICLE 4.9. S-1, SPECIAL MANAGEMENT 1 DISTRICT**§4.9.1 DESCRIPTION**

The S-1, Special Management Residential district implements the Special Management (Suburban Area) policies of the Comprehensive Plan.

§4.9.2 USE REGULATIONS

Uses are allowed in the S-1 district in accordance with the Use Regulations of Chapter 6.

§4.9.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the S-1 district shall be subject to the following density, intensity and dimensional standards:

S-1 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per acre
MINIMUM LOT AREA	30,000 square feet
MINIMUM LOT WIDTH	90 feet [1]
MINIMUM SETBACKS	
Front/Street Side [2]	25 feet
Interior Side	15 feet
Rear	25 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] 100 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.9.4 OTHER REGULATIONS

Development in the S-1 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.9.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a non-conforming 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 S-1 zoning district.

ARTICLE 4.10 S-2 SPECIAL MANAGEMENT 2 DISTRICT**§4.10.1 DESCRIPTION**

The S-2, Special Management Residential district implements the Special Management (Suburban Area) policies of the Comprehensive Plan.

§4.10.2 USE REGULATIONS

Uses are allowed in the S-2 district in accordance with the Use Regulations of Chapter 6.

§4.10.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the S-2 district shall be subject to the following density, intensity and dimensional standards:

S-2 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	2 dwelling units per acre
MINIMUM LOT AREA	20,000 square feet
MINIMUM LOT WIDTH	80 feet [1]
MINIMUM SETBACKS	
Front/Street Side [2]	25 feet
Interior Side	15 feet
Rear	25 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] 90 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.10.4 OTHER REGULATIONS

Development in the S-2 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.10.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a non-conforming 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 S-2 zoning district.

ARTICLE 4.11 S-3 SPECIAL MANAGEMENT 3 DISTRICT**§4.11.1 DESCRIPTION**

The S-3, Special Management Residential district implements the Special Management (Suburban Area) policies of the Comprehensive Plan.

§4.11.2 USE REGULATIONS

Uses are allowed in the S-3 district in accordance with the Use Regulations of Chapter 6.

§4.11.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the S-3 district shall be subject to the following density, intensity and dimensional standards:

S-3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	3 dwelling units per acre
MINIMUM LOT AREA	14,500 square feet [1]
MINIMUM LOT WIDTH	70 feet [2]
MINIMUM SETBACKS	
Front/Street Side [3]	25 feet
Interior Side	15 feet
Rear	25 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Minimum lot area of 12,500 sq. ft. if water or sewer is available.

[2] 80 feet without public water and/or public sewer.

[3] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.11.4 OTHER REGULATIONS

Development in the S-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.11.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a non-conforming 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 S-3 zoning district.

ARTICLE 4.12 R-2 SINGLE FAMILY RESIDENTIAL 2 DISTRICT**§4.12.1 DESCRIPTION**

The R-2, Single Family Residential district implements the Single Family Residential (Suburban Area) policies of the Comprehensive Plan.

§4.12.2 USE REGULATIONS

Uses are allowed in the R-2 district in accordance with the Use Regulations of Chapter 6.

§4.12.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the R-2 district shall be subject to the following density, intensity and dimensional standards:

R-2 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	2 dwelling units per acre
MINIMUM LOT AREA	14,500 square feet
MINIMUM LOT WIDTH	80 feet [1]
MINIMUM SETBACKS	
Front/Street Side [2]	25 feet
Interior Side	15 feet
Rear	25 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] 90 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.12.4 OTHER REGULATIONS

Development in the R-2 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.12.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a non-conforming 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 R-2 zoning district.

ARTICLE 4.13 R-3 SINGLE FAMILY RESIDENTIAL-3 DISTRICT**§4.13.1 DESCRIPTION**

The R-3, Single Family Residential district implements the Single Family Residential (Suburban Area) policies of the Comprehensive Plan.

§4.13.2 USE REGULATIONS

Uses are allowed in the R-3 district in accordance with the Use Regulations of Chapter 6.

§4.13.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the R-3 district shall be subject to the following density, intensity and dimensional standards:

DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	3 dwelling units per acre
MINIMUM LOT AREA	12,000 square feet
MINIMUM LOT WIDTH	70 feet [1]
MINIMUM SETBACKS	
Front/Street Side [2]	25 feet
Interior Side	10 feet
Rear	20 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] 80 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.13.4 OTHER REGULATIONS

Development in the R-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.13.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a non-conforming 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 R-3 zoning district.

ARTICLE 4.14 R-4 SINGLE FAMILY RESIDENTIAL 4 DISTRICT**§4.14.1 DESCRIPTION**

The R-4, Single Family Residential district implements the Single Family Residential (Suburban Area) policies of the Comprehensive Plan.

§4.14.2 USE REGULATIONS

Uses are allowed in the R-4 district in accordance with the Use Regulations of Chapter 6.

§4.14.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the R-4 district shall be subject to the following density, intensity and dimensional standards:

R-4 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	4 dwelling units per acre
MINIMUM LOT AREA	
With Public Water AND Sewer	7,250 square feet
With Public Water OR Sewer	10,000 square feet
Without Public Water AND Sewer	14,500 square feet
MINIMUM LOT WIDTH	60 feet
MINIMUM SETBACKS	
Front/Street Side [1]	25 feet
Interior Side	5 feet
Rear	15 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.14.4 OTHER REGULATIONS

Development in the R-4 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

§4.14.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a non-conforming 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 R-4 zoning district.

ARTICLE 4-15: M-8 MIXED STYLE RESIDENTIAL (M-8 DISTRICT)**§4.15.1 DESCRIPTION**

The M-8, Mixed Style Residential district implements the Mixed Style Residential (Suburban Area) policies of the Comprehensive Plan.

§4.15.2 USE REGULATIONS

Uses are allowed in the M-8 district in accordance with the Use Regulations of Chapter 6.

§4.15.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the M-8 district shall be subject to the following density, intensity and dimensional standards and shall provide proof to the Planning Director that the property will be served by public water and sewer:

M-8 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	8 dwelling units per acre
MINIMUM LOT WIDTH	12 feet
MINIMUM SETBACKS	
Front/Street Side	15 feet [1]
Interior Side	0/5 feet [2]
Rear	10 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	50% of lot
MAXIMUM HEIGHT	4 stories/50 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

[2] Zero lot line homes may be built with no setback on one side of the property, but must have at least 14 feet of separation between buildings.

§4.15.4 OTHER REGULATIONS

Development in the M-8 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

ARTICLE 4.16 M-12 MIXED STYLE RESIDENTIAL 12 DISTRICT**§4.16.1 DESCRIPTION**

The M-12, Mixed Style Residential district implements the Mixed Style Residential (Suburban Area) policies of the Comprehensive Plan.

§4.16.2 USE REGULATIONS

Uses are allowed in the M-12 district in accordance with the Use Regulations of Chapter 6.

§4.16.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All residential and nonresidential development in the M-12 district shall be subject to the following density, intensity and dimensional standards and shall provide proof to the Planning Director that the property will be served by public water and sewer:

M-12 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	12 dwelling units per acre
MINIMUM LOT WIDTH	12 feet
MINIMUM SETBACKS	
Front/Street Side	15 feet [1]
Interior Side	0/5 feet [2]
Rear	10 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	50% of lot
MAXIMUM HEIGHT	4 stories/50 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

[2] Zero lot line homes may be built with no setback on one side of the property, but must have at least 14 feet of separation between buildings.

§4.16.4 OTHER REGULATIONS

Development in the M-12 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

ARTICLE 4.17 MHS, LOW-DENSITY MANUFACTURED HOUSING SUBDIVISION DISTRICT**§4.17.1 DESCRIPTION**

The MHS, Low-Density Manufactured Home Subdivision district implements the Mixed Style Residential (Suburban Area) policies and the housing policies of the Comprehensive Plan.

§4.17.2 USE REGULATIONS

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

§4.17.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

MHS DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	6 dwelling units per acre
MINIMUM LOT AREA	5,000 square feet
MINIMUM LOT WIDTH	50 feet
MINIMUM SETBACKS	
Front/Street Side [1]	25 feet
Interior Side	5 feet
Rear	15 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.17.4 OTHER REGULATIONS

Development in the MHS district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. 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 (2) 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 4.26, Waterfront Development Standards, provided that the subdivision meets all other requirements of this Ordinance.

§4.17.5 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 of the MHS zoning district.

ARTICLE 4.18 MHP, MANUFACTURED HOUSING PARK DISTRICT**§4.18.1 DESCRIPTION**

The MHP, Manufactured Housing Park district implements the Residential Moderate Density (Suburban Area) policies of the Comprehensive Plan. It is primarily intended to accommodate manufactured housing park developments.

§4.18.2 USE REGULATIONS

Uses are allowed in the MHP district in accordance with the Use Regulations of Chapter 6.

§4.18.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the MHP district shall be subject to the following density, intensity and dimensional standards:

MHP DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	10 dwelling units per acre
MINIMUM PARK AREA	1 acre
MINIMUM SETBACKS	
Front/Street Side	25 feet [1]
Interior Side	5 feet
Rear	10 feet
OCRM Critical Line	35 feet
MAXIMUM BUILDING COVER	35% of lot
MAXIMUM HEIGHT	35 feet

[1] Front/Street Side Setback reductions up to 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

§4.18.4 OTHER REGULATIONS

Development in the MHP district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

§4.18.5 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

There shall be no less than 4,000 square feet of zoning lot area per manufactured housing unit space.

B. Separation of Service Buildings

Every service building 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. When a property line is on a natural waterway, a property line setback shall not be required.

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 4.19. OR, RESIDENTIAL OFFICE DISTRICT**§4.19.1 DESCRIPTION**

The OR, Residential Office district implements the Commercial (Suburban Area) policies of the Comprehensive Plan.

§4.19.2 USE REGULATIONS

Uses are allowed in the OR district in accordance with the Use Regulations of Chapter 6.

§4.19.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the OR district shall be subject to the following density, intensity and dimensional standards:

OR DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	6,000 square feet
MINIMUM LOT WIDTH	50 feet
MINIMUM SETBACKS	
Front/Street Side	25 feet
Interior Side	5 feet
Rear	5 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	35% of lot
MAXIMUM HEIGHT	35 feet

§4.19.4 OTHER REGULATIONS

Development in the OR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

§4.19.5 SUPPLEMENTAL DISTRICT STANDARDS

In addition to all other applicable provisions of this Ordinance, structures within the OR district shall be subject to the following standards:

A. Architectural Character

Structures in the OR 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 materials 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.

§4.19.6 RESIDENTIAL USES

Residential uses in the OR district shall be subject to the density/intensity and dimensional standards of the R-4 district (Article 4.14).

ARTICLE 4.20 OG GENERAL OFFICE DISTRICT**§4.20.1 DESCRIPTION**

The OG, General Office district implements the Commercial (Suburban Area) policies of the Comprehensive Plan.

§4.20.2 USE REGULATIONS

Uses are allowed in the OG district in accordance with the Use Regulations of Chapter 6.

§4.20.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the OG district shall be subject to the following density, intensity and dimensional standards:

OG DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	2,000 square feet
MINIMUM LOT WIDTH	50 feet
MINIMUM SETBACKS	
Front/Street Side	25 feet
Interior Side	5 feet
Rear	5 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	40% of lot
MAXIMUM HEIGHT	35 feet

§4.20.4 OTHER REGULATIONS

Development in the OG district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

ARTICLE 4.21 CN NEIGHBORHOOD COMMERCIAL DISTRICT**§4.21.1 DESCRIPTION**

The CN, Neighborhood Commercial district implements the Commercial (Suburban Area) policies of the Comprehensive Plan.

§4.21.2 USE REGULATIONS

Uses are allowed in the CN district in accordance with the Use Regulations of Chapter 6.

§4.21.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the CN district shall be subject to the following density, intensity and dimensional standards:

CN DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	4,000 square feet
MINIMUM LOT WIDTH	15 feet
MINIMUM SETBACKS	
Front/Street Side	25 feet
Interior Side	10 feet
Rear	10 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	25% of lot
MAXIMUM HEIGHT	35 feet

§4.21.4 OTHER REGULATIONS

Development in the CN district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

§4.21.5 SUPPLEMENTAL DISTRICT STANDARDS

In addition to any other applicable provisions of this ordinance, structures in the CN district shall be subject to the following performance standards:

A. Floor Area

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 10,000 square feet gross floor area may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the total, combined gross floor area of all principal and accessory structures exceed 10,000 square feet.

B. Enclosed Buildings

All commercial activities, excluding accessory gasoline outlets and restaurants, shall be operated entirely within enclosed buildings.

C. Gasoline Pump Nozzles

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.

ARTICLE 4.22 CT COMMERCIAL TRANSITION DISTRICT**§4.22.1 DESCRIPTION**

The CT, Commercial Transition district implements the Commercial (Transition) policies of the Comprehensive Plan.

§4.22.2 USE REGULATIONS

Uses are allowed in the CT district in accordance with the Use Regulations of Chapter 6.

§4.22.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

CT DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	not designated
MINIMUM LOT WIDTH	
Without shared access	200 feet
With shared access	100 feet
MAXIMUM BUILDING COVER	
1-199 feet road frontage	3,000 gross sq. ft.
200+ feet road frontage	5,000 gross sq. ft.
MAXIMUM HEIGHT	35 feet

§4.22.4 SIGNS

Signs within the CT district shall comply with the following standards:

STANDARD	
Maximum Sign Face Area [square feet]	20
Maximum Sign Height [feet] [1]	6
Maximum Number of Signs per Major Road Frontage [2]	1
Internal Illumination Allowed	No

[1] Freestanding signs shall be monument or pedestal type.

[2] When a parcel abuts more than one road classification, signs will be allowed on the road with the higher classification only.

§4.22.5 OPERATING HOURS

All uses within the CT district shall be limited to operating hours between 6:00 a.m. to 11:00 p.m.

§4.22.6 RESIDENTIAL USES

Residential uses in the CT district shall be subject to the density/intensity and dimensional standards of the R-4 district (Article 4.14).

ARTICLE 4.23 CR RURAL COMMERCIAL DISTRICT**§4.23.1 DESCRIPTION**

The CR, Rural Commercial district implements the Commercial (Rural Landscape-Rural Area and Agricultural Area) policies of the Comprehensive Plan.

§4.23.2 USE REGULATIONS

Uses are allowed in the CR district in accordance with the Use Regulations of Chapter 6.

§4.23.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the CR district shall be subject to the following density, intensity and dimensional standards:

CR DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	40,000 square feet
MINIMUM LOT WIDTH	125 feet
MINIMUM SETBACKS	
Front/Street Side	25 feet
Interior Side	15 feet
Rear	25 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	40% of lot
MAXIMUM HEIGHT	35 feet

§4.23.4 OTHER REGULATIONS

Development in the CR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

ARTICLE 4.24 CC, COMMUNITY COMMERCIAL DISTRICT**§4.24.1 DESCRIPTION**

The CC, Community Commercial district implements the Commercial (Suburban Area) policies of the Comprehensive Plan.

§4.24.2 USE REGULATIONS

Uses are allowed in the CC district in accordance with the Use Regulations of Chapter 6.

§4.24.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the CC district shall be subject to the following density, intensity and dimensional standards:

CC DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	4,000 square feet
MINIMUM LOT WIDTH	15 feet
MINIMUM SETBACKS	
Front/Street Side	None
Interior Side	None
Rear	None
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	35% of lot
MAXIMUM HEIGHT	No Maximum

§4.24.4 OTHER REGULATIONS

Development in the CC district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

§4.24.5 RESIDENTIAL USES

Residential uses in the CC district shall be subject to the density/intensity and dimensional standards of the M-12 district (Article 4.16).

ARTICLE 4.25. I INDUSTRIAL DISTRICT**§4.25.1 DESCRIPTION**

The I Industrial district implements the Industrial (Suburban Area) policies of the Comprehensive Plan.

§4.25.2 USE REGULATIONS

Uses are allowed in the I district in accordance with the Use Regulations of Chapter 6.

§4.25.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

All development in the I district shall be subject to the following density, intensity and dimensional standards:

DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MINIMUM LOT AREA	15,000 square feet
MINIMUM LOT WIDTH	70 feet
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	None
Rear	None
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	No Maximum
MAXIMUM HEIGHT	No Maximum

§4.25.4 OTHER REGULATIONS

Development in the I district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

ARTICLE 4.26. WATERFRONT DEVELOPMENT STANDARDS

The following dimensions have precedence over Base Zoning District standards for subdivision on properties which abut an OCRM Critical Line:

Standard (ft)	RM	AG-15	AG-10	AG-5	AG-R	RR-1	S-1	E-2	S-3	R-2	T-3	R-3
Min. Lot Area	1 Ac	3 Acs	1 Ac	1 Ac	1 Ac	1 Ac	1 Ac	½ Ac	½ Ac	12,000 sq ft	12,000 sq ft	12,000 sq ft
Min. Lot Width (ft)	200	200	175	175	125	125	125	100	100	90	90	90
Min Lot Width Average (ft)	250	250	200	200	150	135	135	125	125	100	100	100
Minimum Buffers/Setbacks (ft)												
OCRM Critical Line Buffer (ft)	35	35	35	35	35	35	35	35	35	15	15	15
Building Setback from OCRM Critical Line (ft)	50	50	50	50	50	50	50	50	50	35	35	35

Notes:

Ac=Acre

Min=Minimum

[1] Landscape buffer standards specified in Chapter 9 may require greater setbacks.

§4.26.1 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).

- A. Reductions from minimum lot width requirements for parcels which abut an OCRM Critical Line may be permitted if the Planning Director determines that one of the following criteria has been met:
 - 1. No more than three (3) waterfront lots are being created from the original parcel and that a reduction of no more than ten percent (10%) of lot width is required for any resulting lot; or
 - 2. 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.

ARTICLE 4.27 PD PLANNED DEVELOPMENT DISTRICT**§4.27.1 DESCRIPTION**

A "Planned Development," as defined by the South Carolina Government Comprehensive Planning Enabling Act of 1994, as amended, Code of Laws of South Carolina, Title 6, Chapter 29 (6-29-740) 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 industrial developments within planned development districts. Planned development districts 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.

§4.27.2 FINDINGS

The County finds and determines that this Article is consistent with the following objectives of the Comprehensive Plan:

- A. Implement a farm and forest land and open space protection program (Objective FFL1);
- B. Provide families and youth with access to parks, recreation areas and facilities (Objective CD5);
- C. Encourage site design that will maintain as much of the development site as possible in natural open space where new development is proposed in rural and agricultural areas outside of existing settlements (Objective WR3, Policy 1);
- D. Implement a system of incentives that will encourage environmentally sensitive site planning that is responsive to the natural characteristics of the land.

New development should be encouraged that will retain buffers along rural and urban waterways, retain natural open space, and reduce impervious surfaces (Objective WR4, Policy 1);

- E. Promote a sufficient supply of a variety of housing units with access to facilities and services (Objective H1);
- F. Increase ownership of affordable housing through new construction, acquisition, and/or rehabilitation (Objective H5);
- G. Increase the housing alternatives for low and moderate income households (Objective H6); and
- H. Increase and preserve affordable housing development and reduce the number of households below the poverty level (Objective CD10).

§4.27.3 DEFINITIONS

In this Chapter, the following term shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

- A. Studio Unit: A dwelling unit that:
 - 1. Has only one combined living and sleeping room; or
 - 2. 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.

§4.27.4 INTENT AND RESULTS

The PD, Planned Development, 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 that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces. The following objectives may be attained through the use of the planned development process:

- A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the standards of this Ordinance that were designated primarily for development on individual lots;
- B. A greater freedom in selecting the means to provide access, light, open space and design amenities;
- C. Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;
- D. A development pattern in harmony with the land use density, transportation facilities and community facilities objectives of the Comprehensive Plan;
- E. The permanent preservation of common open space, recreation areas and facilities;

- F. An efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities;
- G. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities; and
- H. A development pattern that incorporates adequate public safety and transportation-related measures in its design and complements the developed properties in the vicinity and the natural features of the site.

§4.27.5 APPLICABILITY

There shall be no minimum site area requirement for a Planned Development as long as the Planned Development meets all requirements of Article 4.27 of this Ordinance.

§4.27.6 DEVELOPMENT STANDARDS

Development standards of the underlying zoning district pertaining to density, lot size, location, and arrangement of buildings and structures, lot dimensions, and landscaping may be altered in Planned Development Districts. The underlying standards of the zoning district may be altered only if the development will serve an overriding public interest and/or public safety concern. The development standards listed below, those in the approved Planned Development Stipulations, and any in the approved Planned Development Sketch Plan(s) shall apply.

A. Maximum Density

The maximum allowed density increase in a planned development may not exceed the maximum density as stated in Table 3.2.1 of the Charleston County Comprehensive Plan, as amended. Density and lot area calculations shall comply with the requirements contained in Article 4.2, Measurements, Computations and Exceptions. In order to achieve the maximum density, the following minimum amounts of common open space, as defined in this Ordinance, shall apply where applicable:

1. 0.2 acres of common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is required for parcels located in the Rural and Agricultural Areas; or
2. If the parcel is located in the Suburban Area, the following standards shall apply:
 - a. Where the underlying zoning district is Single Family Residential (R-2, R-3, or R-4) and all requirements of this Ordinance are met, a maximum density of not more than two times the maximum allowable density in the underlying zoning district may be permitted when 0.05 acres of common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is provided. A density bonus of up to 25% may be approved by County Council when affordable housing units are provided in accordance with the provisions of Section 4.27.8 of this Ordinance; and
 - b. Where the underlying zoning district is Mixed Style Residential (M-8 or M-12) and all requirements of this Ordinance are met, a maximum density of not more than two times the maximum allowable density in the underlying zoning district may be permitted when 0.05 acres of

common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is provided. A density bonus may be approved by County Council when affordable housing units are provided in accordance with the provisions of Section 4.27.8 of this Ordinance.

B. Dimensional Standards

1. The Waterfront Development Standards of the base zoning district, as set forth in Article 4.26 of this Ordinance, shall be applied to all waterfront lots within the planned development.
2. Each lot located on the perimeter of the planned development shall maintain the rear yard setback requirements and any buffer requirements of the adjacent zoning district.

C. Architectural Standards

The Architectural Design Guidelines of Article 9.6 shall apply to all proposed planned developments. Modifications to the Architectural Design Guidelines may be proposed in a planned development request where the Planning Director determines that the architectural design of the proposed development is compatible with the architectural design of development on adjacent properties.

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 should connect to adjoining neighborhoods/developments. Cul-de-sacs, T-turnarounds, and dead-end streets are discouraged.
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.

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

1. A minimum vegetated buffer of forty (40) feet shall be required where industrial uses abut residential uses.
2. All intervening spaces between the right-of-way line and project building

line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

H. Areas Designated for Future Use

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.

I. Signs

Specifications of size, type, height, setback, location, design, illumination, and number of signs shall be included in the planned development guidelines. Specifications shall be as restrictive or more restrictive than the standards set forth in this Ordinance.

J. Parking

Parking shall be provided in accordance with the standards set forth in Article 9.3 of this Ordinance. Modifications to the parking standards of Article 9.3 may be proposed in a planned development request where the Planning Director determines that the amount of parking requested and its location is sufficient for the use proposed.

K. Resource Areas

1. Planned developments shall protect any resources determined significant by the 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.

§4.27.7 COMMON OPEN SPACE

A. Common open space area shall be located to preserve any significant resources. Where common open space is designated, the following standards shall apply:

1. The common open space area shall be detailed on each Sketch Plan and recorded with the Final Plat (as approved under Article 8.5 of this Ordinance) or separate instrument.
2. The proposed common open space shall be usable and appropriate to the size of the development and to the new residents of the planned development. The purpose of common open space is to permit areas, which 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. 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. Common open space may include

unimproved land, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to recreational uses, as well as 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 subsection C below. "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.

3. The total combined acreage of freshwater wetlands, detention ponds, and buffers to be used as open space shall not comprise more than forty percent (40%) of the open space requirement as stated in this Section.
4. Land designated as common open space shall not be occupied by streets, drives, parking areas, or structures, other than recreational structures.
5. All property owners in the planned development shall have access to the open space by means of a public or private street or walkway in an easement a minimum of 20 feet in width.
6. Common open space shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase.
7. 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.

§4.27.8

AFFORDABLE DWELLING UNITS

- A. As an incentive to provide affordable dwelling units, County Council may approve a density bonus above the maximum allowable density provided for in

Section 4.27.6A. This density bonus is only applicable to properties located in the Suburban Area and shall only apply to affordable housing units (no market rate units may be included in the density bonus).

- B. Zoning permit fees for affordable dwelling units shall be reimbursed upon the request of the developer and certification that the dwelling units are affordable, as defined in Section 4.27.3A.
- C. If affordable dwelling units are provided within a planned development, the following requirements shall apply:
 - 1. Affordable dwelling units shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase;
 - 2. Affordable 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; and
 - 4. In no instance shall more than fifty percent (50%) of the affordable dwelling units be provided in the form of studio units.

§4.27.9

PLANNED DEVELOPMENT PROCEDURE

This procedure involves a pre-application conference, a community workshop and approval of a PD development plan and PD zoning map amendment.

- A. **Pre-Application Conference**
Before submitting a PD Development Plan for Planned Development, the applicant shall confer with the Planning Director and any other officials designated by the Planning Director. The purpose of this pre-application conference is to discuss the proposal and the applicable development review and approval procedures.
- B. **Community Workshop**
After the pre-application conference, it is recommended that the applicant hold one (1) or more community workshops. The purpose of a community workshop 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.
- C. **PD Development Plan**
 - 1. **Application**
After the required pre-application conference, a complete application for PD Development Plan approval must be submitted to the Planning Director on a form established by the Planning Director including an approved and recorded plat showing the current property lines of the property/properties to be included in the planned development, a current

recorded deed, and all applicable fees. If the proposed development is zoned R-2, R-3, or R-4 and would exceed the maximum density of the Residential Low Density Future Land Use Designation in the Comprehensive Plan, a Comprehensive Plan Amendment must be approved concurrently with a Planned Development application (see Article 3.2, Comprehensive Plan Amendment). County Council may waive the fees at their discretion. The PD Development Plan application shall include the requested Planned Development Stipulations and Sketch Plan. The Sketch Plan shall be drawn to scale.

- a. The following shall be included in the requested Planned Development Stipulations:
 - i. 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;
 - ii. A statement of objectives of the proposed development;
 - iii. 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;
 - iv. A table of proposed land uses including:
 - a. A table of proposed maximum and average residential densities for each residential use (The applicant may refer to the density ranges listed in the Charleston County Comprehensive Plan for residential densities);
 - b. The maximum total acreage of each residential use, including affordable dwelling units, if applicable;
 - c. The maximum allowable number of each type of residential unit requested, including affordable dwelling units, if applicable;
 - d. The maximum proposed floor area ratios (% of lot in relation to building floor area), and the maximum building/lot coverage for each non-residential use; and
 - e. All dimensional and lot standards requested, for each land use type designated.
 - v. A description of the affordable dwelling units, if applicable, including location, unit type, and cost analysis;
 - vi. An analysis of the impact of the proposed development on existing public facilities and services (e.g. roads and streets, water, sewer, etc.). Any proposed future improvements to these facilities and services to be made as part of the planned

development shall also be included;

- vii. A traffic study that meets the requirements of Article 9.9 of this Ordinance for planned developments that contain (1) 50 or more dwelling units or (2) 5 or more acres of nonresidential development;
 - viii. 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, percentage and acreage of common open space to be included in each phase, and percentage, number and acreage of affordable dwelling units to be included in each phase (if applicable);
 - ix. A statement indicating how any common open space/recreation areas will be owned or managed;
 - x. A statement indicating how all roads and alleys will be owned and maintained;
 - xi. 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 stipulations;
 - xii. 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;
 - xiii. A statement that the provisions of Article 3.10, Variances, of this Ordinance shall not apply to the planned development and that all major changes to the planned development must be approved by County Council. Three variances may be granted in accordance with this Article and all other sections of this Ordinance;
 - xiv. Letters of coordination from all agencies from which the applicant must either (1) obtain permits or (2) obtain services and/or facilities; and
 - xv. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.
- b. The following shall be included on the requested Sketch Plan. Multiple Sketch Plans may be submitted. Sketch Plans shall be drawn to scale.
- i. 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.;

- ii. Conceptual lot lines;
- iii. Pedestrian and motor traffic circulation;
- iv. 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;
- v. 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. Significant trees shall be shown on residential lots greater than one acre. Tree surveys for non-residential uses shall conform with the standards of Section 9.4.3 of this Ordinance;
- vi. Architectural elevations for each type of residential and nonresidential unit;
- vii. The general location, size, and capacity of all existing and proposed water and sewer lines;
- viii. Areas to be included in each phase of development, including the location of all common open space areas and/or affordable housing units to be included in each phase;
- ix. The location of all construction entrances;
- x. A Landscaping Sketch Plan including the location and composition of all screening and buffering materials;
- xi. 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
- xii. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.

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 Section 3.1.6 of this Ordinance.

3. Planning Director Review and Report

Once an application is deemed complete and to contain all information required herein by the 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. The Planning Director shall prepare a staff report that reviews the PD Development Plan application.

4. Planning Commission Review and Recommendation

The Planning Commission shall 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. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 4.27.9.C.6. The Planning Commission shall submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the PD Development Plan was introduced.

At any time prior to action by the Planning Commission, 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 and the Planning Director shall represent the Planning Staff. A majority vote of the entire Planning Commission membership 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.

5. County Council Hearing and Decision

After receiving the recommendation of the Planning commission, the County Council shall hold at least 1 public hearing, and any time after the close of the public hearing, take action to approve, approve with conditions or deny the proposed PD Development Plan based on the Approval Criteria of Section 4.27.9.C.6 of this Chapter. 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. Within ten (10) working days of approval by County Council of a planned development, the applicant shall submit three (3) copies of the approved Planned Development Guidelines and Sketch Plan to the Planning Department. This plan shall contain all changes and conditions approved by Council. The approval of a planned development shall deem it to be a new zoning district with its own zoning designation.

6. Approval Criteria

Applications for PD Development Plan approval may be approved only if the County Council determines that the following criteria are met:

- a. The PD Development Plan complies with the standards contained in this Article;
- b. The development is consistent with the intent of the Comprehensive Plan and other adopted policy documents; and
- c. 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.

§4.27.10 IDENTIFICATION OF ZONING MAPS

Approved PDs shall be indicated on the official zoning map.

§4.27.11 COMPLIANCE WITH OTHER REGULATIONS

Unless expressly stated in this Section or approved at the time of a Planned Development approval, all applicable standards of this Ordinance and other law shall apply to development within a Planned Development. Planned Developments 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. All development, other than single family residential, shall comply with the Site Plan Review Requirements of this Ordinance.

§4.27.12 SUBDIVISION OF LAND LOCATED WITHIN APPROVED PLANNED DEVELOPMENTS

All subdivision of land located within approved planned developments shall be deemed a Major Subdivision, as defined in Section 8.3.3 of this Ordinance.

CHAPTER 6 | USE REGULATIONS

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CHAPTER 6 | USE REGULATIONS

ARTICLE 6.1 USE TABLE

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

ARTICLE 6.2 DEFINITIONS

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

ARTICLE 6.3 USE TYPES

§6.3.1 ☒ A USES ALLOWED BY RIGHT

An "A" indicates that a use type is allowed by right in the respective zoning district, subject to compliance with all other applicable regulations of this Ordinance.

§6.3.2 ☒ C USES SUBJECT TO CONDITIONS

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

§6.3.3 ☒ S SPECIAL EXCEPTION USES

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

§6.3.4 ☐ USES NOT ALLOWED

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

§6.3.5 NEW OR UNLISTED USES AND USE INTERPRETATION

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

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TABLE 6-12f

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TABLE 6.3.1		ZONING DISTRICTS												Code	
		RM	RS	RT	RT-2	RT-3	RT-4	RT-5	RT-6	RT-7	RT-8	RT-9	RT-10	RT-11	RT-12
Group Care Home, Residential (up to 20 children)	S	S	S	S	S	S	S	S	S	S	S	S	S		
Group Residential, including Fraternity or Sorority Houses, Dormitories, or Residence Halls	S	S	S	S	S	S	S	S	S	S	S	S	S		
Manufactured Housing Unit	A	A	A	A	C	C	C	C	C	C	C	C	C	A	\$ 6.4.24
Manufactured Housing Unit, Replacement	A	A	A	A	A	A	A	A	A	A	A	A	A	A	\$ 6.4.24
Manufactured Housing Park														A	
Multi-Family, including Condominiums or Apartments														A	
Retirement Housing	S	S	S	S	S	S	S	S	S	S	S	S	S		\$ 6.4.5
Retirement Housing, Limited (up to 10 residents)	S	S	S	S	S	S	S	S	S	S	S	S	S		\$ 6.4.2
Single family Attached, also known as Townhouses or Rowhouses														C	C
Single family Detached	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C
Affordable Dwelling Units	S	S	C	C	C	C	C	C	C	C	C	C	C		\$ 6.4.19
Single family Detached/Manufactured Housing Unit (Joint) or Two Manufactured Housing Units (Joint)	A	A	A	A	C	C	C	C	C	C	C	C	C		\$ 6.4.24
Transitional Housing, including Homeless and Emergency Shelters, Pre-Parole Detention Facilities, or Halfway Houses														S	S
															A
ONC INSTITUTIONAL															
COURTS AND PUBLIC SAFETY															
Court of Law	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Correctional Institutions															A
Parole Offices or Probation Offices															A
Safety Services, including Emergency Medical or Ambulance Service, Fire Protection, or Police Protection	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
DAY CARE SERVICES															
Adult Day Care Facilities		C	C	C	C	C	S	S	S	S	S	S	S	S	\$ 6.4.29
Child Day Care Facilities, including Group Day Care Home or Child Care Center		C	C	C	C	C	S	S	S	S	S	S	S	S	\$ 6.4.29
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	S

TABLE 6-1-1 ZONING DISTRICTS														General	
	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	CE-7	CE-8	CE-9	CE-10	CE-11	CE-12	CE-13	CE-14	CE-15
DEATH CARE SERVICES															
Cemeteries or Crematories	A	A	A	A	C	C	C	C	C	C	C	C	C	A	A § 6.4.53
Funeral Services, Including Funeral Homes or Mortuaries														A	A A
EDUCATIONAL SERVICES															
Pre-school or Educational Nursery														S	A A § 6.4.29
School, Primary														S	S
School, Secondary														S	S
College or University Facility														S	S A A
Business or Trade School														S	S S A A
Personal Improvement Education, Including Fine Arts Schools or Automobile Driving Schools														S	S C A A § 6.4.26
HEALTH CARE SERVICES															
Medical Office or Outpatient Clinic, Including Psychiatrist Offices, Abortion Clinics, Chiropractic Facilities, or Ambulatory Surgical Facilities														A	A A A A
Community Residential Care Facilities														S	S A
Convalescent Services, including Nursing Homes														S	S A
Counseling Services, including Job Training or Placement Services														A	A A A A
Intermediate Care Facility for the Mentally Retarded														S	S A
Public or Community Health Care Centers														A	A A
Health Care Laboratories, including Medical Diagnostic or Dental Laboratories														A	A A A A
Home Health Agencies														A	A A A A
Hospitals, including General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric or Substance Abuse Hospitals, or Hospices														S	A S A S
Outpatient Facilities for Chemically Dependent or Addicted Persons														S	S S A
Rehabilitation Facilities														S	A A A A A
Residential Treatment Facility for Children or Adolescents (mental health treatment)														S	S A A

TABLE 6-1-1											
ZONING DISTRICTS											
MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS											
Historical Sites (Open to the Public)	C	C	C	C	C	C	C	C	C	C	\$ 8.4.27
Libraries or Archives	A	A	A	A	A	A	A	A	A	A	A
Museums											
Nature Exhibition	C	C	C	C	C	C	C	C	C	C	\$ 8.4.10
Botanical Gardens	A	A	A	A	A	A	A	A	A	A	\$ A
Zoos											\$ S
POSTAL SERVICE											
Postal Service, United States	C	C	C	C	C	C	C	C	C	C	\$ 8.4.28
RECREATION AND ENTERTAINMENT											
Community Recreation, including Recreation Centers	A	A	A	A	A	A	A	A	A	A	A
Fishing or Hunting Guide Service (Commercial)	A	A	A	A	A	A	A	A	A	A	A
Fishing or Hunting Lodge (Commercial)	A	A	A	A	A	A	A	A	A	A	A
Golf Courses or Country Clubs											\$ 8.4.30
Parks and Recreation	C	C	C	C	C	C	C	C	C	C	\$ 8.4.11
Recreation and Entertainment, Indoor, including Billiard Parlors, Bowling Centers, Ice or Roller Skating Rinks, Indoor Shooting Ranges, Theaters, or Video Arcades											\$ 8.4.30
Recreation and Entertainment, Outdoor, including Amusement Parks, Fairgrounds, Miniature Golf Courses, Race or Go-Cart Tracks, or Sports Arenas											\$ 8.4.11
Drive-In Theaters											\$ 8.4.11
Golf Driving Ranges											\$ 8.4.11
Outdoor Shooting Ranges	C	C	C	C	C	C	C	C	C	C	\$ 8.4.11
Recreation or Vacation Camps	C	C	C	C	C	C	C	C	C	C	\$ 8.4.11
RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS											
Business, Professional, Labor, or Political Organizations											A
Social or Civic Organizations, including Youth Organizations, Sororities, or Fraternities											\$ A
Religious Assembly	C	C	C	C	C	C	C	C	C	C	\$ 8.4.13
Social Club or Lodge											\$ A

ZONING DISTRICTS										ZONING DISTRICTS									
TABLE 6.1.1										TABLE 6.1.1									
UTILITIES AND WASTE-RELATED USES										UTILITIES AND WASTE-RELATED USES									
Utility Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Electric or Gas Power Generation Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Electrical or Telephone Switching Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sewage Collector or Trunk Lines	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sewage Disposal Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Mains	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water or Sewage Treatment Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Storage Tank	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility Service, Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Electric or Gas Power Distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Sewage Collection Service Line	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Water Service Line	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Waste-Related Uses																			
Hazardous Waste Treatment or Disposal																			
Nonhazardous Waste Treatment or Disposal																			
Septic Tank Installation, Cleaning, or Related Services																			
Solid Waste Combustors or Incinerators, including Cogeneration Plants																			
Solid Waste Disposal Facility (Public or Private)	C																		
Waste Collection Services																			
Waste Transfer Facilities																			
COMMERCIAL										COMMERCIAL									
ACCOMMODATIONS										ACCOMMODATIONS									
Bed and Breakfast Inns	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Hotels or Motels																			
Rooming or Boarding Houses																			
RV (Recreational Vehicle) Parks or Campgrounds	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
ANIMAL SERVICES										ANIMAL SERVICES									
Kennel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Pet Stores or Grooming Salons																			

TABLE 6.1.1											
OTHER NONRESIDENTIAL DEVELOPMENT											
Convention Center or Visitors Bureaus											
Heavy Construction Services or General Contractors, including Paving Contractors, or Bridge or Building Construction											
Office/Warehouse Complex											
Off-Premises Sign (e.g. Billboard)											
Special Trade Contractors (Offices/Storage)											
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 Air-Conditioning Contractors											
Roofing, Siding or Sheet Metal Contractors											
Tile, Marble, Terrazzo or Mosaic Contractors											

TABLE 5.11 ZONING DISTRICTS													Comprehensive Zoning Ordinance
	PD	AG	AG-1	AG-2	AG-3	AG-4	AG-5	AG-6	AG-7	AG-8	AG-9	AG-10	AG-11
PARKING, COMMERCIAL													
Parking Lots												A	A § 6.4.37
Parking Garages												A	A
RENTAL AND LEASING SERVICES													
Charter Boat or other Recreational Watercraft Rental Services												S	Art. 5.3
Commercial or Industrial Machinery or Equipment Rental or Leasing													A
Construction Tools or Equipment Rental												A	A
Consumer Goods Rental Centers												A	A
Consumer Goods Rental Service, including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items												C	A § 6.4.38
Heavy Duty Truck or Commercial Vehicle Rental or Leasing													A
Self-Service Storage / Mini Warehouses												C	A § 6.4.16
Vehicle Rental or Leasing, including Automobiles, Light or Medium Duty Trucks, Motorcycles, Moving Vans, Utility Trailers, or Recreational Vehicles												A	A
REPAIR AND MAINTENANCE SERVICES													
Boat Yard													§ 6.4.39 Art. 5.3
Repair Service, Consumer, including Appliances, Shoes, Watch, Furniture, Jewelry, or Musical Instrument Repair Shops												C	A § 6.4.40
Repair Service, Commercial, including Electric Motor Repair, Scientific or Professional Instrument Repair, Tool Repair, Heavy Duty Truck or Machinery Servicing and Repair, Tire Retreading or Recapping, or Welding Shops												S	A
Vehicle Repair, Consumer, including Muffler Shops, Auto Repair Garages, Tire or Brake Shops, or Body or Fender Shops												S	A § 6.4.22
Vehicle Service, Limited, including Automotive Oil Change or Lubrication Shops, or Car Washes												C	A § 6.4.22

TABLE 8.1.1 ZONING DISTRICTS		ZONING DISTRICTS															Permitted		
		CC	CD	CS	GC	GP	HC	HO	LC	LS	MC	ML	MS	PC	Permitted	Prohibited			
RETAIL SALES																			
Nonstore Retailers																		A	A
Direct Selling Establishments																		A	A
Electronic Shopping or Mail-Order Houses																		A	A
Fuel (except liquefied petroleum gas) Dealers, including Heating Oil Dealers																			
Liquefied Petroleum Gas (Bottled Gas) Dealers																		A	A
Vending Machine Operators																		A	A
Building Materials or Garden Equipment and Supplies Retailers																	C	C	A
Hardware Stores																	C	C	A
Home Improvement Centers																			
Garden Supplies Centers																			
Outdoor Power Equipment Stores																			
Paint, Varnish, or Wallpaper Stores																			
Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops																	C	C	A
Liquor, Beer, or Wine Sales																			
Retail Sales or Services, General																	S	S	
Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store																	C	C	A
Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods or Related Products Store																	C	C	A
Convenience Stores																			
Drug Stores or Pharmacies																			
Copying or Quick Printing Services																	C	C	A
Electronics, Appliance, or Related Products Store																	C	C	A
Florist																	C	C	A
Furniture, Cabinet, Home Furnishings, or Related Products Store																	C	C	A
Pawn Shop																			
Private Postal or Mailing Service																	C	C	A
Tobacconist																			
Sweetgrass Basket Stands		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

TABLE 6.11 ZONING DISTRICTS	ZONING DISTRICTS												Conditional Use
	DR	DC	DD	DD-1	DD-2	DD-3	DD-4	DD-5	DD-6	DD-7	DD-8	DD-9	
Warehouse Clubs or Superstores													A
Service Stations, Gasoline (with or without convenience stores)													A
Truck Stop													A
Vehicle Sales (new or used)													A
Automobiles, or Light or Medium Duty Truck Dealers													A
Heavy Duty Truck or Commercial Vehicle Dealers													A
Manufactured (Mobile) Home Dealers													A
Motorcycle, Watercraft, or Recreational Vehicle Dealers													A
Vehicle Parts, Accessories or Tire Stores													A
RETAIL OR PERSONAL SERVICES													
Consumer Convenience Service													A
Automated Bank / Teller Machines													A
Drycleaners or Coin-Operated Laundries													A
Drycleaning or Laundry Pick-up Service Stations													A
Locksmith													A
One-Hour Photo Finishing													A
Tailors or Seamstresses													A
Hair, Nail, or Skin Care Services, including Barber Shops or Beauty Salons	C	C	C	C	C	C	C	C	C	C	C	C	A
Personal Improvement Services, including Dance Studios, Health or Physical Fitness Studios, Photography Studios, or Reducing Studios													A
Tattoo Parlors													S
Services to Buildings or Dwellings, including Carpet or Upholstery Cleaning, Exterminating, or Janitorial services													A

TABLE 3.1 ZONING DISTRICTS													Ordinance
	RT	LD	LC	NC	NC2	NC3	NC4	NC5	NC6	NC7	NC8	NC9	Ordinance
Landscaping and Horticultural Services to commercial, industrial, or institutional buildings, and residences	C	C	C	C	S	C	S	S			C	C	A A A A § 6.4.48
VEHICLE AND WATERCRAFT STORAGE													
Vehicle Storage, including Bus Barns, Boat or RV Storage, or Impound Yards													A A
Boat Ramps	C	C	C	C	C	C	C	C	C	C	C	C	Art. 5.3, §5.3.4
Community Dock	S	S	S	S	S	S	S	S	S	S	S	S	Art. 5.3, §5.3.3
Commercial Dock		S	S	S	S	S	S	S	S	S	S	S	Art. 5.3, §5.3.6
Marina			S	S	S	S	S	S	S	S	S	S	Art. 5.3, §5.3.5
WHOLESALE SALES													
Aircraft Wholesalers, including Related Parts													A A
Beverage or Related Products Wholesalers, including Alcoholic Beverages													A A
Book, Periodical, or Newspaper Wholesalers													A A
Chemical Wholesalers (except Pharmaceutical Products, Fertilizers, or Pesticides)													A A
Clay or Related Products Wholesalers												S	A A
Computers or Electronic Products Wholesalers													A A
Construction Material Wholesalers, including Brick, Cement, Concrete, Lumber, Millwork, Plywood, Shell, Stone, Wood Panel or other Related Materials												S	A A
Electrical Equipment, Appliances or Components Wholesalers													A A
Fabric or Apparel Wholesalers													A A
Farm Supplies or Equipment Wholesalers													A A
Flower, Nursery Stock or Florists' Supplies Wholesalers	A	A	A	A								S	A A
Food or Related Products Wholesalers													A A
Furniture, Cabinets, or Related Products Wholesalers													A A
Glass or Related Products Wholesalers													A A

TABLE 8.11 ZONING MAP	ZONING MAP										Notes
	General	Light Industrial	Medium Density Residential	High Density Residential	Office	Neighborhood Commercial	Community Commercial	Regional Commercial	Office	Office	
Leather Products Wholesalers											A A
Machinery, Tools, or Construction Equipment Wholesalers											A A
Manufactured Home (Mobile Home) or other Prefabricated Structures Wholesalers											A A
Metal or Mineral (except Petroleum) Wholesalers											A A
Motor Vehicles (Commercial or Passenger) or Trailers Wholesalers, including Related Parts											A A
Paint, Varnish or Related Supplies Wholesalers											A A
Paper or Paper Products Wholesalers											A A
Petroleum Wholesalers											A A
Pharmaceutical Wholesalers											A A
Plastics or Rubber Products Wholesalers											A A
Professional or Commercial Equipment or Supplies Wholesalers, including Office, Medical, or Restaurant Equipment											A A
Sign Wholesalers											A A
Tobacco or Related Products Wholesalers											A A
Toy or Artwork Wholesalers											A A
Watercraft (Commercial or Recreational) Wholesalers, including Related Parts											A A
Wood Products Wholesalers											A A
Other Miscellaneous Wholesale Sales											S A
INDUSTRIAL SERVICES											
Drycleaning or Carpet Cleaning Plants											A
Laundries, Commercial											A
Photo Finishing Laboratories											A
Research and Development Laboratories											A
Scrap and Salvage Service, including Automotive Wrecking Yards, Junk Yards, Parts Salvage, Paper Salvage Yards, Wholesale Scrap or Waste Materials Establishments, or Materials Recovery Facilities											S

TABLE 6.1.1

MANUFACTURING AND PRODUCTION

Manufacturing and Production	Zoning Districts												Conditional
	AM	CM	DM	EM	FM	GM	HM	IM	JM	LM	PM	RM	
Aircraft Manufacturing, including Related Parts													A
Beverage or Related Products Manufacturing, including Alcoholic Beverages													A
Cement or Concrete Products Manufacturing, including Concrete Batching or Asphalt Mixing													A
Chemical Manufacturing, including Pharmaceutical Products, Chemical Fertilizers or Pesticides													S
Clay or Related Products Manufacturing													A § 6.4.57
Computers or Electronic Products Manufacturing													A § 6.4.57
Electrical Equipment, Appliances or Components Manufacturing													A § 6.4.57
Fabric or Apparel Manufacturing, including Textile Mills													A
Food or Related Products Manufacturing													A
Furniture, Cabinets or Related Products Manufacturing													A § 6.4.57
Glass or Related Products Manufacturing													A § 6.4.57
Leather Products Manufacturing, including Tanneries													A
Machinery, Tools, or Construction or Construction Equipment Manufacturing, including Farm Equipment													A § 6.4.57
Manufactured Home (Mobile Home) or other Prefabricated Structures Manufacturing													A
Metal, Petroleum, Coal, and other Mineral Products Manufacturing, including Refineries													A
Motor Vehicle (Commercial and Passenger) or Trailer Manufacturing, including Related Parts													A
Paint, Varnish or Related Supplies Manufacturing													A
Plastics or Rubbers Products Manufacturing													A
Printing Press Production or Lithography													A § 6.4.57

TABLE 6-10a ZONING DISTRICTS	ZONING DISTRICTS												Conditional
	PM	TE	BE	MS	IS	CG	RS	CS	PO	PD	ME	CA	CO
Professional or Commercial Equipment or Supplies Manufacturing, including Office, Medical, Restaurant Equipment, or Specialty Items													C A \$ 8,4.57
Pulp or Paper Mills													S
Rendering Plants													S
Sign Manufacturing													A
Slaughter House and Meat Packing													S
Stone or Shell Products Manufacturing													C B \$ 8,4.57
Tobacco Products Manufacturing													A
Toy or Artwork Manufacturing				C	C	C							C C C A \$ 5,4.57
Watercraft (Commercial or Recreational) Manufacturing, including Related Parts													A
Wood Products Manufacturing				C	C	C							C C C A \$ 6,4.57
Other Miscellaneous Manufacturing and Production				C	C	C							C C C A \$ 6,4.57
WAREHOUSE AND FREIGHT MOVEMENT													
Warehouse and Distribution Facilities													A
Cold Storage Plants													A
Freight Container Storage Yards, excluding Fuel Storage Facilities													C \$ 8,4.52
Fuel Storage Facilities													C C \$ 6,4.49
Freight Forwarding Facilities, including Truck Terminals, Marine Terminals, or Packing and Crating Facilities													A
Fuel Storage Facilities, excluding Nuclear Fuels													A
Household Moving Storage													A
Grain Terminals and Elevators													A
Panel Services													A
Retail Store Warehouses													A
Stockpiling of Sand, Gravel, or other Aggregate Materials													A
Storage of Weapons or Ammunition													S

ZONING DISTRICTS														Penalty	
TABLE 6.11															
OTHER USES															
RECYCLING SERVICES															
Recycling Center														A	
Recycling Collection, Drop-Off	C	C	C	C	C	C	C	C	C	C	C	C	C	C	\$9,455
RESOURCE EXTRACTION/MINING															
Resource Extraction/Mining, including Borrow Pits, Mining, Oil or Gas Extraction, Quarries, or Sand or Gravel Operations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	\$6,414
TRANSPORTATION															
Aviation, including Private Air Strips	S	S	S	S	S	S	S	S	S	S	S	S	S	C	\$9,455
Railroad Facility														A	
Sightseeing Transportation, Land or Water	S	S	S	S	S	S	S	S	S	S	S	S	S	A	Art 5.3
Taxi or Limousine Service														A	
Urban Transit Systems														A	
Water Transportation, including Coastal or Inland Water Passenger Transportation														A	Art 5.3

ARTICLE 6.4. USE CONDITIONS

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

§6.4.1 ANIMAL PRODUCTION AND AGRICULTURAL PROCESSING USES

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

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

§6.4.2 ATTACHED SINGLE FAMILY DWELLINGS

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

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

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

E. Other Requirements

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

§6.4.3 HAIR, NAIL OR SKIN CARE SERVICES

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

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

§6.4.4 BED AND BREAKFASTS

Bed and Breakfasts shall be subject to the following standards.

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

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

§6.4.5 COMMUNICATIONS TOWERS

A. Purpose and Legislative Intent

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

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

B. Co-Location Exemption

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

C. Stealth Tower Provision

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

D. Tower Abandonment

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

E. Pre-Application Meeting

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

F. Zoning Permit Submittal Requirements

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

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

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

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

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

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

G. Retention of Expert Assistance and Reimbursement by Applicant

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

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

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

H. Surrounding Property Owner Notification

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

I. Time Limit for Staff Review

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

J. Zoning Permit Approval Criteria

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

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

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

§6.4.6 DRIVE-IN THEATERS

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

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

§6.4.7 DWELLING GROUPS

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

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

§6.4.8 RETIREMENT HOUSING, LIMITED

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

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

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

§6.4.9 FARM LABOR HOUSING

Farm Labor Housing shall be subject to the following standards:

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

§6.4.10 NATURE EXHIBITIONS

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

§6.4.11 PARKS, RECREATION AND OUTDOOR RECREATION/ENTERTAINMENT

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

§6.4.12 RECREATIONAL VEHICLE PARKS

Recreational Vehicle Parks shall be subject to the following standards:

A. Location and Access

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

B. Site Conditions

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

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

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

D. Site Planning and Required Improvements

Site Planning and Improvements shall provide for:

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

E. Relation of Spaces to Public Streets

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

§6.4.13 RELIGIOUS ASSEMBLY

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

§6.4.14 RESOURCE EXTRACTION/MINING

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

§6.4.15 RESTAURANTS, BARS AND LOUNGES SERVING ALCOHOLIC BEVERAGES

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

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

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

A. Performance Standards**1. Front Setback**

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

2. Side and Rear Buffers/Screening

- a. Where projects abut lots zoned office, commercial, or industrial, no side and rear setbacks are required.
- b. Where sites abut residentially zoned properties, buildings adjacent to the perimeter must face inward with their doors away from such areas.

3. Building Lengths and Access

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

4. Accessory Office/Apartment

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

5. Parking and Circulation

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

6. Signs

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

B. Operating Conditions**1. Commercial Activities**

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

2. Commercial Repair Activities

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

3. Storage of Flammable Substances

Storage of flammable chemical substances within the complex is prohibited.

4. Open Storage

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

§6.4.17 SEWAGE DISPOSAL FACILITIES

Sewage Disposal Facilities shall be subject to the following standards:

- A. Sewage Disposal Facilities shall comply with the Site Plan Review requirements of this Ordinance; and

- B. Any structure established in connection with such uses shall have a setback of not less than 50 feet from any property line.

§6.4.18 SEXUALLY ORIENTED BUSINESSES

A. Purpose and Intent

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

B. Findings of Fact

1. There are a number of sexually oriented businesses in Charleston County and it is in the interests of the health, safety, and welfare of the patrons of such businesses, as well as the citizens of Charleston County, to provide certain minimum standards and regulations for sexually oriented businesses, as well as the operators and employees of such businesses.
2. Sexually oriented businesses generate secondary effects that are detrimental to the public health, safety and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches or parks and playgrounds.
3. The concern over sexually transmitted diseases is a legitimate health concern of the county which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of our citizens.
4. Live entertainment presented by some sexually oriented businesses involves a considerable amount of bodily contact between patrons and semi-nude and nude employees and dancers, including physical contact, such as hugging, kissing and sexual fondling of employees and patrons. Many sexually oriented businesses have "couch" or "straddle" dancing, and in these "dances," employees sometimes do such things as sit in a patron's lap, place their breasts against the patron's face while physical contact is maintained, and gyrate in such a manner as to simulate sexual intercourse. Such behavior can lead to prostitution. The County Council recognizes that preventing prostitution and the spread of sexually

transmitted diseases are clearly within its police powers: *Southeastern Promotions, Inc. v. Conrad*, 341 F. Supp. 465, 477 (E.D. Tenn. 1972), rev'd on other grounds, 420 U.S. 546 (1975). The County Council believes that prohibiting physical contact between performers and patrons at a sexually oriented business establishment is a reasonable and effective means of addressing these legitimate governmental interests.

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

C. Definitions

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

1. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. "Adult bookstore", "Adult retail store" or "Adult video store" means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held opened to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are sold, rented or displayed therein, (unless the business complies with the requirements of Section 6.4.18C.2.c. herein) or, which has as one of its principal business purposes, the sale or rental of any form, for consideration, one or more of the following:

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

- c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 4. "Adult car wash" means a car wash where some or all of the employees are semi-nude or nude and/or where "specified sexual activities" occur or "specified anatomical areas" are exhibited.
- 5. "Adult motel" means a hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and which may have a sign visible from the public right-of-way which advertises the availability of these types of photographic reproductions, or
 - b. Routinely offers a sleeping room for rent for a period of time that is less than eight hours, or
 - c. Routinely allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight hours, or
 - d. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section.
- 6. "Adult motion picture theater" means a commercial motion picture theater, one of whose principal business purposes is, for any form of consideration, to regularly show films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 7. "Adult theater" means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose principal business purposes is to regularly feature persons who appear in a state of nudity, or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- 8. "Certificate of Nonconformity" means a certificate issued by the Charleston County Planning Department to any sexually oriented business which is operating at the time of the enactment of this Chapter, and is not in compliance with one or more of its provisions.

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

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

percent, as the floor areas exist on the date the original Charleston County Zoning Permit was obtained.

27. "Transfer of ownership" or control of a sexually oriented business means and includes any of the following:
 - a. The sale, lease or sublease of the business.
 - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
 - c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
28. "Viewing Room" means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, video reproduction, or live production.

D. Permits and Licenses; Application

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

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

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

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

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

E. Approval/Denial of License:

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

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

F. Temporary Permits

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

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

G. Inspection

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

H. Expiration of Sexually Oriented Business Regulatory License

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

I. Suspension of Sexually Oriented Business Regulatory License

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

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

J. Revocation of Sexually Oriented Business Regulatory License

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

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

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

L. Transfer of Sexually Oriented Business Regulatory License

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

M. Location Restriction

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

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

N. Regulation of Adult Car Washes

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

O. No Fondling or Caressing

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

P. Nonconforming Sexually Oriented Business

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

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

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

Q. Adult Motels Prohibited

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

R. Six-Foot Distance Rule

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

S. Gratuities

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

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

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

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

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

U. Exemptions

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

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

3. In a structure:

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

V. Violations

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

W. Severability

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

§6.4.19 SINGLE FAMILY DETACHED AFFORDABLE HOUSING UNITS

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

A. Single Family Detached Affordable Housing Units

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

B. Ownership

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

C. Density/Intensity and Dimensional Standards

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

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

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

D. Uses

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

§6.4.20 STABLE

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

§6.4.21 UTILITY SUBSTATIONS

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

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

§6.4.22 VEHICLE SERVICE, LIMITED

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

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

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

§6.4.23 BONA FIDE FORESTRY OPERATIONS

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

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

§6.4.24 MANUFACTURED HOUSING UNITS

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

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

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

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

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

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

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

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

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

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

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

§6.4.26 PERSONAL IMPROVEMENT EDUCATION

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

§6.4.27 HISTORICAL SITE

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

§6.4.28 POSTAL SERVICE, UNITED STATES

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

§6.4.29 ADULT OR CHILD DAY CARE FACILITY

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

§6.4.30 RECREATION OR ENTERTAINMENT, INDOOR

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

§6.4.31 UTILITY SERVICE, MINOR

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

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

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

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

§6.4.33 BANKS AND FINANCIAL SERVICES

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

§6.4.34 CATERING SERVICE

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

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

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

§6.4.36 SPECIAL TRADE CONTRACTORS

Special Trade Contractors shall be subject to the following standards:

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

§6.4.37 PARKING LOTS

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

§6.4.38 CONSUMER GOODS RENTAL SERVICE

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

§6.4.39 BOAT YARD

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

§6.4.40 REPAIR SERVICE, CONSUMER

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

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

§6.4.41 LIQUIFIED PETROLEUM GAS DEALERS

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

§6.4.42 BUILDING MATERIALS OR GARDEN EQUIPMENT AND SUPPLIES DEALERS

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

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

§6.4.43 FOOD SALES

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

§6.4.44 RETAIL SALES OR SERVICE, GENERAL

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

§6.4.45 SERVICE STATION, GASOLINE

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

§6.4.46 CONSUMER CONVENIENCE SERVICES

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

§6.4.47 PERSONAL IMPROVEMENT SERVICES

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

§6.4.48 SERVICES TO BUILDING OR DWELLINGS**A. Services to Buildings or Dwellings**

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

B. Landscaping Services

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

§6.4.49 FREIGHT FORWARDING FACILITIES

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

§6.4.50 GOLF COURSES

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

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

1. Required Site Analysis

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

a. Vegetation

Characteristics of a vegetation survey related to land use will describe principal, predominant, and significant vegetation, by type, condition, age, use, and general or specific location. Features in the survey will include trees and shrubs, agricultural fields, treelines, native vegetation, orchards, groves, woodlots, pastures, wetlands, forests, and grasslands. The vegetation survey shall indicate any

significantly large trees or endangered plant or animal species that may reside on the site and is protected by law.

- b. **Historical, Archaeological and Cultural Resources**
Historical resources located within the proposed golf course development must be identified on the plat. Sources such as the County of Charleston Historical Survey (1991), state registers, and federal registers such as the National Register of Historic Places shall be utilized in identifying these resources. The historical survey is important for noting structures and areas that must be protected as designated landmarks.
 - c. **Adjacent Land Use Patterns**
Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, rice dams, traditional settlement areas, cemeteries, clusters of structures, parks, marinas, and logging areas shall be shown.
 - d. **Hydrography**
All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors, must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet are required on all saltwater marshes, and 35 feet on all protected freshwater wetlands. All water bodies - rivers, streams, drainage channels, marshes or wetland, floodplains and aquifers must be inventoried or identified.
 - e. **Wildlife Habitat Areas**
The purpose of identifying wildlife areas is to assess the ecological conditions of the landscape and to provide continuation of these habitat areas. Features of this survey shall include the presence of any threatened or endangered species, natural areas vital to wildlife species, habitat areas that are connected to larger undisturbed natural habitat (connected habitat system). Through this method the study will develop key points or areas that should be left undeveloped, then define those areas most suitable for development.
- B. Within the RM, AG, AGR, RR-3, S-1, S-2, S-3, R-2, R-3, and R-4 Zoning Districts, only Audubon International "Signature Program" golf courses will be allowed.
 - C. Potential sites should be selected which allow the golf course to be routed in such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.

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

1. Marshes, Creeks and Wetlands

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

construction phase where needed to protect habitat and marsh, creek or wetland areas.

2. Trees

- a. The selected site must not be heavily forested (with more than 60 percent tree canopy coverage).
- b. The design of the course and related facilities must maximize the preservation of clusters or significant stands of trees, particularly grand trees, and otherwise preserve "interior" habitat areas.
- c. Irrigation systems shall be designated to avoid impacting existing oaks or other sensitive vegetation.
- d. If required by the Planning Director, a certified professional arborist, botanist, or forester shall be employed by the applicant to evaluate the status of the trees and related habitats on the site and provide direction for restoration and/or enhancement of impacted trees.
- e. Cart paths within the drip lines of trees slated for preservation must be 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 environment; berms, vegetative strips, grease traps, or other recommended technologies in parking areas for drainage controls to minimize pollution to nearby riparian areas and surface waters.

- g. The overall drainage system should be designed to insure that there is no increase in the velocity or amount of off-site flows during major storm events.

4. Archaeology

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

5. Noise

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

6. Growth-Inducing Impacts

- a. The project should not provide infrastructure improvements that would be capable of serving new development other than the proposed project.
- b. The project should not stimulate economic expansion or growth (e.g. major changes in tax revenue base, employment expansion, etc.) other than that necessary to serve the proposed project.
- c. The project should not establish a precedent for significant change in current *Comprehensive Plan* policy.
- d. In cases where the golf course developer owns lands adjacent to the project site, a plan for the potential development of those adjacent lands should be submitted for evaluation.
- e. Deed restrictions, open space easements, or other appropriate techniques must be used to mitigate or prevent growth-inducing impacts inside the development.

1. **Notification**
Upon the receipt of a complete application for a golf course, the Planning Department shall notify neighbors within a 300-foot radius, parties in interest and place notification in the newspaper within ten (10) days. All notifications shall be done in accordance with the provisions contained in Chapter 3 of this Ordinance.
- J. **Time Limit for Staff Review**
Upon the receipt of a complete application for a golf course, the Planning Department shall have a maximum of 45 days to act on the application. Staff's failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

§6.4.51 SOLID WASTE DISPOSAL FACILITY

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

§6.4.52 CONTAINER STORAGE FACILITIES

- A. Facilities for or including container storage (whether temporary or permanent), shall be subject to the following additional standards:
 1. Uses shall be separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by way of one of the following:
 - a. A suitably landscaped earthen berm sufficient to screen neighboring or nearby property from the facility; and in no event less than eight (8) feet in height above finished grade; or
 - b. A solid concrete, brick or masonry wall of not less than ten (10) feet in height above finished grade and completely screened from view from public rights-of-way by way of a vegetative buffer; or

- c. A minimum vegetative buffer depth of two hundred (200) feet along the boundaries adjacent to any property zoned Residential (R) and a minimum vegetative buffer depth of fifty (50) feet otherwise. This buffer shall be located within the required setback as described in Section 6.4.52.3.b.
 2. Container yard light fixtures installed after January 1, 2005, shall be a type that minimizes fugitive light scatter and shall be directed into the container yard away from neighborhoods. In addition, yard light fixtures installed after January 1, 2005, shall not be visible above the tree line from adjacent residential neighborhoods.
 3. Storage within a container yard shall be restricted by the following:
 - a. Container stacking may be permitted, where appropriate, pursuant to an approved container stacking plan. Such plan shall, at a minimum, include a site plan showing the location of all abutting streets and sidewalks, all internal travel-ways, a stagger stacking schedule, and the proposed maximum stacking heights. A suitable stacking plan shall feature a slope not exceeding a rise/run of $\frac{1}{4}$, shall include a perimeter setback of not less than thirty (30) feet from the nearest stored container, the nearest sidewalk edge, or right-of-way edge, and shall indicate how the stacking plan meets all other requirements of this Ordinance; and
 - b. Container and chassis storage is not permitted within three-hundred fifty (350) feet of the boundary adjacent to any property zoned Residential (R) and within fifty (50) feet otherwise. In addition, containers stacked in the yard shall not be visible above the tree line from adjacent residential neighborhoods. Structures may be allowed in the area beyond the required buffer where container and chassis storage is prohibited, provided that proposed structures meet all requirements of this Ordinance and receive Site Plan Review Approval.
 4. In those instances which proposed container storage facilities are viewed by the Planning Director as having a substantially negative impact on a surrounding area(s) or adjoining property(ies), based on the facility's location, proposed use, permitted use, or actual use of the property, the Planning Director shall bring the matter to the next available meeting of the Board of Zoning Appeals for hearing and decision, pursuant to Article 3.13.
- B. **Amortization Provided**
Any facility involved in, or location used for, the purposes provided within Section 6.4.52 and not zoned Industrial (I) as of November 20, 2001 shall cease operations no later than November 20, 2004. Any facilities engaged in stacked storage as of November 20, 2001, shall come into compliance with Section 6.4.52 by November 20, 2004, and shall be bound by the three (3) year general amortization schedule provided for herein above.

§6.4.53 CEMETERIES

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

§6.4.54 KENNEL

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

§6.4.55 RECYCLING COLLECTION, DROP-OFF

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

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

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

§6.4.57 SPECIALIZED MANUFACTURING

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

§6.4.58 SWEETGRASS BASKET STANDS

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

§6.4.59 TATTOO FACILITIES

- A. Tattoo facilities shall be prohibited within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of the ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground;
- B. All proposed tattoo facilities located within 1,000 feet of a property line of a lot in a residential zoning district, or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. The distance shall be measured from the nearest property line

of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district;

- C. All proposed tattoo facilities may only provide tattooing and may not engage in any other retail business including, but not limited to, the sale of goods or performing any form of body piercing other than tattooing;
- D. All proposed tattoo facilities shall comply with all regulatory requirements of the State of South Carolina;
- E. Tattoo facility uses shall comply with the Site Plan Review requirements of this Ordinance and all other applicable provisions of this Ordinance and all other applicable laws, rules, and regulations; and
- F. When the provisions of this Ordinance require that Neighbor Notice be provided, the requirements of Section 3.1.6.B.3 shall apply with the exception that all property owners within 1,000 feet of the subject property shall be included in the Neighbor Notice.

ARTICLE 6.5. ACCESSORY USES AND STRUCTURES

§6.5.1 ACCESSORY USES AND STRUCTURES ALLOWED

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

A. Agricultural

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

1. Applicability

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

2. Definitions

For purposes of this Section the following definitions apply:

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

3. Location

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

4. Permitting

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

5. Screening

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

6. Building Design

a. Applicability

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

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

7. Existing Permanent Storage Units

Permanent Storage Units in existence prior to July 19, 2006 shall be considered to be existing legal non-conforming structures.

B. Residential

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

1. Fences and walls;
2. Garages, carports and off-street parking areas;
3. Gate houses and guard houses;
4. Home occupations, subject to Section 6.5.9;
5. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
6. Radio and television receiving antennas;
7. Recreational and play facilities for the use of residents;
8. Solar collectors, subject to Section 6.5.4;
9. Tennis courts, swimming pools and hot tubs;
10. Accessory Dwelling Units, subject to Section 6.5.7;
11. Barns and farming-related structures even if the subject parcel does not contain a primary structures or use, provided that no agricultural or farm-

related structure on a parcel of one acre or less in an R-2, R-3, R-4, M-8, or M-12 district shall exceed 250 square feet in area;

12. The selling of sweetgrass baskets is allowed as an accessory use in all Agricultural Zoning Districts and in RR-3, S-1, S-2, S-3, R-2, R-3, and R-4 Zoning Districts; and
13. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any standards contained within this Ordinance.

C. Commercial and Industrial

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

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

D. Institutional and Civic

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

1. Refreshment stands and food and beverage sales located in uses

involving public assembly;

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

§6.5.2 TIME ESTABLISHMENT

Unless otherwise expressly permitted in this Ordinance, no accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained and there are no current zoning and/or building code violations on the property.

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

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

- A. An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principal structures.
- B. A detached accessory structure shall be located:
 1. On the rear of the lot, behind the principal structure. This limitation shall not apply to carports or garages;
 2. At least six feet from any existing dwelling or dwelling under construction;
 3. At least three feet from any interior lot line in a residential district; if in an OR or CT district that abuts a residential district, the accessory structure in the OR or CT district shall be located at least ten feet from the abutting interior lot line; when an OR or CT district abuts another O, C or I district, setbacks for accessory structures are not required; and
 4. If on a corner lot, the accessory structure shall not project in front of the front building line required or existing on the adjacent lot.

- C. A detached accessory structure may be constructed on an adjacent vacant lot if both lots are in the same ownership.
- D. Accessory structures shall be included in lot coverage;
- E. See also the Accessory Dwelling Unit provisions of Section 6.5.7 contained within this Chapter.

§6.5.4 SOLAR COLLECTORS

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

- A. Roof-mounted residential building Solar Collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted, and no portion of any such Solar Collector shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.
- B. Roof-mounted residential building Solar Collectors located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such Solar Collector shall extend more than four feet as measured perpendicularly to the roof at the point where it is mounted.
- C. Ground-mounted Solar Collectors shall not exceed eight feet in total height and shall be located to meet all setback requirements.
- D. All utility service lines serving a ground-mounted solar system shall be located underground.
- E. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and free-standing collectors apart from the main building shall not be permitted.
- F. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. No free-standing panels shall be allowed.
- G. If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed, including mechanical piping and conduits.
- H. All exposed metal shall be of a color that will blend into its surroundings.

§6.5.5 ACCESSORY STORAGE OF MAJOR RECREATIONAL EQUIPMENT

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

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

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

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

§6.5.7**ACCESSORY DWELLING UNITS**

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

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

§6.5.8**MANUFACTURED HOUSING UNITS**

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

§6.5.9 HOME OCCUPATIONS**A. General**

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

B. Where Allowed

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

C. Allowed Uses

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

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

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

2. Restaurants

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

3. Employee Dispatch Centers

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

4. Animal Care or Boarding

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

5. Medical Offices or Clinics

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

6. Funeral Homes

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

7. Barber Shops, Beauty Shops and Nail Salons

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

8. Dancing Schools

Dancing schools are not allowed as home occupations.

E. Employees

Only one full-time or one part-time employee, who is not a full-time resident of the home where the home occupation is located, is allowed. The home occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as a part of the home occupation.

F. Resident Operator

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

G. Customers

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

H. Floor Area

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

I. Outdoor Activities

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

J. Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Signs for a home

occupation are expressly prohibited. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit or adding signs or commercial-like exterior lighting.

K. Operational Impacts

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

L. Trucks

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

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

M. Deliveries

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

N. Sales

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

§6.5.10 ANIMALS

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

§6.5.11 VEHICLE SALES

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

§6.5.12 STORAGE AND REPAIR OF INOPERABLE MOTOR VEHICLES

- A. In all zoning districts, the open storage and or repair of inoperable motor vehicles is not permitted within the required front setback.
- B. In all Agricultural and Rural Residential zoning districts, the open storage or repair of inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.
- C. Open storage and/or repair of more than two (2) inoperable motor vehicles is prohibited on all lots in suburban residential zoning districts, as well as in all office, commercial and industrial zoning districts unless specifically authorized for use as a salvage yard. Inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.
- D. In all Suburban Residential zoning districts, storage of motor vehicle parts is permitted only within a completely enclosed accessory structure located on the same lot as the principal dwelling unit.
- E. Storage of commercial vehicles in Residential zoning districts, unless otherwise expressly authorized by this Ordinance, is limited to one vehicle used as personal transportation.

§6.5.13 TEMPORARY PORTABLE STORAGE UNITS

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

- A. If the temporary portable storage unit is located on a lot with a non-residential use or zoning district designation for a period exceeding fifteen (15) days, the

Limited Site Plan Review procedures of Article 3.7 of this Ordinance shall apply;

- B. The maximum size of a temporary portable storage unit shall not exceed 160 square feet of indoor storage;
- C. A maximum of 160 square feet of indoor temporary portable storage shall be permitted per zoning lot in residential zoning districts;
- D. Temporary portable storage units are allowed for a period not to exceed a total of sixty (60) days in one calendar year. Temporary Zoning Permits shall be required for temporary portable storage units that remain on a property for a time period exceeding fifteen (15) consecutive days;
- E. Temporary portable storage units shall not be placed in any right-of-way, retention area, septic field, easement, or on public property and shall not create a site obstruction for any vehicular or pedestrian traffic;
- F. Temporary portable storage units shall conform to the accessory structure requirements contained in this Ordinance;
- G. The maximum area of a temporary portable storage unit dedicated to signage shall be limited to 27 square feet per side or 58 square feet total;
- H. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, weathering, mildew, discoloration, rust, ripping, tearing, or other holes or breaks;
- I. Temporary portable storage units shall not be used for the storage of hazardous or flammable substances, live animals, or human habitation;
- J. All vendors providing service related to the transportation of household goods and/or rental/delivery of portable storage containers shall be in compliance with the State of South Carolina's Regulatory Laws and licensing requirements through the Public Service Commission. Proof that the liability insurance of the company owning the temporary portable storage unit is equal to the minimum amount required by the Public Service Commission shall be required at the time of permitting; and
- K. The regulations listed above in Section 6.5.13 shall not apply to temporary storage units that are:
 - 1. Placed for construction purposes and in conjunction with building permits, which may exceed the permitted time period, as long as the building permit remains active with continuous construction; and
 - 2. Placed during any period of declared emergency by Federal, State or Local official action.

ARTICLE 6.6. TEMPORARY USES**§6.6.1 ACCESSORY USES AND STRUCTURES ALLOWED**

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

- A. Administrative Permit approval shall be required in accordance with the procedure contained in Chapter 3 of this Ordinance.
- B. The Administrative Permit shall be restricted to the temporary use of a manufactured housing unit for residential purposes on the same zoning lot with a single family detached residential dwelling or a manufactured housing unit, or on an individual abutting zoning lot. The following criteria shall be utilized to determine the need for the temporary variance:
 - 1. The person who will occupy the manufactured housing unit is a relative by blood or marriage.
 - 2. The accommodations (manufactured housing unit) proposed are of a temporary nature which can be easily removed after expiration of the permit.
 - 3. The physical and/or mental conditions of the person who will occupy the manufactured housing unit shall be certified by a physician.
 - 4. Written approval of all abutting landowners shall be required.
 - 5. The proposed manufactured housing unit installation shall meet South Carolina Department of Health and Environmental Control (DHEC) standards and have their written approval.
- C. The Planning Director may revoke or terminate the Administrative Permit at the request of the initiating applicant or upon finding that permit conditions are being violated. The temporary accommodations, together with any associated services, shall be removed from the premises within 30 days after notice of termination.
- D. Administrative permits for such use shall be valid for a maximum of one year, with renewal subject to the provisions contained within Chapter 3 of this Ordinance.

§6.6.2 TEMPORARY SALES

- A. Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted only once in a calendar year from the same zoning lot.
- B. The sale of Christmas trees, fireworks and turkey shoots are authorized where

permitted as an accessory use and shall not exceed a total time period of 60 days during a one year period. This time period shall commence from the first date that such uses, individually or collectively, are approved or established, whichever is first.

- C. Other temporary sales of merchandise shall be permitted as a temporary, accessory use to an approved principal use (such as in an off-street parking lot), provided that the maximum term for such permit shall not exceed ten (10) consecutive days, and no more than four such permits may be issued per lot, per calendar year.

§6.6.3 SALE OF INDIGENOUS PRODUCE

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

§6.6.4 ASSEMBLY USES AND PARKING FOR SPECIAL EVENTS

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

§6.6.5 CONSTRUCTION FACILITIES

- A. Accessory construction facilities shall be permitted to establish an operations base in any zoning district upon obtaining Special Exception approval after it is determined that such construction facilities area incidental to an necessary for such construction or installation within a three-mile radius of the operations base.
- B. Each such permit shall specify the location of the proposed facility and define the area and boundaries thereon to be served. The permit shall be granted for not more than one year and upon proper application be extended a similar period of time for the same site. Upon termination of the permit, all materials used in the construction or installation shall be removed from the premises.

- C. Ingress and egress from such facilities shall be only from major arterials or collector streets which give rise to the least traffic through residential areas.
- D. Included in accessory construction facilities are temporary batching plants for asphaltic or Portland cement concrete, temporary buildings, field storage of materials and/or equipment.

CHAPTER 8 | SUBDIVISION REGULATIONS

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CHAPTER 8 | SUBDIVISION REGULATIONS**ARTICLE 8.1 | GENERAL****§8.1.1 PURPOSE**

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, 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.

§8.1.2 APPLICABILITY

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 Mesne Conveyance 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 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 refilling have expired.

§8.1.3 EXEMPTIONS

A. Procedures

The following shall be exempt from the Subdivision Plat Procedures, if the Planning Director determines that all engineering and survey standards of this Ordinance have been met:

1. The combination or re-combination 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 Planning Director for recording. Deeds and plats shall be recorded simultaneously.
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 Planning Director for recording. Deeds and plats shall be recorded simultaneously.
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 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.

§8.1.4 CHARLESTON COUNTY ROAD CONSTRUCTION STANDARDS

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 "C" or donor County funds.)

§8.1.5 RELATIONSHIP TO DEVELOPMENT REVIEW PROCEDURES OF ARTICLE 3.1

The "General" procedural requirements and standards of Article 3.1 of this Ordinance shall apply to the subdivision plat procedures of this Chapter.

§8.1.6 SURVEY COMPLIANCE

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 3.2 PRE-APPLICATION INFORMATION

§8.2.1 PRE-APPLICATION CONFERENCE

Pre-Application Conferences offer an opportunity for 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 suggested 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 Planning Director who shall be responsible for contacting the Public Works Director and other affected agencies.

ARTICLE 8.3 MINOR AND MAJOR SUBDIVISIONS

§8.3.1 MINOR SUBDIVISION

A Minor Subdivision is a division of any tract of land into ten (10) 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 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;
- E. No new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance; and
- F. The tract to be subdivided is not located within an approved planned development or an area that is subject to an application for planned development approval by the landowner. All such subdivisions are considered Major Subdivisions.
- G. 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 (5) acres in size shall meet the minimum lot size and comply with applicable requirements of this Ordinance;
 - 3. Non-buildable lots may be approved by the Planning Commission as a Minor Subdivision ten (10) lots or less 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 (5) 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 _____

§8.3.2 MINOR SUBDIVISION PROCESS

Applications for Minor Subdivisions shall be submitted to the Planning Director on forms available in the 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 Planning Department and approved by the Planning Director. However, the 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 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.

§8.3.3 MAJOR SUBDIVISION

- 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. Subdivision Roads and Utilities
A Zoning Permit is required for grading, drainage, or the construction of roads and utilities in a subdivision.

§8.3.4 MAJOR SUBDIVISION PROCESS

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) Final

Plat review and approval; and (3) Letters of Coordination. Each step of the process shall be completed before initiating the next step. Applications for Major Subdivisions shall be submitted to the Planning Director and shall include a completed application form (available from the 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;
 - 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.]

§8.3.5 REQUIRED TREE PROTECTION FOR MINOR AND MAJOR SUBDIVISIONS
Trees shall be protected in accordance with Chapter 9 of this Ordinance.

§8.3.6 LETTERS OF COORDINATION FOR MAJOR AND MINOR SUBDIVISIONS
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

§8.4.1 APPLICABILITY
Preliminary Plats shall be required for all Major Subdivisions.

§8.4.2 APPLICATION

- A. **Requirements**
The following shall be submitted:
 - 1. Completed applications for Preliminary Plat approval shall be submitted to the Planning Director on forms available in the Planning Department. Ten (10) copies of the Preliminary Plat shall be filed with the application.

2. 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.
3. 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 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.
4. The following information shall be required on each plat:
 - a. 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.
 - b. References to a known point or points such as street intersections and railroad crossings shall be shown.
 - c. 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.)
 - d. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown.
 - e. Proposed divisions to be created shall be shown, including building envelopes 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.).
 - f. 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.

- g. 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.
- h. General drainage features, including proposed drainage easements and detention/retention basins. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.
- i. The location of required landscape buffers as specified in Chapter 9 of this Ordinance, which shall not be located within drainage easements unless expressly approved by the Public Works Director.
- j. Jurisdictional wetlands, with the date of certification, on lots of five acres or less in size and within all publicly dedicated rights-of-way and easements.
- k. A notation shall be made on the plat clearly indicating the applicable OCRM Critical Line buffers and setbacks.
- l. 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.
- m. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.

- n. 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.
- o. 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.
- p. 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.

5. Accompanying Data

- a. 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.
- b. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.
- c. 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.
- d. 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.

[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.]

§8.4.3 PLANNING DIRECTOR—REVIEW AND REPORT

Upon receipt of a complete application for Preliminary Plat approval, the Planning Director shall have 30 calendar days to (1) review the proposed Preliminary Plat; (2) compile a staff report on the proposed plat (which includes the comments and recommendations of the Public Works Director and other affected agencies); and (3) forward the report and any recommendations to the Planning Commission.

§8.4.4 PLANNING COMMISSION—REVIEW AND DECISION

Within 30 calendar days of receipt of a report from the Planning Director, the Planning Commission shall review the proposed Preliminary Plat and act to approve, approve with conditions, or deny the Preliminary Plat based on whether it complies with all applicable requirements of this Ordinance and the adopted Charleston County Comprehensive Plan.

§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.

§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.

§8.4.7 APPEALS OF PLANNING DIRECTOR'S PRELIMINARY PLAT DECISION

Any Party in Interest in a Preliminary Plat decision of the Planning Director regarding a complete or incomplete application may appeal the decision to the Planning Commission by filing an appeal with the 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 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 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 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 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 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 described in Chapter 3.]

§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.

§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 Public Works Director for review and approval in accordance with the Charleston County Road Construction Standards in Appendix A of this Ordinance.

§8.4.10 INSPECTIONS

- A. Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and County standards.
- B. Prior to submitting a Preliminary Plat where no public sewer is provided to any proposed lot, the applicant shall contact a representative of South Carolina Department of Health and Environmental Control (DHEC) and arrange for a test of the soil on any proposed lot. DHEC staff will inspect the proposed lot(s) in order to identify areas that meet minimum septic system requirements required by the State of South Carolina. The results of this test shall be submitted by the applicant at the time of the Preliminary Plat application.
- C. Where subdivision streets and/or drainageways are being constructed, the Public Works Director or the authorized representative will make periodic visits to the site as indicated in Charleston County Road Construction Standards, Appendix A, to ensure construction compliance with County-approved road and drainage plans. The Public Works Director's or the authorized representative's certification that all roads and drainage systems have been constructed in compliance with the plans is required prior to final approval of the development. This approval is only necessary for public subdivisions.

§8.4.11 CONDITIONAL PLAT APPROVAL

- A. Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance, in

accordance with the requirements of this Ordinance. If financial guarantees are posted, the Planning Director shall be authorized to grant conditional plat approval on plats that involve two (2) or more guaranteed public improvements, with final approval contingent upon completion and acceptance of all required improvements. No Certificates of Occupancy shall be issued until all required improvements have been installed and accepted, and the Final Plat has been recorded by the Charleston County Register of Mesne Conveyance. Conditional Plat approval shall be valid for a period not to exceed two years from the date Conditional Plat Approval is granted.

- B. Where plats are submitted under an approved financial guarantee for Conditional approval the following three (3) notes shall be placed on the plat;
1. Approval of this plat does not authorize occupancy;
 2. Duration of approval shall be limited to two (2) years; and
 3. The approval of this plat in no way obligates the County of Charleston to accept for continued maintenance any of the roads or easements shown hereon.
- C. The duration of the financial guarantee for a conditional plat shall be no longer than twenty-four (24) months unless extended by the Planning Commission. No later than two (2) months before the expiration, the applicant shall notify the County that the applicant has completed the final plat or is securing a replacement bond to be issued within 30 days of expiration of the original bond. If no action is taken by the applicant, the County shall execute the provisions of the performance bond.

ARTICLE 8.5 FINAL PLATS

§8.5.1 APPLICABILITY

Final Plats shall be required for all Subdivisions.

§8.5.2 APPLICATION

A. Final Plat Applications Requirements:

1. Applications for Final Plat approval shall be submitted to Planning Director on forms available in the Planning Department. Ten (10) copies 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 Mesne Conveyance 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 1"=100' with the approval of the 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 land owners and streets where known or available shall be given (with the tax parcel 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 ID 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 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 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 Coastal Resource Management (OCRM) Critical Line with signed approval statement on the final plat.
8. At the 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.
9. Freshwater Wetlands/Waterways on lots of five acres or less in size.
10. High land acreage and low land acreage (Freshwater Wetlands or acreage below the Office of 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.
12. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.
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.

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 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 five (5) 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 the 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 50 foot right-of-way until it has been constructed to County standards and accepted for maintenance by Charleston County Council.
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.

D. Certification of Approval

When the Planning Director has approved the plat, a certificate noting such approval and carrying the signature of the Planning Director shall be placed on the original drawing of said plat.

§8.5.3 PLANNING DIRECTOR—REVIEW AND DECISION

Within 45 days of receipt of a complete Final Plat application, the Planning Director shall review the proposed Final Plat and the reports from the Public Works Director and other affected agencies and act to approve, approve with conditions or deny the Final Plat, based on whether it complies with the approved Preliminary Plat, all applicable requirements of this Ordinance, and the purposes and intent of Article 1.5.

§8.5.4 ACCEPTANCE OF DEDICATIONS

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.

§8.5.5 RECORDING

Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance 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 Mesne Conveyance.

§8.5.6 APPEALS OF PLANNING DIRECTOR'S FINAL PLAT DECISION

Any person with a substantial interest in a Final Plat decision of the Planning Director may appeal the decision to the Planning Commission by filing an appeal with the 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 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 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 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 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 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 described in Chapter 3.]

§8.5.7 APPEALS OF PLANNING COMMISSION'S DECISION

- 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

§8.6.1 PLACEMENT

A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way lines (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked. The location and type of markers used shall be indicated on the Final Plat.

§8.6.2 TIMING

Markers shall be installed prior to the submission of and approval of the Final Plat.

ARTICLE 8.7 LOTS**§8.7.1 LAYOUT AND DESIGN GENERALLY**

Lots shall be laid out and designed to provide buildable area on each lot, while complying with all other standards and requirements of this Ordinance.

§8.7.2 SIZE

- A. Lots shall comply with the lot area standards of the underlying zoning district and 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 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 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 meets all their requirements of this Ordinance;
 - b. The parcel is a lot of record;
 - c. The parcel is in a rural or agricultural zoning district;
 - d. The parcel is greater than 1 acre in size; and
 - e. 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.

§8.7.3 ACCESS

- 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.

§8.7.4 FLAG LOTS

The Planning Director shall be authorized to allow the use of flag lots only when the 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 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 land owners 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 take 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 Mesne Conveyance.
5. Dwelling groups on flag lots shall meet the requirements of this Ordinance.

ARTICLE 8.B. TREE PRESERVATION

§8.B.1 TREE SURVEYS

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 of this Ordinance.
- C. 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.
- D. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.

ARTICLE 8.9 TREES, SHRUBS AND PAVEMENT**§8.9.1 MINIMUM OFFSET OF TREES AND SHRUBS FROM ROAD PAVEMENT**

- A. Trees and shrubs shall be set back from street and road pavement in accordance with the following minimum requirements:

Roadside Feature	Speed (MPH)	Offset from Edge of Pavement (feet)	
		Canopy Trees	Understory Trees/Shrubs
Guiderail	All	5*	3*
Barrier Curb	40 and less	5*	3*
	45 to 50	8*	5*
	55 and greater	12*	5*
Open Shoulder	40 and less	10	5
	45 to 50	15	7
	55 and greater	20	10

*Tree limbs hanging below 15 feet in height shall be trimmed so that they do not encroach beyond the back of the curb. Minimum overhead clearance of 14 feet should be maintained for safe passage. When a barrier curb or guide rail exists, offset is measured from the face of the curb or guide rail to the face of the tree at ground level.

- B. Understory trees may be located two feet from the edge of pavement with the approval of the Planning Director and Public Works Director.

ARTICLE 8.10 PEDESTRIAN WAYS**§8.10.1 WHERE REQUIRED**

Pedestrian ways shall be provided in all major subdivisions within the Urban and Suburban Areas of the County. If development characteristics warrant, the Planning Director may waive this requirement for any portion of the proposed subdivision. Requests for such waivers shall be submitted along with written justification to the Planning Director for approval.

§8.10.2 PLACEMENT

Paved pedestrian ways within publicly dedicated rights-of-way shall conform to the construction details for paved sidewalks contained in Charleston County Road 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 Planning Director.

§8.10.3 TIMING OF SIDEWALK INSTALLATION

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 (150%) of the actual cost, verified by the Directors of the Public Works and Planning Departments and certified by the subdivision project engineer, a minimum of \$10,000) within a time period not to exceed two (2) years; and
- 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 subdivision's required two (2) year maintenance guarantee period 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 8.11 STREET NAMES AND STREET SIGNS**§8.11.1 STREET NAMES**

Street names proposed by the applicant must be placed on reserve with the Planning Department prior to submitting a plat. See Article 3.15, Addressing and Street Names.

§8.11.2 STREET SIGNS

Installation and maintenance of street signs on 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 of this Ordinance, MUTCD Standards, and with Chapter 4; and Article VII of the Charleston County Code of Ordinances, as amended.

ARTICLE 8.12 UNDERGROUND UTILITIES AND SERVICES

All electrical, telephone, cable television and similar distribution lines providing service to a development site should be installed underground.

ARTICLE 8.13 WATER SUPPLY AND SEWAGE DISPOSAL

In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all subdivisions shall be served by approved public water and sewer systems, if accessible for connection, or if in the opinion of DHEC, the public's health and the environment would best be protected by the installation of such systems. Where public sewer is not available, all new lots must meet minimum soil requirements established by DHEC. This provision shall not be interpreted to require that subdivisions be annexed in order to obtain public water or sewer service.

ARTICLE 8.14 FINANCIAL GUARANTEES (SURETY)**§8.14.1 PERFORMANCE GUARANTEES**

- A. In lieu of completing the required subdivision improvements of this Chapter, a financial guarantee 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.
- B. The applicant shall submit to the appropriate governmental agency a detailed itemized unit cost estimate for the proposed public improvements to be included in the financial guarantee. Performance Guarantees are for Public Improvements only: Public Roads, Public Water and Public Sewer. (Example: public roads constructed to County Road Standards dedicated to the public and accepted into the road system by Charleston County Council, or a public water system approved and accepted by another public entity). Charleston County will only accept a Financial Guarantee (Surety) for two (2) or more of the above public improvements. The amount of the financial guarantee shall be verified by the appropriate governmental agency that exercises operational control (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other public improvements covered in this Chapter). The amount shall be sufficient to guarantee completion of the required improvement (125 percent of the actual cost of the improvements with a minimum of \$10,000) within a time period specified by the government agencies, not to exceed two years. The governmental agencies determining the amount of financial guarantee shall provide a letter to the Planning Director (copy to the applicant) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Director will inform all interested governmental agencies, particularly the County Building Inspection Director.
- C. 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.
- D. In no instance will the bond issuer or bond holder be authorized to extend for the applicant the completion date originally stipulated.

- E. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
- F. In lieu of completed subdivision improvements, the decision-making body may accept the written guarantee of a governmental agency to complete required improvements within 90 days of the date of such acceptance by County Council. Failure to complete required improvements within the 90-day period shall void any subdivision approvals received by the applicant.
- G. 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 Inspection Director.

§8.14.2 MAINTENANCE GUARANTEES

Street 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. 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 ten 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 South Carolina licensed 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.

CHAPTER 9 | DEVELOPMENT STANDARDS**ARTICLE 9.1 PURPOSE AND INTENT**

The purpose of the regulations contained in this Chapter is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development within the unincorporated areas. The Development Standards are authorized for the following purposes, among others:

- A. Implement the goals, objectives, and policies of the County of Charleston *Comprehensive Plan*;
- B. Facilitate safe transportation, access, vehicular circulation, and parking;
- C. Assure the protection and preservation of natural resources, such as trees and wetlands;
- D. 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;
- E. 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
- F. Insure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.

ARTICLE 9.2 APPLICABILITY

Unless expressly stated, the articles in this Chapter apply to development occurring on property within unincorporated Charleston County.

ARTICLE 9.3 OFF-STREET PARKING AND LOADING**§9.3.1 GENERAL****A. Applicability****1. New Development**

The off-street parking and loading standards of this Article apply to any new building constructed and to any new use established.

2. Expansions and Alterations

The off-street parking and loading standards of this Article apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases

the number of off-street parking and loading spaces provided for the entire use (preexisting + expansion) must equal at least 75 percent of minimum ratio established in Off-Street Parking Schedule "A" of this Article.

B. Timing of Installation

Required parking spaces and drives shall be ready for use and approved by the Planning Director prior to issuance of a Certificate of Occupancy.

C. Reduction Below Minimums

The Planning Director shall be authorized to reduce the number of required parking spaces by no more than 10 percent (10%) when more than ten (10) spaces are required with the following conditions:

1. The site can support the minimum required number of parking spaces and meet all development standards in this Ordinance including buffers and landscaping requirements; or
2. The reduction is necessary to meet the Tree Protection and Preservation regulations contained in Article 9.4 of this Ordinance.

This allowable reduction excludes medical offices and restaurant uses. Any 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 the provisions of this Article.

§9.3.2 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table.

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single Family: Detached and attached, including dwelling groups, duplexes and manufactured housing units.	2 per dwelling unit
CIVIL INSTITUTIONAL	
Cemetery	1 per full time employee
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
College or University Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community Recreation	1 per 250 square feet of gross floor area
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult or Child Day Care Facilities	1 per employee plus 1 per 5 children/adults
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	1 per employee in single shift plus 2 spaces per acre
Parks & Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Postal Service, United States	1 per 150 square feet of floor area
Railroad Freight Depot	1 per 2,400 square feet
Recycling Collection, Drop-Off	1 per recycle collection container
Public Assembly: Including Conference Centers, Concert Halls, Religious Assemblies, Professional, Labor or Political Organizations and Social Clubs or Lodges	1 per 5 fixed seats or 1 per every three (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 the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift

USE/TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Health Care Related Services: Including Home Health Agency, Laboratory, Outpatient Services and Rehabilitation facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.)
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
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 space per employee plus 1 per stored vehicle
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Convenience Store	1 per 200 square feet of floor area
Charter Boat or Other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Construction Tools, Commercial or Industrial Equipment Rental	1 per 250 square feet of floor area not including storage areas
Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks and Financial Services	1 per 300 square feet of floor area, also see drive-thru requirements
Food Sales and Grocery Stores	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater

USE TABLE	NUMBER OF OFF STREET PARKING SPACES REQUIRED (MINIMUM)
Hair, Nail or Skin Care Service	2 per employee or work station, whichever is greater
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 200 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
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
Fishing or Hunting Guide Service	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle or camp site
Golf Courses or Country Clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Repair Service, Consumer	1 per 300 square feet of floor area
Catering Service	1 per 400 square feet of floor area

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Restaurant, Fast Food	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, Fast Food (no inside seating)	1 per employee plus 1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, General	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Retail Sales+Service, General	1 per 300 square feet indoor floor area+5 spaces per acre outdoor storage/display/sales area
Shopping Center (mixed retail, office, food sales, restaurant)	1 space per 200 square feet
Nonstore Retailers	1 per employee plus 2 spaces for deliveries
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Services to Buildings and Dwellings	1 per employee plus 1 space for deliveries
Scrap and Salvage Service	1 per employee plus 2 per acre
Self-Service Storage/Mini Warehouse	3 spaces plus 1 space per employee and 1 space per 100 units
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 any parking required in this table when restaurant or motel is included.
Stable (Boarding or Commercial for Hire)	1 per 2 stalls
Vehicle Repair, Consumer	2 per employee or service bay
Vehicle Sales or Vehicle Rental or Leasing	1 per 2,500 square feet of display, 1 per 250 square feet indoor enclosed floor space
Vehicle Parts, Accessories or Tire Stores	1 per 300 square feet of floor area (10 space minimum)
Vehicle Storage	1 per 2 employees
Veterinary Services	3 spaces per each veterinarian or allied professional
INDUSTRIAL	
Repair Service, Commercial	1 per 400 square feet office area plus 1 per 2 employees
Dry Cleaning Plant, Carpet Cleaning Plant or Commercial Laundry	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
Manufacturing and Production	1 per 400 square feet of office area plus 1 per 2 employees
Warehouse and Distribution Facilities	1 per 300 square feet office area plus 1 per 600 square feet for 1 st 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale Sales	1 per 600 square feet for 1 st 12,000 square feet+1 per 900 square feet for remaining area (over 12,000 square feet)

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
AGRICULTURAL AND OTHER USES	
Animal Production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle
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
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticulture, Greenhouse or Hydroponics Production	1 per employee
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center or Waste Related Use	1 per employee
Resource Extraction	1 per 2 employees

§9.3.3 RULES FOR COMPUTING PARKING AND LOADING REQUIREMENTS

The following rules apply when computing off-street parking and loading requirements:

- A. **Multiple Uses**
Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.
- B. **Fractions**
When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- C. **Area Measurements**
Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area. Storage areas or common areas incidental to the principle use shall be exempt from this measurement when the following conditions are met:

1. The storage area or common area is a minimum of two hundred fifty (250) square feet; and
2. The applicant has provided documentation that such areas will not be used as space for employees, customers, or residents.

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.

E. Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require parking spaces in accordance with a parking study prepared by the applicant.

§9.3.4 LOCATION OF REQUIRED PARKING

A. On-Site Parking

1. Except as expressly stated in this Section, 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

A maximum of 50% of off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards. If any one of the following standards cannot be met, Special Exception approval shall be required:

1. Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off site.
2. No off-site parking space may be located more than 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian

walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

3. Parking spaces located off site in accordance with this Section shall be considered accessory to the primary use, regardless of the fact that such accessory use is not located on the same parcel as the principal use.
4. Off-site parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Off-site parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
5. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance 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.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

C. Shared Parking

1. Uses with different operating hours or peak business periods may share off-street parking spaces if the shared parking complies with the all of following standards. If any one of the following standards cannot be met, Special Exception approval shall be required.
2. Shared parking spaces must be located within 600 feet of the primary entrance of the use served, unless shuttle bus service is provided to the shared parking area. Shared parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the parking area.
3. Shared parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Shared parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
4. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the

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.

5. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a building permit or Certificate of Occupancy for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

§9.3.5 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

The parking standards of this Article are intended to ensure compliance with the Americans with Disabilities Act (ADA). 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 determined from the following 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	Minimum Number of Van-Accessible Spaces	Minimum Number of 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 disabilities shall comply with the parking space dimension standards of this Section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. Car-accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
2. Van-accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.

§9.3.6 PARKING SPACE AND PARKING LOT DESIGN

A. Parking Lot Design

Dead end type of parking layouts that cause or contribute to poor vehicular circulation will not be allowed unless all other site configurations and parking options of the required number of parking spaces have been exhausted.

B. Aisle Widths and Parking Space Dimensions

Drive aisle widths and parking space dimensions shall comply with the standards in the following table. Twenty percent (20%) of the minimum number of required parking for a development may utilize compact and sub-compact vehicle parking dimensions. These dimensions shall be a minimum of 7 feet 6 inches x 15 feet (7'6" x 15') and clearly marked for compact vehicles only.

α°	Stall Width A	Stall Depth B	Angle Width C	Skew Width D
60°	8' 0" 8' 6" 9' 0"	19' 7" 18' 0" 17' 0"	19' 0" 18' 0" 17' 0" *One Way	9' 3" 9' 10" 10' 5"
45°	8' 0" 8' 6" 9' 0"	18' 5" 18' 8" 19' 1"	12' 0" 11' 0" 11' 0" *One Way	11' 4" 12' 0" 12' 9"
30°	8' 0" 8' 6" 9' 0"	15' 11" 16' 5" 16' 10"	11' 0" 10' 0" 9' 0" *One Way	16' 0" 17' 0" 18' 0"
0°	8' 0" 8' 6" 9' 0"	22' 0" 22' 0" 23' 0"	11' 0" 11' 6" 12' 0" *One Way	N/A (PARALLEL)
90°	8' 0" 8' 6" 9' 0"	18' 0" 18' 0" 18' 0"	28' to 32' 25' to 29' 23' to 27' *Two Way	N/A

Note: Two Way drive aisles shall always require a minimum width of 23 feet.

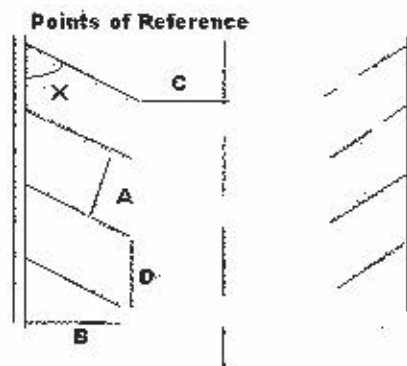


Figure 2

C. Parking Lot Landscaping

See Article 9.5 of this Chapter.

D. Markings and Surface Treatment

1. In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. In unpaved parking lots, all parking spaces must have a curb stop (minimum height of four inches) to delineate the location of the space and to prevent the encroachment of parking onto adjoining properties, rights-of-way, or landscaped areas.

2. One-Way and Two-Way accesses into required parking facilities shall be identified by directional arrows.
3. Unpaved parking lots must have an all weather surface such as gravel, slag or other pervious surface, not including asphalt shingles. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the edge of the street pavement to a distance of 20 feet into the property. No more than 120 percent of the required number of off-street parking spaces may be paved and no more than 70 percent of all developable land within parcels may be paved, unless approved by the Planning Director.

E. Access

1. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
2. Parking lot entrance and exit drive curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet. Curb cuts shall be allowed in accordance with the following table:

LENGTH OF FRONTAGE	MAXIMUM NUMBER OF DRIVEWAYS
250 feet or less	1*
251 feet to 1,500 feet	2
1,500 feet or more	3

* On frontages of 250 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Refer to the South Carolina Department of Transportation's Access and Roadside Management Standards Manual for recommended spacing of driveways based on speed of traffic.

3. Entrance and exit drives shall be located at least 100 feet from the edge of the right-of-way of any street intersection. If the subject lot has less than 100 feet of frontage, the Planning Director shall be authorized to alter these requirements. Suitable provisions will be made to prevent ingress or egress at other than designated entrance or exit drives.
4. The Planning Director shall be authorized to require that access to dwelling units comply with the International Fire Code, as adopted by County Council.
5. Shared access between parcels may be allowed with written agreement among all owners of record. An attested copy of the access agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department.

Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit or certificate of occupancy for any use to be served by shared access. Any shared access must meet all dimensional requirements of this Ordinance and any applicable SCDOT requirements.

§9.3.7 USE OF REQUIRED PARKING SPACES

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, manufactured housing units, or building materials.

§9.3.8 Vehicle Stacking Areas

A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

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
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 Planning Director	

B. Parking Area Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. Stacking spaces must be a minimum of eight feet by 20 feet in size.
2. Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
3. Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director of Public Works for traffic movement and safety.
4. The 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 uses, adult and child day care facility uses, public assembly uses, and conference facility uses.

§9.3.9 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 space encroach upon off-street parking space 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. Entrances and Exits

Off-street loading entrance and exit 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. Landscaping, Buffers and Screening

See Article 9.5 of this Chapter.

§9.3.10 PEDESTRIAN WAYS

A. Where Required

1. Paved pedestrian ways shall be provided in all non-residential development within the Urban and Suburban Areas of the County; and
2. Paved pedestrian ways shall link surrounding roadways with the front entrance and shall provide pedestrian linkages between the proposed development and uses on adjoining lots.

B. Placement

Paved pedestrian ways within publicly dedicated right-of-ways shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Alternative surface walkways may

be used outside of right-of-ways when deemed appropriate to surrounding development characteristics by the Planning Director.

ARTICLE 9.4 TREE PROTECTION AND PRESERVATION

§9.4.1 GENERAL

A. Findings

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. 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. The Tree Protection and Preservation regulations of this Article are intended to enhance the health, safety and welfare of Charleston County citizens.

B. Applicability and Exemptions

1. Applicability

The provisions of this Article in their entirety shall apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.

2. Exemptions

- a. Single family detached residential lots of record shall be exempt from all provisions in this Article except for the Grand Tree documentation, protection and replacement provisions. This exemption does not include applications for Major or Minor Subdivisions for which landscape buffers may be required per Section 9.5.4.
- b. The Planning Director shall be authorized to modify or reduce the standards of this Article for commercial nursery operations.
- c. 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.
- d. Removal of trees for the purpose of conducting "bona fide forestry operations" shall be exempt from the provisions of this Article except for removal of Live Oak species of Grand trees.
- e. Removal of trees for the purpose of establishing bona fide agricultural uses, as specified in Section 3.8.2A of this Ordinance, shall be exempt from the provisions of this Article except for the

Grand Tree documentation, protection and replacement provisions.

- f. Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations are exempt from this Article.
 - g. Removal of trees on properties in the Industrial Zoning District is permitted pursuant to the following conditions:
 - i. Tree removal cannot occur prior to site plan approval;
 - ii. This exemption shall not apply to Live Oak species of Grand Trees or any protected trees within required buffers and parking lots; and
 - iii. Mitigation of removed trees, as stated in this Section, is required. Staff shall approve the mitigation of such trees in accordance with Section 9.4.6 of this Ordinance.
3. **Partial Exemptions for SCDOT and CCPW**
The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) shall be exempt from the provisions of this Article except the following:
- a. All trees species measuring 6 inches or greater DBH located in rights-of-way along Scenic Highways as designated in this Ordinance shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5B and 9.4.6.
 - b. Grand Tree Live Oak species in all present and future rights-of-way shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5.B and 9.4.6.
 - c. All Grand Trees other than Live Oak species not located on a Scenic Highway are protected but may be permitted to be removed administratively when mitigated per Article 9.4.6.

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; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds 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. 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.

D. MEASUREMENTS AND DEFINITIONS

1. Diameter Breast Height

Diameter Breast Height is used for measuring all trees greater than 12-inch caliper. The Diameter Breast Height (DBH) of a tree is the total diameter, in inches, of a tree trunk or trunks measured 4½ feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a measuring tape designed specifically to calculate diameter. A standard measuring tape may be used to measure diameter when the circumference is divided by 3.14. 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 4.5 foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and count as one tree. Any trunk measuring less than 8 inches DBH is not included in the calculation.

2. Caliper

Caliper is the diameter of a tree trunk measured six inches above the ground on trees with calipers of four inches or less. For trees between four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.

3. Grand Tree

Any tree measuring 24 inches or greater diameter breast height (DBH) except pines. All Grand Trees are prohibited from removal unless a Grand Tree Removal Permit is issued.

4. Protected Trees

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. Limited removal is allowed only when specified by the provisions of this Ordinance.

§9.4.2

ADMINISTRATION

A. Zoning Permit Required

1. Tree Removal

Removal of required trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after a tree plan is approved by the Planning Director, as outlined below.

2. Excess Canopy (Limb) Removal

- a. Removal of three or more limbs with an individual diameter of six inches or greater shall require a Zoning Permit.

- b. Removal of any size limbs which contribute to more than one hundred continuous linear feet of canopy over public roadways shall require Variance approval from the Board of Zoning Appeals. This requirement shall not preclude the SCDOT, CCPW or other entities from maintaining height clearances of 14' or less and width clearances within designated travel ways and from removing unprotected trees along right-of-ways for road widening projects.

B. Documentation

Tree plans, prepared by a licensed registered surveyor, civil engineer or landscape architect shall be required on all non-exempt parcels before any zoning permits are issued.

§9.4.3 TREE PLANS AND SURVEYS

A. General

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, canopy size and shape, and the trunk location. All required tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the State of South Carolina. 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 landscape architect, civil engineer, forester or surveyor, 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 Planning 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. Major and Minor Subdivision Preliminary Plats

Refer to Section 8.4.2.A.4 Preliminary Plat Application in the Subdivision Regulations of Chapter 8 of this Ordinance.

C. Commercial, Industrial and Multi-Family Parcels

1. All tree surveys must show the location, number, size and species of all trees 8 inches or greater DBH (Diameter Breast Height) including those scheduled to be removed.
2. When there are trees 8 inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer or landscape architect.

[Commentary: Assistance in tree identification and condition should be provided by a forester or qualified arborist.]

D. Single Family Detached Residential Parcels

1. Single family detached residential parcels shall show all Grand Trees within the area of construction and land disturbance and in conjunction with the subdivision regulations of this Ordinance at the time a zoning or building permit application is made.

§9.4.4 REQUIRED TREE PROTECTION**A. General**

All Grand Trees and any other trees required to remain on a site as outlined in this Ordinance must be protected during construction and development of the 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 Planning Department for approval prior to the issuance of permits or the start of development activities.

Prior to issuance of a zoning permit, a pre-construction planning conference for tree preservation is required on site with the Planning Director's representative, the applicants, 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 office and dumpsters.

B. Tree Protection During Development and Construction

Protective barricades shall be placed around all required trees in or near development areas on all zoning parcels, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards by the Planning Director and placed beneath the canopy drip line or one and one-half feet times the DBH of the tree. Other protective devices or construction techniques may be used as approved by the Planning Director. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities. All required trees are also subject to the provisions of Section 9.5.6 of this Chapter and subject to the enforcement criteria of Chapter 11.

C. Partial Exception for Limited Clearing

Limited clearing and grubbing may be authorized by the Planning Director prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical. Limited clearing shall be for the express purpose of accessing the property and protected trees to erect the required tree protection and silt fencing. For the purposes of this Article, limited clearing shall be clearing done with hand tools, push or walk behind equipment or lightweight bush-hog type equipment designed specifically for brush and undergrowth clearing that is not capable of removing vegetation greater than 3 inches in diameter. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

D. Separation of Trees from Pavement, Grading and Structures

Paved areas shall be separated from trees by a minimum distance of the drip line or one and one-half feet times the DBH or as modified by the Planning Director as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25 percent of the protected area beneath a tree. Any paving, grading, trenching, or filling within the remaining 75 percent of the protected area must be approved by the Planning Director and may require specific construction techniques be used in order to preserve the health of the tree. Refer to Chapter 9 exhibits for examples. When grading and construction within the protected area of a tree has been approved, all damaged roots shall be severed clean and inspected by the County Landscape Architect or Inspector prior to the receipt of a Zoning Permit.

E. Quantity and Location of Trees to be Protected

Before the issuance of a Zoning Permit for Commercial, Industrial, Multi-Family, and Civic/Institutional uses, the following number of trees with a diameter breast height of 8 inches or greater shall be preserved and protected in accordance with the provisions of Section 9.4.4.B of this Ordinance. All trees located within required buffers as outlined in Article 9.5 shall be protected.

1. 20 trees per acre; or
2. Any number of trees with a combined diameter breast height of at least 160 inches per acre.
3. Required drainage improvements such as detention and retention ponds and wetlands may be subtracted from the area used to calculate tree preservation requirements.

§9.4.5 TREE REMOVAL

A. Generally

Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Planning Director:

1. Trees are not required to be retained by the provisions of this Article.
2. Trees are diseased, dead or dying (as determined by the Planning Director or a qualified arborist);
3. Trees pose an imminent safety hazard to nearby buildings, or pedestrian or vehicular traffic (as determined by the Planning Director or a qualified arborist); or
4. Removal of required trees has been approved by the Board of Zoning Appeals.

B. Variances

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 Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.

C. Emergency Provisions

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 Planning Director may waive requirements of this Article. Documentation must later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified arborist and photographs supporting the tree removal emergency. The Planning Director may require replacement of required trees that are removed where it is determined that death or disease resulted from negligence.

D. Violations and Penalties

Violations and penalties are specified in Chapter 11 of this Ordinance.

§9.4.6 TREE REPLACEMENT

A. Generally

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 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. Wooded Site with 160 Inches per Acre or More DBH

When trees of 8 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 Planning Director.

C. Sites with Less Than 160 Inches per Acre Combined DBH

When lots lack a sufficient number of trees to meet the requirement for DBH/number of trees per acre, all trees six inches DBH or greater shall be preserved and protected in accordance with Section 9.4.4.B of this Chapter during development and must equal no less than 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 Planning Director.

D. Previously Cleared Sites

Where sites were completely cleared of trees prior to 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 Planning Director.

E. Tree Fund

The Tree Fund is a fund established to receive monies exacted from tree removal violation fines to include, but not be limited to, removal, damage, destruction, or as defined in Section 9.4.1.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 Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. 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.

F. Bankruptcy or Abandonment of Site

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 Section 9.4.6E of this Chapter.

§9.4.7 INSPECTIONS AND FINAL APPROVAL

- A. The Planning Director shall 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 for a completed structure by the Director of Building Services, the 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 Planning Director regarding the compliance inspection. Such inspections 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. However, the Planning Director shall 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. This is designed to include severe weather, such as droughts, heat waves, and floods.
- C. Within three years of the issuance of the Certificate of Occupancy, the Planning Director shall perform a site inspection to verify the health of trees which were retained to meet the requirements of this Article and which may have suffered

damage due to insufficient protective measures during development.

- D. Each required tree that is determined by the Planning Director to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of the disease or injury shall rest with the applicant, who must provide documentation from a qualified arborist. Any tree damaged during or as a result of construction shall be repaired to the satisfaction of the Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree damage must be repaired prior to issuance of a Certificate of Occupancy.
- E. 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.

ARTICLE 9.5 LANDSCAPING, SCREENING AND BUFFERS

§9.5.1 APPLICABILITY

Unless expressly exempted, the landscaping, screening and buffering standards of this Article shall apply to all new non-residential development and all new major roadways that serve Residential Major Subdivisions (ten or more lots). Minor Subdivisions (those with fewer than ten lots) may be required to provide landscaping, screening or buffering on major roadways when the 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 non-residential 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 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), then the entire parcel shall be brought into compliance with all applicable standards of this Article. Before calculating the percentage of area for re-development and improvement, any proposed demolition of structures and parking is subtracted from the existing gross floor area of buildings and number of parking spaces.

§9.5.2 EXHIBITS

Drawings included as exhibits at the end of this Chapter are meant to compliment the language of the Ordinance. In the event of a conflict with the text of the Ordinance, the text shall apply.

§9.5.3 PARKING, LOADING AND VEHICULAR USE AREA LANDSCAPING

A. Parking, Loading and Vehicular Area Perimeters

Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single family or agricultural uses shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy the standards of this Chapter shall also be exempt from these (parking, loading and vehicular use Area) perimeter landscaping requirements.

1. 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.
2. Required perimeter landscape areas shall be planted in accordance with the following minimum standards:
 - c. One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements.
 - d. A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;
 - e. 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 ground cover; and
 - f. Parked vehicles may overhang a landscaped area if curbing or wheel stops are installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and 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 shall apply to all parking lots except those exclusively serving single family residential or agricultural uses.

1. A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.
2. Each required landscaping island shall contain at least one canopy tree and there shall be no more than ten parking spaces in a row between tree islands. Interior parking landscape islands that separate double loaded parking bays shall be a minimum of nine feet wide. Canopy trees planted 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, however, all parking lot bays must terminate with a tree island. Example shown in Chapter 9 exhibits.
3. Curbs, wheel stops or other approved protective barriers shall be installed

around all required landscape islands, as approved by the Planning Director.

4. Landscaping provided to meet the right-of-way buffer standards of Section 9.5.4 of this Chapter may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter adjacent use buffer landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

§9.5.4 LANDSCAPE BUFFERS

A. Right-of-Way Buffers

1. Applicability

Right-of-way buffers shall be required adjacent to road rights-of-way for all uses except for the following: 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 Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.

2. Buffer Reductions

The Planning Director shall be authorized to reduce the depth of a required right-of-way buffer by up to one-third its depth if the following circumstances exist:

- a. The parcel is located on a corner lot with required right-of-way buffers of 35 feet or more; or
- b. The area of all required buffers, including Land Use Buffers and Tree Protection Areas, exceeds 30 percent of the site.

3. Buffer Types by Roadway

Landscape buffers shall be required along roadways in accordance with the following table. Streets and roads not indicated in the table shall comply with the S2 buffer requirements. Section 9.5.4 of this Chapter describes buffer types and planting requirements.

4. Development Within Buffer Areas

- a. No development may occur within required buffer areas; with the exception of sidewalks and permitted drives and signs;
- b. All buffer areas shall accommodate required plant material within the buffer;
- c. 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 a natural manner; and

- d. Stormwater detention ponds may not occupy more than twenty-five percent (25%) of the buffer area.

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Abbapoola Road	S4	Magwood Road	S3
Ashley Hall Road	S1	Main Road (Limehouse Bridge to Maybank Hwy.)	S5
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	S1	Main Road (Bees Ferry Road to Limehouse Bridge)	S4
Hwy. 61/Ashley River Road (Sam Rittenberg Boulevard to Mark Clark Expressway)	S2	Manse Road	S4
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	S3	Mark Clark Expressway	S5
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	S5	Mary Ann Point Road	S3
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line)[1]	S6	Mathis Ferry Road [1]	S4
Bears Bluff Road	S5	Maybank Highway Corridor Overlay District	[2]
Bees Ferry Road	S4	Maybank Highway [James Island]	S1
Belvedere Road	S4	Maybank Hwy (Main Road to Rockville)	S5
Betsy Kerrison Parkway [1]	S5	Meeting Street	S1
Bohicket Road [1]	S5	Murraywood Road	S4
Botany Bay Road	S4	Old Georgetown Road	S4
Brownswood Road	S4	Liberia Road	S4
Abbapoola Road	S4	Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	S1
Cane Slash Road	S4	Old Jacksonville Road	S4
Chisolm Road	S4	Old Pond Road	S4
Chuck Dawley Boulevard	S1	Old Towne Road	S1
Coleman Boulevard	S1	Orange Grove Road	S1
Doar Road	S4	Orleans Road	S1
Dorchester Road	S1	Parkers Ferry Road	S4
Eddingsville Beach Road	S4	Patton Avenue/Fickling Hill Road	S4
Edenvale Road	S4	Peters Point Road	S4

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Fordham Road	S1	Pine Landing Road	S4
Fort Johnson Road [1]	S3	Plow Ground Road	S4
Hamlin Road	S3	Raccoon Island Road	S4
Harborview Road	S1	Rifle Range Road	S3
Highway 162	S4	River Road [1]	S5
Highway 165	S4	Riverland Drive [1]	S4
Highway 17 (Hwy. 41 to County Line)	S5	Rivers Avenue	S1
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	S4	Rutledge Road	S4
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	S1	Saint Andrews Boulevard	S1
Highway 17 (west of the Isle of Palms Connector including bypass)	S1	Savannah Highway [Bees Ferry Rd. to County Line] otherwise S2	S3
Highway 174 (Highway 164 to Edisto Beach) [1]	S5	Seewee Road	S4
Highway 174 (Highway 17 to Highway 164)	S3	South Santee Road	S4
Highway 41	S4	Steamboat Landing Road (Jenkins Hill Rd to Steamboat Creek)	S4
Highway 45	S4	Tibwin Road	S4
Humbert Road	S3	Toogoodoo Road	S4
James Island Bridge/Highway 61 Connector	S3	Verning Road	S3
James Island Expressway	S4	Wappoo Road	S1
Liberia Road	S4	Wescott Road	S4
Long Point Road (SPA Wando Terminal to I-526)	S1	Willtown Road	S4
Long Point Road (Outside of MP-O district) [1]	S4		

[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] S6 for industrial use; S5 all other uses.

5. Buffer Depth and Planting Standards

STANDARD	BUFFER TYPE					
	S1	S2	S3	S4	S5	S6
MIN. BUFFER DEPTH (ft from right-of-way)[1]	15	20	35	50	75	100
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet)[2][3]						
Canopy Trees[4]	2	2	4	6	9	12
Understory Trees (at least 50 percent evergreen)	3	4	6	9	12	15
Shrubs	25	30	40	50	60	75
Street Trees (may be counted toward canopy tree req.)[5]	2	2	2	2	2	NA

All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.

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

[2] The retention of natural buffers shall be required along all road or street rights-of-way of S3 designation or greater. The Planning Director shall be authorized to 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.

[3] 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.

[4] When existing overhead utility lines are located such that they may pose interference with required canopy trees, Palmetto trees may be substituted to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto trees to one canopy tree and are to be planted in groupings of three.

[5] 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.

Note: The 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.

B. Land Use Buffers

1. Applicability

Land use buffers shall be provided in accordance with the standards of this Section, provided that the Planning Director shall be authorized to modify or waive buffer or landscape planting requirements if it is determined that:

- Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
- Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading, display or service areas; or

- c. The area of required buffers would exceed 25 percent of the site proposed for development.

When landscape buffer requirements are modified or waived, the Planning Director may require that additional plant material be added within remaining buffers or elsewhere on the site.

2. Exemptions

Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.

3. Determination of Required Buffers

The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table (Section 9.5.4.B.4) of this Chapter apply:

- a. Determine the type of use proposed for the site that is being developed. This is the "Proposed Use" (Column 1);
- b. Determine the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel. This is the "Adjacent Site's Use or Zoning";
- c. Identify the type of landscape buffer required along the developing site's boundary (A, B, C, D, E, or F);
- d. Refer to Section 9.5.4.B.5 of this Chapter to identify the buffer depth and landscaping standards for the required buffer type.

4. Land Use Buffer Table

Land Use Buffers shall be provided along side and rear yards in accordance with the following minimum requirements:

Proposed Use	Use or Zoning of Adjacent Site											Agricultural Use
	Residential Type			Zoning District								
	1	2	3	R-11	OR	OG	CN	CT	CR	CC	I	
Residential Type 1	-	A	B	-	A	B	B	B	B	C	D	F
Residential Type 2	A	-	A	-	A	B	B	B	B	C	D	F
Residential Type 3	B	A	-	-	A	A	B	B	B	C	D	F
Civic/Institutional	B	B	A	A	-	-	-	-	-	-	-	-
Commercial Type 1	B	B	B	B	-	-	-	-	-	-	-	-
Commercial Type 2	C	C	C	C	C	B	B	-	-	-	-	-
Industrial Type 1	E	E	D	D	D	D	C	C	C	B	-	-
Industrial Type 2	F	F	F	F	E	E	D	C	C	C	A	-

[1] Applies to undeveloped (vacant) R and AGR zoned property.

Residential Use Types: Type 1 = Single family Detached; Type 2 = Duplex and Single family Attached; Type 3 = 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 OR, OG or CN district; Type 2 = all other commercial uses that are allowed in commercial (c) zoning districts (commercial uses are those listed in the "Commercial" rows of Use Table 6.1-(1))

Industrial Use Types: Type 1 = Any industrial or commercial use that is first allowed in an industrial (i) zoning district; Type 2 = Waste-Related uses, Resource Extraction uses and Recycling Centers.

5. Buffer Depth and Landscaping Standards

Standard	Buffer Type					
	A	B	C	D	E	F
MINIMUM BUFFER DEPTH (feet from property line)	10	15	25	40	60	100
MINIMUM LAND USE BUFFER LANDSCAPING (Plants per 100 linear feet)[1][2]						
Canopy Trees	2	3	3	5	7	9
Understory Trees (at least 50 percent evergreen)	3	4	4	7	9	11
Shrubs	20	20	25	30	40	50

[1] The Planning Director shall be authorized to require the installation of fences, walls or berms within required buffers where deemed necessary to ensure land use compatibility or otherwise protect the visual quality of an area.

[2] All trees with a diameter breast height (DBH) of 8 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 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 ten feet. Required buffers shall be noted on all plats, plans and permit requests submitted for review and approval under this Ordinance.

2. Use of Buffers

The Planning Director shall be 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 Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse affect on adjacent property.

§9.5.5 Landscape Plans

Landscape and Planting Plans submitted to meet the requirements of the Ordinance are to be drawn to the same scale as the Site Plan depicting proposed shrubs and trees at maturity. It is strongly encouraged that all Landscape Plans be prepared by a licensed registered Landscape Architect or Landscape Designer familiar with the growth habits and characteristics of plant material available in the Charleston area. 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.

§9.5.6 Landscape Material Standards

Landscape and plant material used to satisfy the standards of this Ordinance shall comply with the minimum standards of this Section.

A. Plant Material**1. Existing Plant Material**

Vegetation and plant material that exists on a parcel prior to its development may be used to satisfy the landscaping standards of this Section provided that it meets the size and locational requirements of this Article.

2. Size

Unless otherwise expressly stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

PLANT TYPE	MINIMUM SIZE
Canopy Tree	2 1/2 inches caliper and 12 feet in height
Understory/Ornamental Tree	8 feet (height)
Evergreen/Conifer Tree	5 feet (height)
Shrubs	3 gallon and 18" to 24" in height or spread

Note: At least 50 percent of required understory trees shall be evergreens. Any plant material that grows to an ultimate height of less than 18 inches shall be considered a groundcover and cannot 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 Section shall be indigenous to the Charleston County area or are cultivated to survive in the climate of this area. No single plant species shall represent more than 40 percent of total landscape plantings, except for projects whose landscape requirements for canopy trees are lower than ten.

4. Quality

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 balled and burlapped or container-grown.

5. Additional Landscape Treatment

All required landscape areas, including drainageways and detention/retention ponds, and buffers not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including 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

Berms and landscape structures shall comply with the following minimum standards.

1. Fences and Walls

Fences and walls used as a screen shall be at least 95 percent opaque, with a minimum height of six feet.

2. Berms

Earthen berms shall have a minimum height of three feet, with a slope not to exceed 3:1, variable dependent upon the plant materials and soil type used. The toe of any berm shall be located at least three feet from the ultimate right-of-way or property line.

§9.5.7 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 material 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 suitable means for providing proper drainage do not exist.

B. Irrigation

The Planning Director shall be 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 and other landscape features shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The land owner, or successors in interest, shall be jointly and severally 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 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, where necessary, of any landscaping required by this Section; 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 one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

ARTICLE 96 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS**§9.6.1 PURPOSE**

The purpose of these standards is to promote attractive, well-designed development that is built to human scale; 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.

§9.6.2 APPLICABILITY

These standards shall apply to all developments that are subject to Site Plan Review.
(See Article 3.7)

§9.6.3 ARCHITECTURAL DESIGN GUIDELINES

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.
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.
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 proper 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 which 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. Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.
3. Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
4. 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.
5. 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.
6. Any building exterior elevation shall consist of architectural materials which 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.
7. 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 complimentary 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

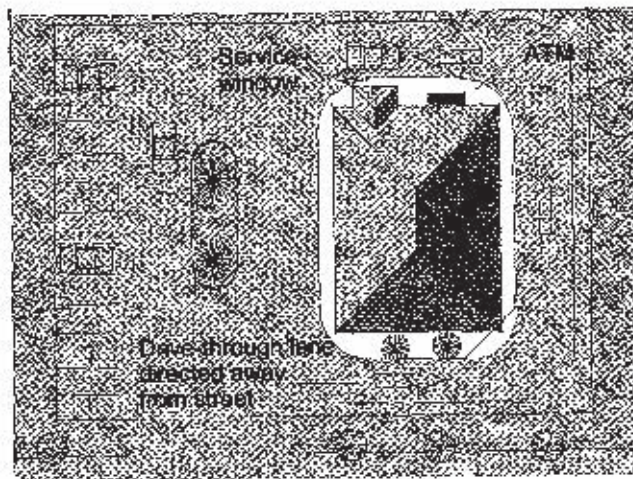
1. To the maximum extent feasible, primary facades and entries should face the adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing 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 and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
4. All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.
5. 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.
6. Gas Stations.
Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a

corner lot, the building would have to be situated in the corner of the lot at the intersection.

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 screens the equipment entirely. Dumpsters shall be screened with a minimum 6-foot opaque fence or wall on all four sides and located toward the side or rear of the principle structure.

- G.** All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive thru 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:



§9.6.4 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 noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will 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 shall be required between buildings and sidewalks, and parking lots and driveways. 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 compliment [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. All properties shall comply with the County's Right-of-Way Management Ordinance where applicable.
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.

B. Parking/Drives

1. Parking areas and driveways shall be paved with material which 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.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade, or within a courtyard surrounded on three sides by a proposed structure, is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.
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 shall be stamped and signed by a registered professional engineer and comply with the following criteria:

1. Maximum average foot-candles shall not exceed 5 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 and public right-of-way.

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 not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

ARTICLE 9.7. WETLANDS, WATERWAYS AND OCRM CRITICAL LINE

§9.7.1 WETLAND BUFFERS AND SETBACKS

A. Intent

The buffer standards of this Article are intended to provide a natural vegetated area between the furthestmost projection of a structure, parking or driveway area, or any other building elements, and all saltwater wetlands, waterways and OCRM (saltwater) critical lines. The purpose of these required buffers is to provide a visual, spatial, and ecological transition zone between development and the County's saltwater wetlands and waterways, and to protect water quality and wildlife habitat.

B. Wetland, Waterway and OCRM Critical Line Buffer Depth and Setbacks

1. Standards

The following minimum wetland/waterway buffers/setbacks shall be required:

Minimum Buffers/Setbacks (feet)	RM	AG-15	AG-10	AG-5	AGR	RR-3	S-1	S-2	S-3	R-2	R-3	R-4	M-3	M-12
OCR M Critical Line Buffer	35	35	35	35	35	35	35	15	15	15	15	15	15	15
Setback from OCR M Critical Line	50	50	50	50	50	50	50	35	35	35	35	35	35	35

Minimum Buffers/Setbacks (feet)	MHS	MHP	OR	OG	CT	CN	CR	CO	J
OCR M Critical Line Buffer	15	15	35	35	35	35	35	35	35
Setback from OCR M Critical Line	35	35	50	50	50	50	50	50	50

2. Reduction of OCR M Critical Line Setbacks

The Planning Director shall be authorized to reduce OCR M 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 and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

3. Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999

When the application of buffer/setback requirements contained within this Ordinance render a parcel that existed prior to April 21, 1999, unbuildable, the Planning Director shall be authorized to reduce front, side and rear yard buffers/setbacks as necessary to make a parcel buildable. The 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.

C. Measurement

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.

D. Lot Width

The minimum lot width standards of the underlying zoning district shall apply at the required buffer or setback line.

§9.7.2 PROHIBITED ACTIVITIES

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. Paved or other impervious surfaces; and
- E. Destruction or addition of plant life which would alter the existing pattern of vegetation.

ARTICLE 9.8. HISTORIC PRESERVATION**§9.8.1 INTENT**

The standards of this Section are intended to safeguard the integrity of historic structures, sites, and their context, and to protect public views of these resources along public rights-of-way.

§9.8.2 APPLICABILITY

The standards of this Section shall apply to all sites (existing and future) listed on the National Register of Historic Places.

§9.8.3 DEMOLITION

No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance.

§9.8.4 MOVING

No relocation of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. Relocation should not be considered, except as a final alternative to demolition.

§9.8.5 NEW CONSTRUCTION; EXTERIOR ALTERATIONS

No new construction located on a historic structure or site or significant exterior alteration of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.

§9.8.6 NEARBY DEVELOPMENT

Subdivision plats for multi-family, manufactured housing park, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Planning Director shall require that potential negative impacts be minimized through the location of vehicular access points, screening/buffering and other site design tools.

ARTICLE 9.9. TRAFFIC IMPACT STUDIES**§9.9.1 APPLICABILITY**

A traffic impact study shall be required with applications for zoning map amendments, preliminary plats and planned developments that are projected to generate 100 or more peak hour vehicle trips, based on trip generation rates from the latest edition of the Institute of Transportation Engineers Trip Generation manual. The Planning or Public Works Director shall also be authorized to require traffic impact studies when it is determined that a proposed development is likely to have a significant impact on transportation capacity, transportation levels of service or traffic safety in the vicinity of the proposed development.

§9.9.2 STUDY SCOPE

When a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Public Works Directors. The meeting may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include:

- A. **Type of Study**
The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).
- B. **Definition of Impact Area**
The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.
- C. **Period of Analysis**
Periods of analysis may include: daily traffic, a.m., p.m. or weekend peak hour.
- D. **Analysis Scenarios**
Scenarios for analysis include: existing conditions, opening year conditions with and without development, and 10 years after opening with and without development.
- E. **Process**
Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.
- F. **Growth Rate Assumption**
The rate of growth assumed in background traffic assumptions.
- G. **Pipeline Development**
Developments in the area that have been approved or are under review.

§9.9.3 TRAFFIC STUDY ELEMENTS

A letter report or special report shall include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements:

- A. **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 Public Works Director 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.

B. 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 developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Public Works Director.

C. 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 Public Works Director 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 as agreed in the scoping meeting.
3. Capacity analysis for opening year and plus ten-year for key intersections (and roadway segments where appropriate).
4. 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.

D. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Public Works Director and, where appropriate, the South Carolina Department of Transportation. Where a Decision-Making Body determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat or planned development request.

E. Consultants

The Public Works Director 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 Public Works Director is authorized to administer the contracts for such consultants.

1. The Public Works Director 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 Public Works Director may require additional fees for the independent review if: the Decision-Making Body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at Planning Commission or County Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

ARTICLE 9-10 VISION CLEARANCE**§9.10.1 MAJOR ROADWAYS**

Corner lots on major roadways shall have no structure or obstruction that obscures travel vision from 30 inches to ten feet above ground level in 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.

§9.10.2 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.

§9.10.3 SUB-COLLECTOR STREETS

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.

§9.10.4 PRIVATE DRIVES AND PRIVATE LANES

On private driveways of commercial or industrial activities, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet.

ARTICLE 9.11 SIGNS**§9.11.1 GENERAL PROVISIONS****A. Purpose**

This Article provides comprehensive regulations for signage in Charleston County designed to promote public safety and welfare by reducing visual clutter along highways, facilitating the efficient transfer of information, and thus enhancing traffic flow and the ability to locate needed goods and services.

B. Administration and Enforcement**1. Non-Commercial Copy**

Any sign authorized in this Section is allowed to contain non-commercial copy in lieu of any other copy. Non-commercial on-premises signs are permitted in any zoning district provided that such signs comply with the regulations of that district.

2. 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 Director

3. Permit Required

No signs, except real estate signs shall be erected unless a zoning permit has been issued by the Planning Director in accordance with the procedures of this Ordinance.

4. Fees

An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by County Council.

CHAPTER 9 | DEVELOPMENT STANDARDS

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CHAPTER 9 | DEVELOPMENT STANDARDS**ARTICLE 9.1 | PURPOSE AND INTENT**

The purpose of the regulations contained in this Chapter is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development within the unincorporated areas. The Development Standards are authorized for the following purposes, among others:

- A. Implement the goals, objectives, and policies of the County of Charleston *Comprehensive Plan*;
- B. Facilitate safe transportation, access, vehicular circulation, and parking;
- C. Assure the protection and preservation of natural resources, such as trees and wetlands;
- D. 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;
- E. 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
- F. Insure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.

ARTICLE 9.2 | APPLICABILITY

Unless expressly stated, the articles in this Chapter apply to development occurring on property within unincorporated Charleston County.

ARTICLE 9.3 | OFF-STREET PARKING AND LOADING**§9.3.1 GENERAL****A. Applicability****1. New Development**

The off-street parking and loading standards of this Article apply to any new building constructed and to any new use established.

2. Expansions and Alterations

The off-street parking and loading standards of this Article apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases

the number of off-street parking and loading spaces provided for the entire use (preexisting + expansion) must equal at least 75 percent of minimum ratio established in Off-Street Parking Schedule "A" of this Article.

B. Timing of Installation

Required parking spaces and drives shall be ready for use and approved by the Planning Director prior to issuance of a Certificate of Occupancy.

C. Reduction Below Minimums

The Planning Director shall be authorized to reduce the number of required parking spaces by no more than 10 percent (10%) when more than ten (10) spaces are required with the following conditions:

1. The site can support the minimum required number of parking spaces and meet all development standards in this Ordinance including buffers and landscaping requirements; or
2. The reduction is necessary to meet the Tree Protection and Preservation regulations contained in Article 9.4 of this Ordinance.

This allowable reduction excludes medical offices and restaurant uses. Any 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 the provisions of this Article.

§9.3.2 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table.

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single Family: Detached and attached, including dwelling groups, duplexes and manufactured housing units.	2 per dwelling unit
CIVIL INSTITUTIONAL	
Cemetery	1 per full time employee
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
College or University Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community Recreation	1 per 250 square feet of gross floor area
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult or Child Day Care Facilities	1 per employee plus 1 per 5 children/adults
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	1 per employee in single shift plus 2 spaces per acre
Parks & Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Postal Service, United States	1 per 150 square feet of floor area
Railroad Freight Depot	1 per 2,400 square feet
Recycling Collection, Drop-Off	1 per recycle collection container
Public Assembly: Including Conference Centers, Concert Halls, Religious Assemblies, Professional, Labor or Political Organizations and Social Clubs or Lodges	1 per 5 fixed seats or 1 per every three (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 the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED MINIMUM
Health Care Related Services: Including Home Health Agency, Laboratory, Outpatient Services and Rehabilitation facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.)
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
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 space per employee plus 1 per stored vehicle
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Convenience Store	1 per 200 square feet of floor area
Charter Boat or Other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Construction Tools, Commercial or Industrial Equipment Rental	1 per 250 square feet of floor area not including storage areas
Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks and Financial Services	1 per 300 square feet of floor area, also see drive-thru requirements
Food Sales and Grocery Stores	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Hair, Nail or Skin Care Service	2 per employee or work station, whichever is greater
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 200 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
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
Fishing or Hunting Guide Service	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle or camp site
Golf Courses or Country Clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Repair Service, Consumer	1 per 300 square feet of floor area
Catering Service	1 per 400 square feet of floor area

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Restaurant, Fast Food	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, Fast Food (no inside seating)	1 per employee plus 1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, General	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Retail Sales+Service, General	1 per 300 square feet indoor floor area+5 spaces per acre outdoor storage/display/sales area
Shopping Center (mixed retail, office, food sales, restaurant)	1 space per 200 square feet
Nonstore Retailers	1 per employee plus 2 spaces for deliveries
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Services to Buildings and Dwellings	1 per employee plus 1 space for deliveries
Scrap and Salvage Service	1 per employee plus 2 per acre
Self-Service Storage/Mini Warehouse	3 spaces plus 1 space per employee and 1 space per 100 units
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 any parking required in this table when restaurant or motel is included.
Stable (Boarding or Commercial for Hire)	1 per 2 stalls
Vehicle Repair, Consumer	2 per employee or service bay
Vehicle Sales or Vehicle Rental or Leasing	1 per 2,500 square feet of display, 1 per 250 square feet indoor enclosed floor space
Vehicle Parts, Accessories or Tire Stores	1 per 300 square feet of floor area (10 space minimum)
Vehicle Storage	1 per 2 employees
Veterinary Services	3 spaces per each veterinarian or allied professional
INDUSTRIAL	
Repair Service, Commercial	1 per 400 square feet office area plus 1 per 2 employees
Dry Cleaning Plant, Carpet Cleaning Plant or Commercial Laundry	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
Manufacturing and Production	1 per 400 square feet of office area plus 1 per 2 employees
Warehouse and Distribution Facilities	1 per 300 square feet office area plus 1 per 600 square feet for 1 st 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale Sales	1 per 600 square feet for 1 st 12,000 square feet+1 per 900 square feet for remaining area (over 12,000 square feet)

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
AGRICULTURAL AND OTHER USES	
Animal Production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle
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
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticulture, Greenhouse or Hydroponics Production	1 per employee
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center or Waste Related Use	1 per employee
Resource Extraction	1 per 2 employees

§9.3.3**RULES FOR COMPUTING PARKING AND LOADING REQUIREMENTS**

The following rules apply when computing off-street parking and loading requirements:

- A. Multiple Uses**
Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.
- B. Fractions**
When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- C. Area Measurements**
Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area. Storage areas or common areas incidental to the principle use shall be exempt from this measurement when the following conditions are met:

1. The storage area or common area is a minimum of two hundred fifty (250) square feet; and
2. The applicant has provided documentation that such areas will not be used as space for employees, customers, or residents.

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.

E. Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require parking spaces in accordance with a parking study prepared by the applicant.

§9.3.4

LOCATION OF REQUIRED PARKING

A. On-Site Parking

1. Except as expressly stated in this Section, 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

A maximum of 50% of off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards. If any one of the following standards cannot be met, Special Exception approval shall be required:

1. Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off site.
2. No off-site parking space may be located more than 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian

walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

3. Parking spaces located off site in accordance with this Section shall be considered accessory to the primary use, regardless of the fact that such accessory use is not located on the same parcel as the principal use.
4. Off-site parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Off-site parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
5. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance 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.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

C. Shared Parking

1. Uses with different operating hours or peak business periods may share off-street parking spaces if the shared parking complies with the all of following standards. If any one of the following standards cannot be met, Special Exception approval shall be required.
2. Shared parking spaces must be located within 600 feet of the primary entrance of the use served, unless shuttle bus service is provided to the shared parking area. Shared parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the parking area.
3. Shared parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Shared parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
4. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the

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.

5. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a building permit or Certificate of Occupancy for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

§9.3.5 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

The parking standards of this Article are intended to ensure compliance with the Americans with Disabilities Act (ADA). 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 determined from the following 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	Minimum Number of Van Accessible Spaces	Minimum Number of 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 disabilities shall comply with the parking space dimension standards of this Section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. Car-accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
2. Van-accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.

§9.3.6 PARKING SPACE AND PARKING LOT DESIGN

A. Parking Lot Design

Dead end type of parking layouts that cause or contribute to poor vehicular circulation will not be allowed unless all other site configurations and parking options of the required number of parking spaces have been exhausted.

B. Aisle Widths and Parking Space Dimensions

Drive aisle widths and parking space dimensions shall comply with the standards in the following table. Twenty percent (20%) of the minimum number of required parking for a development may utilize compact and sub-compact vehicle parking dimensions. These dimensions shall be a minimum of 7 feet 6 inches x 15 feet (7'6" x 15') and clearly marked for compact vehicles only.

X	Stall Width A	Stall Depth B	Aisle Width C	Stall Width D
60°	8' 0" 8' 6" 9' 0"	19' 7" 18' 0" 17' 0"	19' 0" 18' 0" 17' 0" *One Way	9' 3" 9' 10" 10' 5"
45°	8' 0" 8' 6" 9' 0"	18' 5" 18' 8" 19' 1"	12' 0" 11' 0" 11' 0" *One Way	11' 4" 12' 0" 12' 8"
30°	8' 0" 8' 6" 9' 0"	15' 11" 16' 5" 16' 10"	11' 0" 10' 0" 9' 0" *One Way	16' 0" 17' 0" 18' 0"
0°	8' 0" 8' 6" 9' 0"	22' 0" 22' 0" 23' 0"	11' 0" 11' 6" 12' 0" *One Way	N/A (PARALLEL)
90°	8' 0" 8' 6" 9' 0"	18' 0" 18' 0" 18' 0"	28' to 32' 26' to 29' 23' to 27' *Two Way	N/A

Note: Two Way drive aisles shall always require a minimum width of 23 feet.

Points of Reference

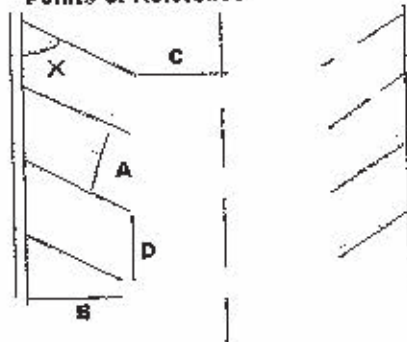


Figure 2

- C. **Parking Lot Landscaping**
See Article 9.5 of this Chapter.

- D. **Markings and Surface Treatment**

1. In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. In unpaved parking lots, all parking spaces must have a curb stop (minimum height of four inches) to delineate the location of the space and to prevent the encroachment of parking onto adjoining properties, rights-of-way, or landscaped areas.

2. One-Way and Two-Way accesses into required parking facilities shall be identified by directional arrows.
3. Unpaved parking lots must have an all weather surface such as gravel, slag or other pervious surface, not including asphalt shingles. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the edge of the street pavement to a distance of 20 feet into the property. No more than 120 percent of the required number of off-street parking spaces may be paved and no more than 70 percent of all developable land within parcels may be paved, unless approved by the Planning Director.

E. Access

1. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
2. Parking lot entrance and exit drive curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet. Curb cuts shall be allowed in accordance with the following table:

LENGTH OF FRONTAGE	MAXIMUM NUMBER OF DRIVEWAYS
250 feet or less	1*
251 feet to 1,500 feet	2
1,500 feet or more	3

* On frontages of 250 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Refer to the South Carolina Department of Transportation's Access and Roadside Management Standards Manual for recommended spacing of driveways based on speed of traffic.

3. Entrance and exit drives shall be located at least 100 feet from the edge of the right-of-way of any street intersection. If the subject lot has less than 100 feet of frontage, the Planning Director shall be authorized to alter these requirements. Suitable provisions will be made to prevent ingress or egress at other than designated entrance or exit drives.
4. The Planning Director shall be authorized to require that access to dwelling units comply with the International Fire Code, as adopted by County Council.
5. Shared access between parcels may be allowed with written agreement among all owners of record. An attested copy of the access agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department.

Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit or certificate of occupancy for any use to be served by shared access. Any shared access must meet all dimensional requirements of this Ordinance and any applicable SCDOT requirements.

§9.3.7 USE OF REQUIRED PARKING SPACES

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, manufactured housing units, or building materials.

§9.3.8 Vehicle Stacking Areas

A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

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
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 Planning Director	

B. Parking Area Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. Stacking spaces must be a minimum of eight feet by 20 feet in size.
2. Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
3. Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director of Public Works for traffic movement and safety.
4. The 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 uses, adult and child day care facility uses, public assembly uses, and conference facility uses.

§9.3.9 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 space encroach upon off-street parking space 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. Entrances and Exits

Off-street loading entrance and exit 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. Landscaping, Buffers and Screening

See Article 9.5 of this Chapter.

§9.3.10 PEDESTRIAN WAYS

A. Where Required

1. Paved pedestrian ways shall be provided in all non-residential development within the Urban and Suburban Areas of the County; and
2. Paved pedestrian ways shall link surrounding roadways with the front entrance and shall provide pedestrian linkages between the proposed development and uses on adjoining lots.

B. Placement

Paved pedestrian ways within publicly dedicated right-of-ways shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Alternative surface walkways may

be used outside of right-of-ways when deemed appropriate to surrounding development characteristics by the Planning Director.

ARTICLE 9.4 TREE PROTECTION AND PRESERVATION

§9.4.1 GENERAL

A. Findings

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. 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. The Tree Protection and Preservation regulations of this Article are intended to enhance the health, safety and welfare of Charleston County citizens.

B. Applicability and Exemptions

1. Applicability

The provisions of this Article in their entirety shall apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.

2. Exemptions

- a. Single family detached residential lots of record shall be exempt from all provisions in this Article except for the Grand Tree documentation, protection and replacement provisions. This exemption does not include applications for Major or Minor Subdivisions for which landscape buffers may be required per Section 9.5.4.
- b. The Planning Director shall be authorized to modify or reduce the standards of this Article for commercial nursery operations.
- c. 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.
- d. Removal of trees for the purpose of conducting "bona fide forestry operations" shall be exempt from the provisions of this Article except for removal of Live Oak species of Grand trees.
- e. Removal of trees for the purpose of establishing bona fide agricultural uses, as specified in Section 3.8.2A of this Ordinance, shall be exempt from the provisions of this Article except for the

Grand Tree documentation, protection and replacement provisions.

- f. Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations are exempt from this Article.
- g. Removal of trees on properties in the Industrial Zoning District is permitted pursuant to the following conditions:
 - i. Tree removal cannot occur prior to site plan approval;
 - ii. This exemption shall not apply to Live Oak species of Grand Trees or any protected trees within required buffers and parking lots; and
 - iii. Mitigation of removed trees, as stated in this Section, is required. Staff shall approve the mitigation of such trees in accordance with Section 9.4.6 of this Ordinance.

3. Partial Exemptions for SCDOT and CCPW

The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) shall be exempt from the provisions of this Article except the following:

- a. All trees species measuring 6 inches or greater DBH located in rights-of-way along Scenic Highways as designated in this Ordinance shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5B and 9.4.6.
- b. Grand Tree Live Oak species in all present and future rights-of-way shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5.B and 9.4.6.
- c. All Grand Trees other than Live Oak species not located on a Scenic Highway are protected but may be permitted to be removed administratively when mitigated per Article 9.4.6.

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; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds 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. 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.

D. MEASUREMENTS AND DEFINITIONS

1. Diameter Breast Height

Diameter Breast Height is used for measuring all trees greater than 12-inch caliper. The Diameter Breast Height (DBH) of a tree is the total diameter, in inches, of a tree trunk or trunks measured 4½ feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a measuring tape designed specifically to calculate diameter. A standard measuring tape may be used to measure diameter when the circumference is divided by 3.14. 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 4.5 foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and count as one tree. Any trunk measuring less than 8 inches DBH is not included in the calculation.

2. Caliper

Caliper is the diameter of a tree trunk measured six inches above the ground on trees with calipers of four inches or less. For trees between four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.

3. Grand Tree

Any tree measuring 24 inches or greater diameter breast height (DBH) except pines. All Grand Trees are prohibited from removal unless a Grand Tree Removal Permit is issued.

4. Protected Trees

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. Limited removal is allowed only when specified by the provisions of this Ordinance.

§9.4.2

ADMINISTRATION

A. Zoning Permit Required

1. Tree Removal

Removal of required trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after a tree plan is approved by the Planning Director, as outlined below.

2. Excess Canopy (Limb) Removal

- a. Removal of three or more limbs with an individual diameter of six inches or greater shall require a Zoning Permit.

- b. Removal of any size limbs which contribute to more than one hundred continuous linear feet of canopy over public roadways shall require Variance approval from the Board of Zoning Appeals. This requirement shall not preclude the SCDOT, CCPW or other entities from maintaining height clearances of 14' or less and width clearances within designated travel ways and from removing unprotected trees along right-of-ways for road widening projects.

B. Documentation

Tree plans, prepared by a licensed registered surveyor, civil engineer or landscape architect shall be required on all non-exempt parcels before any zoning permits are issued.

§9.4.3

TREE PLANS AND SURVEYS

A. General

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, canopy size and shape, and the trunk location. All required tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the State of South Carolina. 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 landscape architect, civil engineer, forester or surveyor, 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 Planning 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. Major and Minor Subdivision Preliminary Plats

Refer to Section 8.4.2.A.4 Preliminary Plat Application in the Subdivision Regulations of Chapter 8 of this Ordinance.

C. Commercial, Industrial and Multi-Family Parcels

1. All tree surveys must show the location, number, size and species of all trees 8 inches or greater DBH (Diameter Breast Height) including those scheduled to be removed.
2. When there are trees 8 inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer or landscape architect.

[Commentary: Assistance in tree identification and condition should be provided by a forester or qualified arborist.]

D. Single Family Detached Residential Parcels

1. Single family detached residential parcels shall show all Grand Trees within the area of construction and land disturbance and in conjunction with the subdivision regulations of this Ordinance at the time a zoning or building permit application is made.

§9.4.4**REQUIRED TREE PROTECTION****A. General**

All Grand Trees and any other trees required to remain on a site as outlined in this Ordinance must be protected during construction and development of the 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 Planning Department for approval prior to the issuance of permits or the start of development activities.

Prior to issuance of a zoning permit, a pre-construction planning conference for tree preservation is required on site with the Planning Director's representative, the applicants, 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 office and dumpsters.

B. Tree Protection During Development and Construction

Protective barricades shall be placed around all required trees in or near development areas on all zoning parcels, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards by the Planning Director and placed beneath the canopy drip line or one and one-half feet times the DBH of the tree. Other protective devices or construction techniques may be used as approved by the Planning Director. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities. All required trees are also subject to the provisions of Section 9.5.6 of this Chapter and subject to the enforcement criteria of Chapter 11.

C. Partial Exception for Limited Clearing

Limited clearing and grubbing may be authorized by the Planning Director prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical. Limited clearing shall be for the express purpose of accessing the property and protected trees to erect the required tree protection and silt fencing. For the purposes of this Article, limited clearing shall be clearing done with hand tools, push or walk behind equipment or lightweight bush-hog type equipment designed specifically for brush and undergrowth clearing that is not capable of removing vegetation greater than 3 inches in diameter. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

D. Separation of Trees from Pavement, Grading and Structures

Paved areas shall be separated from trees by a minimum distance of the drip line or one and one-half feet times the DBH or as modified by the Planning Director as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25 percent of the protected area beneath a tree. Any paving, grading, trenching, or filling within the remaining 75 percent of the protected area must be approved by the Planning Director and may require specific construction techniques be used in order to preserve the health of the tree. Refer to Chapter 9 exhibits for examples. When grading and construction within the protected area of a tree has been approved, all damaged roots shall be severed clean and inspected by the County Landscape Architect or Inspector prior to the receipt of a Zoning Permit.

E. Quantity and Location of Trees to be Protected

Before the issuance of a Zoning Permit for Commercial, Industrial, Multi-Family, and Civic/Institutional uses, the following number of trees with a diameter breast height of 8 inches or greater shall be preserved and protected in accordance with the provisions of Section 9.4.4.B of this Ordinance. All trees located within required buffers as outlined in Article 9.5 shall be protected.

1. 20 trees per acre; or
2. Any number of trees with a combined diameter breast height of at least 160 inches per acre.
3. Required drainage improvements such as detention and retention ponds and wetlands may be subtracted from the area used to calculate tree preservation requirements.

§9.4.5 TREE REMOVAL

A. Generally

Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Planning Director:

1. Trees are not required to be retained by the provisions of this Article.
2. Trees are diseased, dead or dying (as determined by the Planning Director or a qualified arborist);
3. Trees pose an imminent safety hazard to nearby buildings, or pedestrian or vehicular traffic (as determined by the Planning Director or a qualified arborist); or
4. Removal of required trees has been approved by the Board of Zoning Appeals.

B. Variances

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 Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.

C. Emergency Provisions

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 Planning Director may waive requirements of this Article. Documentation must later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified arborist and photographs supporting the tree removal emergency. The Planning Director may require replacement of required trees that are removed where it is determined that death or disease resulted from negligence.

D. Violations and Penalties

Violations and penalties are specified in Chapter 11 of this Ordinance.

§9.4.6 TREE REPLACEMENT

A. Generally

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 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. Wooded Site with 160 Inches per Acre or More DBH

When trees of 8 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 Planning Director.

C. Sites with Less Than 160 Inches per Acre Combined DBH

When lots lack a sufficient number of trees to meet the requirement for DBH/number of trees per acre, all trees six inches DBH or greater shall be preserved and protected in accordance with Section 9.4.4.B of this Chapter during development and must equal no less than 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 Planning Director.

D. Previously Cleared Sites

Where sites were completely cleared of trees prior to 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 Planning Director.

E. Tree Fund

The Tree Fund is a fund established to receive monies exacted from tree removal violation fines to include, but not be limited to, removal, damage, destruction, or as defined in Section 9.4.1.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 Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. 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.

F. Bankruptcy or Abandonment of Site

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 Section 9.4.6E of this Chapter.

§9.4.7 INSPECTIONS AND FINAL APPROVAL

- A.** The Planning Director shall 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 for a completed structure by the Director of Building Services, the 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 Planning Director regarding the compliance inspection. Such inspections 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. However, the Planning Director shall 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. This is designed to include severe weather, such as droughts, heat waves, and floods.
- C.** Within three years of the issuance of the Certificate of Occupancy, the Planning Director shall perform a site inspection to verify the health of trees which were retained to meet the requirements of this Article and which may have suffered

damage due to insufficient protective measures during development.

- D. Each required tree that is determined by the Planning Director to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of the disease or injury shall rest with the applicant, who must provide documentation from a qualified arborist. Any tree damaged during or as a result of construction shall be repaired to the satisfaction of the Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree damage must be repaired prior to issuance of a Certificate of Occupancy.
- E. 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.

ARTICLE 9.5 LANDSCAPING, SCREENING AND BUFFERS

§9.5.1 APPLICABILITY

Unless expressly exempted, the landscaping, screening and buffering standards of this Article shall apply to all new non-residential development and all new major roadways that serve Residential Major Subdivisions (ten or more lots). Minor Subdivisions (those with fewer than ten lots) may be required to provide landscaping, screening or buffering on major roadways when the 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 non-residential 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 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), then the entire parcel shall be brought into compliance with all applicable standards of this Article. Before calculating the percentage of area for re-development and improvement, any proposed demolition of structures and parking is subtracted from the existing gross floor area of buildings and number of parking spaces.

§9.5.2 EXHIBITS

Drawings included as exhibits at the end of this Chapter are meant to compliment the language of the Ordinance. In the event of a conflict with the text of the Ordinance, the text shall apply.

§9.5.3 PARKING, LOADING AND VEHICULAR USE AREA LANDSCAPING

A. Parking, Loading and Vehicular Area Perimeters

Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single family or agricultural uses shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy the standards of this Chapter shall also be exempt from these (parking, loading and vehicular use Area) perimeter landscaping requirements.

1. 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.
2. Required perimeter landscape areas shall be planted in accordance with the following minimum standards:
 - c. One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements.
 - d. A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;
 - e. 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 ground cover; and
 - f. Parked vehicles may overhang a landscaped area if curbing or wheel stops are installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and 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 shall apply to all parking lots except those exclusively serving single family residential or agricultural uses.

1. A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.
2. Each required landscaping island shall contain at least one canopy tree and there shall be no more than ten parking spaces in a row between tree islands. Interior parking landscape islands that separate double loaded parking bays shall be a minimum of nine feet wide. Canopy trees planted 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, however, all parking lot bays must terminate with a tree island. Example shown in Chapter 9 exhibits.
3. Curbs, wheel stops or other approved protective barriers shall be installed

around all required landscape islands, as approved by the Planning Director.

4. Landscaping provided to meet the right-of-way buffer standards of Section 9.5.4 of this Chapter may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter adjacent use buffer landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

§9.5.4

LANDSCAPE BUFFERS

A. Right-of-Way Buffers

1. Applicability

Right-of-way buffers shall be required adjacent to road rights-of-way for all uses except for the following: 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 Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.

2. Buffer Reductions

The Planning Director shall be authorized to reduce the depth of a required right-of-way buffer by up to one-third its depth if the following circumstances exist:

- a. The parcel is located on a corner lot with required right-of-way buffers of 35 feet or more; or
- b. The area of all required buffers, including Land Use Buffers and Tree Protection Areas, exceeds 30 percent of the site.

3. Buffer Types by Roadway

Landscape buffers shall be required along roadways in accordance with the following table. Streets and roads not indicated in the table shall comply with the S2 buffer requirements. Section 9.5.4 of this Chapter describes buffer types and planting requirements.

4. Development Within Buffer Areas

- a. No development may occur within required buffer areas; with the exception of sidewalks and permitted drives and signs;
- b. All buffer areas shall accommodate required plant material within the buffer;
- c. 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 a natural manner; and

- d. Stormwater detention ponds may not occupy more than twenty-five percent (25%) of the buffer area.

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Abbapoola Road	S4	Magwood Road	S3
Ashley Hall Road	S1	Main Road (Limehouse Bridge to Maybank Hwy.)	S5
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	S1	Main Road (Bees Ferry Road to Limehouse Bridge)	S4
Hwy. 61/Ashley River Road (Sam Rittenberg Boulevard to Mark Clark Expressway)	S2	Manse Road	S4
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	S3	Mark Clark Expressway	S5
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	S5	Mary Ann Point Road	S3
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line)[1]	S6	Mathis Ferry Road [1]	S4
Bears Bluff Road	S5	Maybank Highway Corridor Overlay District	[2]
Bees Ferry Road	S4	Maybank Highway [James Island]	S1
Belvedere Road	S4	Maybank Hwy (Main Road to Rockville)	S5
Betsy Kerrison Parkway [1]	S5	Meeting Street	S1
Bohicket Road [1]	S5	Murraywood Road	S4
Botany Bay Road	S4	Old Georgetown Road	S4
Brownwood Road	S4	Liberia Road	S4
Abbapoola Road	S4	Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	S1
Cane Slash Road	S4	Old Jacksonville Road	S4
Chisolm Road	S4	Old Pond Road	S4
Chuck Dawley Boulevard	S1	Old Towne Road	S1
Coleman Boulevard	S1	Orange Grove Road	S1
Doar Road	S4	Orleans Road	S1
Dorchester Road	S1	Parkers Ferry Road	S4
Eddingsville Beach Road	S4	Patton Avenue/Fickling Hill Road	S4
Edenvale Road	S4	Peters Point Road	S4

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Fordham Road	S1	Pine Landing Road	S4
Fort Johnson Road [1]	S3	Plow Ground Road	S4
Hamlin Road	S3	Raccoon Island Road	S4
Harborview Road	S1	Rifle Range Road	S3
Highway 162	S4	River Road [1]	S5
Highway 165	S4	Riverland Drive [1]	S4
Highway 17 (Hwy. 41 to County Line)	S5	Rivers Avenue	S1
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	S4	Rutledge Road	S4
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	S1	Saint Andrews Boulevard	S1
Highway 17 (west of the Isle of Palms Connector including bypass)	S1	Savannah Highway [Bees Ferry Rd. to County Line] otherwise S2	S3
Highway 174 (Highway 164 to Edisto Beach) [1]	S5	Seewee Road	S4
Highway 174 (Highway 17 to Highway 164)	S3	South Santee Road	S4
Highway 41	S4	Steamboat Landing Road (Jenkins Hill Rd to Steamboat Creek)	S4
Highway 45	S4	Tibwin Road	S4
Humbert Road	S3	Toogoodoo Road	S4
James Island Bridge/Highway 61 Connector	S3	Venning Road	S3
James Island Expressway	S4	Wappoo Road	S1
Liberia Road	S4	Wescott Road	S4
Long Point Road (SPA Wando Terminal to I-526)	S1	Willtown Road	S4
Long Point Road (Outside of MP-O district) [1]	S4		

[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] S6 for industrial use; S5 all other uses.

5. Buffer Depth and Planting Standards

STANDARD	BUFFER TYPE					
	S1	S2	S3	S4	S5	S6
MIN. BUFFER DEPTH (ft from right-of-way)[1]	15	20	35	50	75	100
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet)[2][3]						
Canopy Trees[4]	2	2	4	6	9	12
Understory Trees (at least 50 percent evergreen)	3	4	6	9	12	15
Shrubs	25	30	40	50	60	75
Street Trees (may be counted toward canopy tree req.)[5]	2	2	2	2	2	NA

All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.

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

[2] The retention of natural buffers shall be required along all road or street rights-of-way of S3 designation or greater. The Planning Director shall be authorized to 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.

[3] 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.

[4] When existing overhead utility lines are located such that they may pose interference with required canopy trees, Palmetto trees may be substituted to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto trees to one canopy tree and are to be planted in groupings of three.

[5] 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.

Note: The 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.

B. Land Use Buffers

1. Applicability

Land use buffers shall be provided in accordance with the standards of this Section, provided that the Planning Director shall be authorized to modify or waive buffer or landscape planting requirements if it is determined that:

- Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
- Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading, display or service areas; or

- c. The area of required buffers would exceed 25 percent of the site proposed for development.

When landscape buffer requirements are modified or waived, the Planning Director may require that additional plant material be added within remaining buffers or elsewhere on the site.

2. Exemptions

Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.

3. Determination of Required Buffers

The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table (Section 9.5.4.B.4) of this Chapter apply:

- a. Determine the type of use proposed for the site that is being developed. This is the "Proposed Use" (Column 1);
- b. Determine the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel. This is the "Adjacent Site's Use or Zoning";
- c. Identify the type of landscape buffer required along the developing site's boundary (A, B, C, D, E, or F);
- d. Refer to Section 9.5.4.B.5 of this Chapter to identify the buffer depth and landscaping standards for the required buffer type.

4. Land Use Buffer Table

Land Use Buffers shall be provided along side and rear yards in accordance with the following minimum requirements:

Proposed Use	Use or Zoning of Adjacent Site											
	Residential Type			Zoning District								Agricultural Use
	1	2	3	R (1)	OR	OG	CN	GT	CB	CC	I	
Residential Type 1	-	A	B	-	A	B	B	B	B	C	D	F
Residential Type 2	A	-	A	-	A	B	B	B	B	C	D	F
Residential Type 3	B	A	-	-	A	A	B	B	B	C	D	F
Civic/Institutional	B	B	A	A	-	-	-	-	-	-	-	-
Commercial Type 1	B	B	B	B	-	-	-	-	-	-	-	-
Commercial Type 2	C	C	C	C	C	B	B	-	-	-	-	-
Industrial Type 1	E	E	D	D	D	D	C	C	C	B	-	-
Industrial Type 2	F	F	F	F	E	E	D	C	C	C	A	-

[1] Applies to undeveloped (vacant) R and AGR zoned property.

Residential Use Types: Type 1 = Single family Detached; Type 2 = Duplex and Single family Attached; Type 3 = 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 OR, OG or CN district; Type 2 = all other commercial uses that are allowed in commercial (c) zoning districts (commercial uses are those listed in the "Commercial" rows of Use Table 6.1-(1))

Industrial Use Types: Type 1 = Any industrial or commercial use that is first allowed in an industrial (I) zoning district; Type 2 = Waste-Related uses, Resource Extraction uses and Recycling Centers.

5. Buffer Depth and Landscaping Standards

Standard	Buffer Type					
	A	B	C	D	E	F
MINIMUM BUFFER DEPTH (feet from property line)	10	15	25	40	60	100
MINIMUM LAND USE BUFFER LANDSCAPING (Plants per 100 linear feet)[1][2]						
Canopy Trees	2	3	3	5	7	9
Understory Trees (at least 50 percent evergreen)	3	4	4	7	9	11
Shrubs	20	20	25	30	40	50

[1] The Planning Director shall be authorized to require the installation of fences, walls or berms within required buffers where deemed necessary to ensure land use compatibility or otherwise protect the visual quality of an area.

[2] All trees with a diameter breast height (DBH) of 8 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 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 ten feet. Required buffers shall be noted on all plats, plans and permit requests submitted for review and approval under this Ordinance.

2. Use of Buffers

The Planning Director shall be 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 Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse affect on adjacent property.

§9.5.5**Landscape Plans**

Landscape and Planting Plans submitted to meet the requirements of the Ordinance are to be drawn to the same scale as the Site Plan depicting proposed shrubs and trees at maturity. It is strongly encouraged that all Landscape Plans be prepared by a licensed registered Landscape Architect or Landscape Designer familiar with the growth habits and characteristics of plant material available in the Charleston area. 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.

§9.5.6**Landscape Material Standards**

Landscape and plant material used to satisfy the standards of this Ordinance shall comply with the minimum standards of this Section.

A. Plant Material**1. Existing Plant Material**

Vegetation and plant material that exists on a parcel prior to its development may be used to satisfy the landscaping standards of this Section provided that it meets the size and locational requirements of this Article.

2. Size

Unless otherwise expressly stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

PLANT TYPE	MINIMUM SIZE
Canopy Tree	2 1/2 inches caliper and 12 feet in height
Understory/Ornamental Tree	8 feet (height)
Evergreen/Conifer Tree	5 feet (height)
Shrubs	3 gallon and 18" to 24" in height or spread

Note: At least 50 percent of required understory trees shall be evergreens. Any plant material that grows to an ultimate height of less than 18 inches shall be considered a groundcover and cannot 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 Section shall be Indigenous to the Charleston County area or are cultivated to survive in the climate of this area. No single plant species shall represent more than 40 percent of total landscape plantings, except for projects whose landscape requirements for canopy trees are lower than ten.

4. Quality

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 balled and burlapped or container-grown.

5. Additional Landscape Treatment

All required landscape areas, including drainageways and detention/retention ponds, and buffers not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including 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

Berms and landscape structures shall comply with the following minimum standards.

1. Fences and Walls

Fences and walls used as a screen shall be at least 95 percent opaque, with a minimum height of six feet.

2. Berms

Earthen berms shall have a minimum height of three feet, with a slope not to exceed 3:1, variable dependent upon the plant materials and soil type used. The toe of any berm shall be located at least three feet from the ultimate right-of-way or property line.

§9.5.7**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 material 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 suitable means for providing proper drainage do not exist.

B. Irrigation

The Planning Director shall be 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 and other landscape features shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The land owner, or successors in interest, shall be jointly and severally 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 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, where necessary, of any landscaping required by this Section; 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 one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

ARTICLE 9.6 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS**§9.6.1 PURPOSE**

The purpose of these standards is to promote attractive, well-designed development that is built to human scale; 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.

§9.6.2 APPLICABILITY

These standards shall apply to all developments that are subject to Site Plan Review.
(See Article 3.7)

§9.6.3 ARCHITECTURAL DESIGN GUIDELINES

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.
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.
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 which 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. Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.
3. Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
4. 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.
5. 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.
6. Any building exterior elevation shall consist of architectural materials which 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.
7. 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 complimentary 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

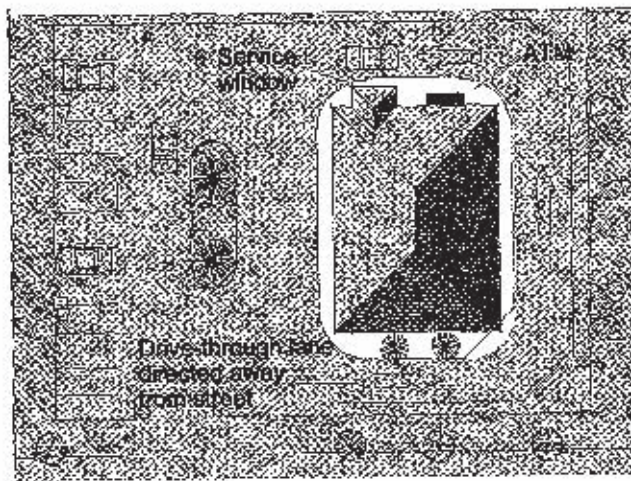
1. To the maximum extent feasible, primary facades and entries should face the adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing 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 and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
4. All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.
5. 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.
6. Gas Stations.
Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a

corner lot, the building would have to be situated in the corner of the lot at the intersection.

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 screens the equipment entirely. Dumpsters shall be screened with a minimum 6-foot opaque fence or wall on all four sides and located toward the side or rear of the principle structure.

- G.** All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive thru 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:



§9.6.4 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 noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will 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 shall be required between buildings and sidewalks, and parking lots and driveways. 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 compliment [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. All properties shall comply with the County's Right-of-Way Management Ordinance where applicable.
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.

B. Parking/Drives

1. Parking areas and driveways shall be paved with material which 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.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade, or within a courtyard surrounded on three sides by a proposed structure, is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.
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 shall be stamped and signed by a registered professional engineer and comply with the following criteria:

1. Maximum average foot-candles shall not exceed 5 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 and public right-of-way.

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 not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

ARTICLE 9.7 WETLANDS, WATERWAYS AND OCRM CRITICAL LINE

§9.7.1 WETLAND BUFFERS AND SETBACKS

A. Intent

The buffer standards of this Article are intended to provide a natural vegetated area between the furthestmost projection of a structure, parking or driveway area, or any other building elements, and all saltwater wetlands, waterways and OCRM (saltwater) critical lines. The purpose of these required buffers is to provide a visual, spatial, and ecological transition zone between development and the County's saltwater wetlands and waterways, and to protect water quality and wildlife habitat.

B. Wetland, Waterway and OCRM Critical Line Buffer Depth and Setbacks

1. Standards

The following minimum wetland/waterway buffers/setbacks shall be required:

Minimum Buffers/Setbacks (feet)	RM	AG-15	AG-10	AG-5	AGR	RR-3	S-1	S-2	S-3	R-2	R-3	R-4	M-8	M-12
OCRm Critical Line Buffer	35	35	35	35	35	35	35	15	15	15	15	15	15	15
Setback from OCRm Critical Line	50	50	50	50	50	50	50	35	35	35	35	35	35	35

Minimum Buffers/Setbacks (feet)	MHS	MHP	OR	OG	OT	ON	OR	CC	J
OCRm Critical Line Buffer	15	15	35	35	35	35	35	35	35
Setback from OCRm Critical Line	35	35	50	50	50	50	50	50	50

2. Reduction of OCRm Critical Line Setbacks

The 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 and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

3. Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999

When the application of buffer/setback requirements contained within this Ordinance render a parcel that existed prior to April 21, 1999, unbuildable, the Planning Director shall be authorized to reduce front, side and rear yard buffers/setbacks as necessary to make a parcel buildable. The 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.

C. Measurement

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.

D. Lot Width

The minimum lot width standards of the underlying zoning district shall apply at the required buffer or setback line.

§9.7.2 PROHIBITED ACTIVITIES

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. Paved or other impervious surfaces; and
- E. Destruction or addition of plant life which would alter the existing pattern of vegetation.

ARTICLE 9.8. HISTORIC PRESERVATION**§9.8.1 INTENT**

The standards of this Section are intended to safeguard the integrity of historic structures, sites, and their context, and to protect public views of these resources along public rights-of-way.

§9.8.2 APPLICABILITY

The standards of this Section shall apply to all sites (existing and future) listed on the National Register of Historic Places.

§9.8.3 DEMOLITION

No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance.

§9.8.4 MOVING

No relocation of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. Relocation should not be considered, except as a final alternative to demolition.

§9.8.5 NEW CONSTRUCTION; EXTERIOR ALTERATIONS

No new construction located on a historic structure or site or significant exterior alteration of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.

§9.8.6 NEARBY DEVELOPMENT

Subdivision plats for multi-family, manufactured housing park, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Planning Director shall require that potential negative impacts be minimized through the location of vehicular access points, screening/buffering and other site design tools.

ARTICLE 9.9. TRAFFIC IMPACT STUDIES**§9.9.1 APPLICABILITY**

A traffic impact study shall be required with applications for zoning map amendments, preliminary plats and planned developments that are projected to generate 100 or more peak hour vehicle trips, based on trip generation rates from the latest edition of the Institute of Transportation Engineers Trip Generation manual. The Planning or Public Works Director shall also be authorized to require traffic impact studies when it is determined that a proposed development is likely to have a significant impact on transportation capacity, transportation levels of service or traffic safety in the vicinity of the proposed development.

§9.9.2 STUDY SCOPE

When a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Public Works Directors. The meeting may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include:

- A. Type of Study**
The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).
- B. Definition of Impact Area**
The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.
- C. Period of Analysis**
Periods of analysis may include: daily traffic, a.m., p.m. or weekend peak hour.
- D. Analysis Scenarios**
Scenarios for analysis include: existing conditions, opening year conditions with and without development, and 10 years after opening with and without development.
- E. Process**
Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.
- F. Growth Rate Assumption**
The rate of growth assumed in background traffic assumptions.
- G. Pipeline Development**
Developments in the area that have been approved or are under review.

§9.9.3 TRAFFIC STUDY ELEMENTS

A letter report or special report shall include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements:

- A. 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 Public Works Director 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.

B. 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 developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Public Works Director.

C. 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 Public Works Director 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 as agreed in the scoping meeting.
3. Capacity analysis for opening year and plus ten-year for key intersections (and roadway segments where appropriate).
4. 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.

D. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Public Works Director and, where appropriate, the South Carolina Department of Transportation. Where a Decision-Making Body determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat or planned development request.

E. Consultants

The Public Works Director 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 Public Works Director is authorized to administer the contracts for such consultants.

1. The Public Works Director 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 Public Works Director may require additional fees for the independent review if: the Decision-Making Body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at Planning Commission or County Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

ARTICLE 9.10 VISION CLEARANCE**§9.10.1 MAJOR ROADWAYS**

Corner lots on major roadways shall have no structure or obstruction that obscures travel vision from 30 inches to ten feet above ground level in 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.

§9.10.2 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.

§9.10.3 SUB-COLLECTOR STREETS

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.

§9.10.4 PRIVATE DRIVES AND PRIVATE LANES

On private driveways of commercial or industrial activities, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet.

ARTICLE 4.11: SIGNS**§9.11.1 GENERAL PROVISIONS****A. Purpose**

This Article provides comprehensive regulations for signage in Charleston County designed to promote public safety and welfare by reducing visual clutter along highways, facilitating the efficient transfer of information, and thus enhancing traffic flow and the ability to locate needed goods and services.

B. Administration and Enforcement**1. Non-Commercial Copy**

Any sign authorized in this Section is allowed to contain non-commercial copy in lieu of any other copy. Non-commercial on-premises signs are permitted in any zoning district provided that such signs comply with the regulations of that district.

2. 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 Director.

3. Permit Required

No signs, except real estate signs shall be erected unless a zoning permit has been issued by the Planning Director in accordance with the procedures of this Ordinance.

4. Fees

An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by County Council.

5. Permits

A permanent tag shall be attached to every installed sign. The tag shall remain the property of Charleston County and shall not be removed without the Planning Director's approval.

6. Documentation of Signs

Upon request, the owner of any existing sign shall provide the Charleston County Planning Director with evidence that documents the size, location and date of construction of all existing signs on the premises.

C. Prohibited Signs

The following signs shall be prohibited:

1. Flashing Sign;
2. Pennants, Streamers, and other Animated Signs;
3. Signs Imitating Traffic Devices (Signal);
4. Signs Imitating Traffic Signs;
5. Signs in Marshes;
6. Signs in Right-of-Way;
7. Snipe Sign;
8. Vehicle Sign;
9. Roof Sign;
10. Banners; and
11. Sandwich Signs.

D. House Numbers

All permanent, free-standing, On-Premises signs shall contain house numbers containing number at least four inches in height. The area devoted to required house numbers shall not be 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. Additionally, all internally illuminated signs on property not adjacent to commercial or industrial uses shall have an opaque background on the sign face with a maximum of 80 watts per bulb and no more than one bulb per foot in height of the sign face.

F. Signs in Disrepair

Signs in disrepair shall be repaired, renovated, or removed from the premises within 60 days following notice by Planning Director.

G. Abandoned Signs

Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within 30 days after a sign becomes abandoned. If no remedial action is taken, the Planning Director shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before April 21, 1999.

H. Signs Interfering with Vehicular Vision

1. In the area near the entrance of a driveway, 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 Planning Director to be in violation shall be removed or relocated immediately upon notice.

§9.11.2 ON-PREMISES SIGNS

A. Free-Standing Signs

1. Maximum size, height, width, length, number of sign faces, number of signs per establishment and required minimum height and setbacks are based upon establishment size and shall conform with Table 9.11.2-A.
2. A maximum of one reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.
3. All new free-standing signs are to be designed as monument signs, pedestal style signs or pole mounted signs.
4. All pedestal style signs shall have a pole skirt.
5. The predominate materials used for free-standing signs, excluding copy material or materials not visible from the public right-of-way, must incorporate the following:
 - a. If the predominate building materials colors and design elements on the principal building conform to Section 9.6.3B. of this Ordinance, the exterior sign materials must compliment those found on the principal structure as reviewed and approved through the site plan review process. Materials, design and color of the sign do not need to be the same as those found on the principle structure to be considered complimentary.
6. Signs that are located in parking lots (such as directional signs) may be internally lit when constructed with routed letters or an opaque background.
7. 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.
8. When calculating the sign area of a "monument sign", "pedestal sign", or "pole 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. Signs may be mounted on a base or foundation that will not be included in the square footage; however, the base for monument signs must be as wide as the sign.

B. Wall/Facade Signs

1. A maximum of two signs shall be allowed per wall/facade, with a maximum of four per building. Total area of all signs shall not exceed square footage of Table 9.11.2-B.
2. Maximum size of wall/facade signs is dependent upon building frontage and setback, in accordance with Table 9.11.2-B.
3. 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.
4. **Awning Signs**
 - a. The use of awnings for the purpose of providing signage will be considered a wall sign. The awning signage must meet all dimensional and intensity standards applicable to wall signs in this Article.
 - b. For purposes of the subsection, an awning sign is a sign used for the purpose of providing signage and must be located above a display window or entryway.
 - c. Text or graphic shall be limited to the face of an awning.

**TABLE 9.11.2-A
FREE-STANDING ON-PREMISES SIGNS**

ZONING DISTRICT				
Requirement [1] [2]	Agricultural	Residential	Non-Residential	
Maximum Area (sq. ft.)	10 (32 with Special Exception)	10	Bldg. Size (sq. ft.) 0 sq. ft. to 2,500 sq. ft. 2,500 sq. ft. to 25,000 sq. ft. 25,000 sq. ft. to 100,000 sq. ft. 100,000 sq. ft. +	Sign Size = 50 = 100 = 150 = 200
Maximum Height (ft.)	14	5	5-foot setback = 20 ft. maximum height OR Districts: 5 ft. minimum setback-6 ft. maximum height	
Minimum Height (ft.)	None	None	None	
Maximum Width (height of sign with face) (ft.)	N/A	5	Ratio—Longest side: Shortest side 5:1	
Maximum Length (ft.)	N/A	5	Ratio—Longest side: Shortest side 5:1	
Setbacks (Front/Int) (ft.)	10/10	10/10	5/10	
Max. No. Sign Faces	2 per sign	2 per sign	2 per sign	
Max. No. Signs	1 per major frontage	1 per major frontage	1 per major road frontage	

[1] Sign regulations for the CT Zoning District can be found in Section 4.22.4.

[2] Sign regulations for properties located in overlay districts can be found in Chapter 5.

TABLE 9.11.2-B WALL/FACADE SIGNS

Building Length Facing Street	Setback	Maximum Size (sq. ft.)
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

C. Special Signs

1. Maximum size, number, and height of special signs shall conform with Table 9.11.2-C.
2. Temporary Signs
 - a. **Size, Number and Height**
Maximum size, number and height of temporary signs shall conform with Table 9.11.2-C.
 - b. **Types**
Commercial and Non-Commercial Temporary Signs of the following varieties are permitted:
 - i. Banners are permitted only in the Savannah Highway/St. Andrews Boulevard Overlay District.
 - ii. Portable signs are permitted in accordance with standards of the National Electrical Code and anchoring provisions of the Standard Building Code.
 - c. **Duration**
 - i. Non-Commercial Temporary Signs shall be allowed for a maximum of 30 days per event.
 - ii. Commercial signs temporary [Temporary Signs] shall be allowed for a maximum of 30 days, starting with the opening of a business.

D. Real Estate Signs

1. Maximum size, number and height of real estate signs shall conform with Table 9.11.2-C of this Chapter.
2. Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed.
3. 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.
4. Where signs face two directions, whether back-to-back or V'ed, both signs must be the same standard size.

E. Flags Used As Signs

1. A permit shall be required for the installation of all flag poles or flag display devices erected on lots zoned for multi-family, office, commercial,

- or industrial use or occupied by a multi-family, office, commercial, or industrial use.
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.
 4. Maximum size and number of flags used as signs, and height of flag poles shall conform with Table 9.11.2-C of this Chapter.
 5. 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 9.11.2-C of this Chapter.

**TABLE 9.11.2-C
SPECIAL SIGNS**

Type	Maximum Size	Maximum Number	Minimum Setback Maximum Height
Subdivision/Multi-Family I.D. Signs	32 sq. ft.	2 per entrance	Minimum setback: 5 ft. Maximum height: 12 ft.
Directional	3 sq. ft.	Unlimited	4 ft.
Temporary Signs: Includes real estate signs, grand openings and permitted special events	48 sq. ft. Time Limit: Shall be removed no later than 15 days after the conclusion of the sale, event, or first day of grand opening	1 per 1500 ft. frontage Maximum: 3 per lot	Minimum setback: 5 ft. Maximum height: 12 ft. Maximum 6 ft. height in residential zoning districts
Flags	60 sq. ft.	3 per zoning lot	35 ft. or 15 ft. above highest point of roof
Civic/Institutional	100 sq. ft. 50 sq. ft. in Residential or Agricultural uses	1 per zoning lot	Min. setback: 5 ft. Max. height 12 ft. Sign must have opaque background except the marquee. Marquee cannot exceed 25% of total sign size

- F. Nonconforming Signs**
Refer to Chapter 10, Nonconformities.

§9.11.3 OFF-PREMISES SIGNS

- A. Outdoor Advertising of America Standards**
All Off-Premises Signs shall be constructed in compliance with Outdoor Advertising of America Standards.

B. Location and Setbacks

1. Off-Premises Signs shall be allowed in those zoning districts indicated in Chapter 6.
2. Permitted sizes, maximum height, minimum setbacks and location criteria shall be as indicated in Table 9.11.3-A of this Chapter.

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 90 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.

**TABLE 9.11.3-A
OFF-PREMISES SIGNS**

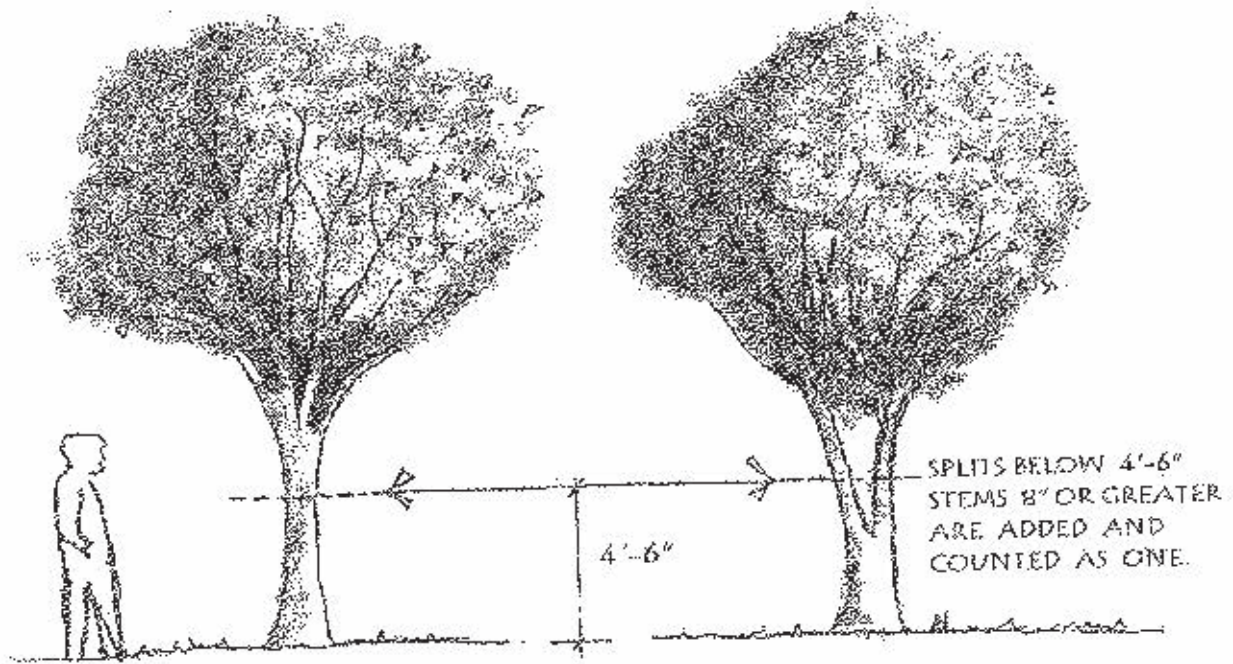
Maximum Length	48 ft.
Maximum Width	14 ft.
Maximum Area	672 sq. ft.
Maximum Height	40 ft.
Minimum Setback (front/side)	25/20 ft.
Location Criteria	1,000 ft.
Minimum distance to nearest off-premises sign	
Minimum distance to nearest on-premises sign	500 ft.

ARTICLE 9.12 DRAINAGE DESIGN

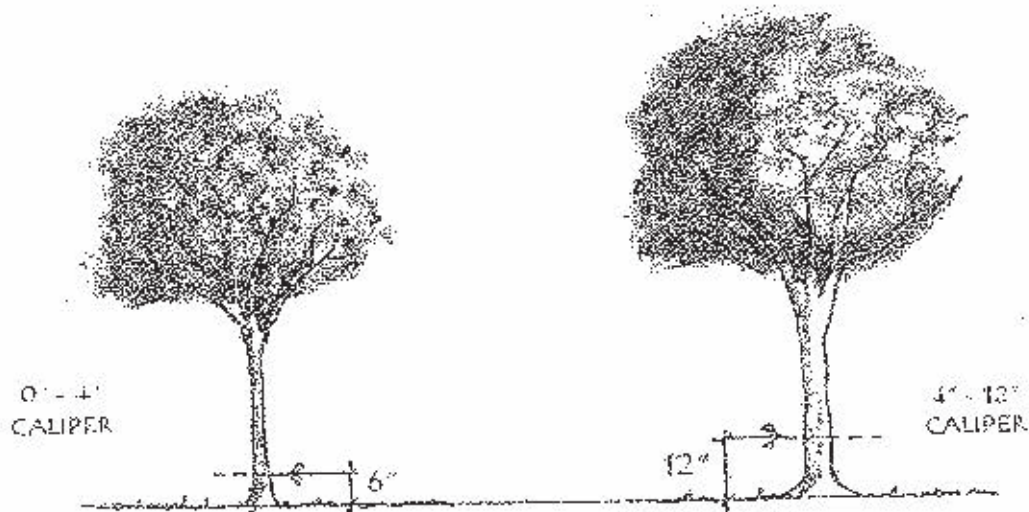
Refer to the Charleston County Stormwater Management Ordinance # 1518 approved on August 14, 2007 and found in Appendix B of this Ordinance.

CHAPTER 9 EXHIBITS

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.



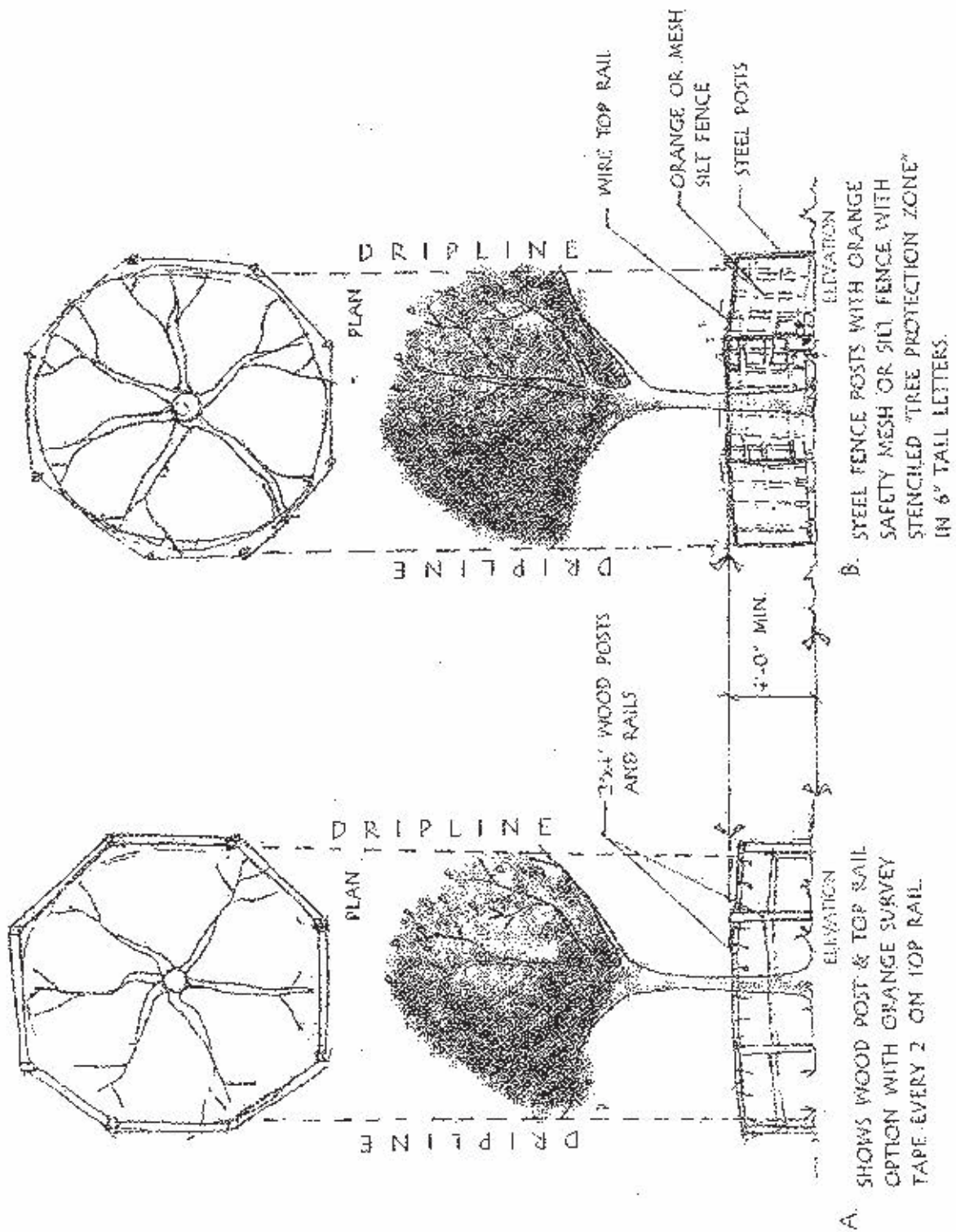
DBH DIAMETER BREAST HEIGHT FOR TREES
GREATER THAN 12" CALIPER.



CALIPER MEASUREMENT FOR TREES LESS
THAN 12" IN CALIPER.

TREE MEASUREMENT METHODS

ILLUSTRATION FOR 9.4.1. D



TREE PROTECTION OPTIONS

ILLUSTRATION FOR 9.4.4 B

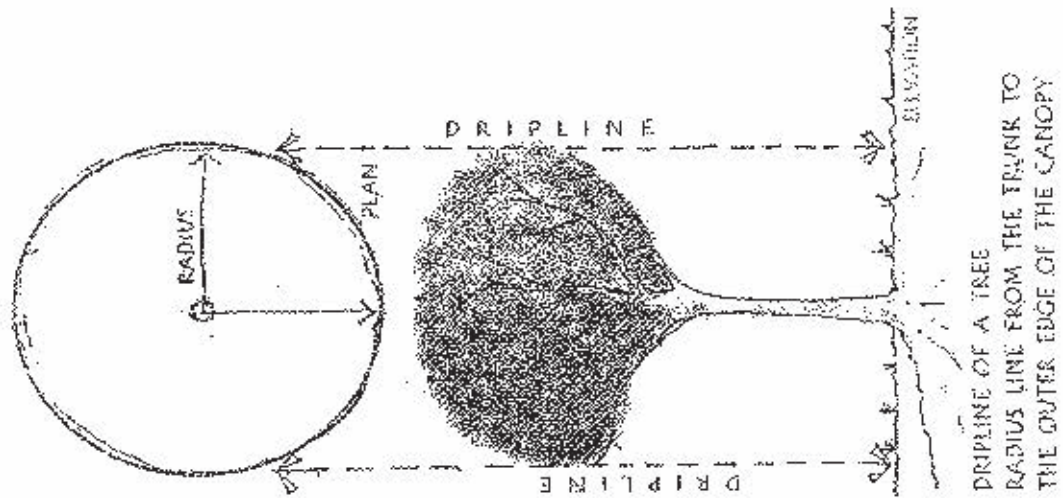


ILLUSTRATION FOR 9.4.4 B

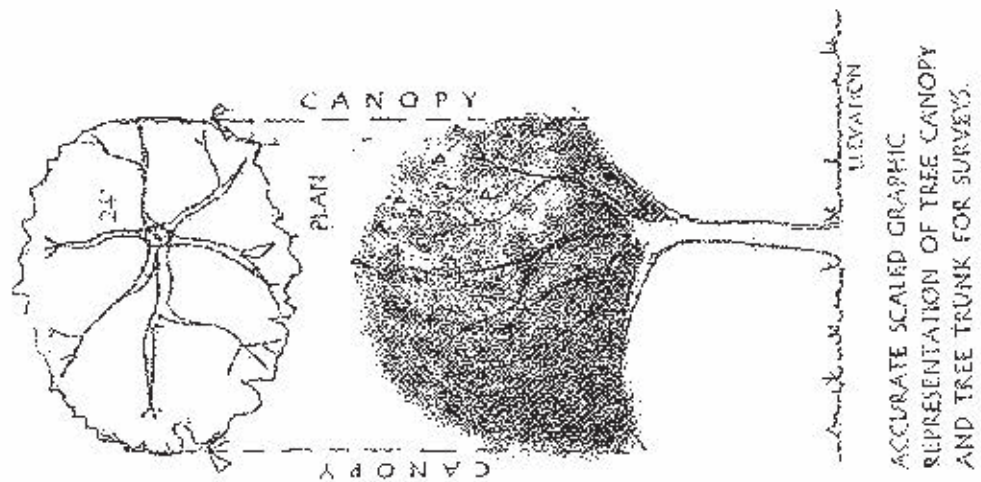
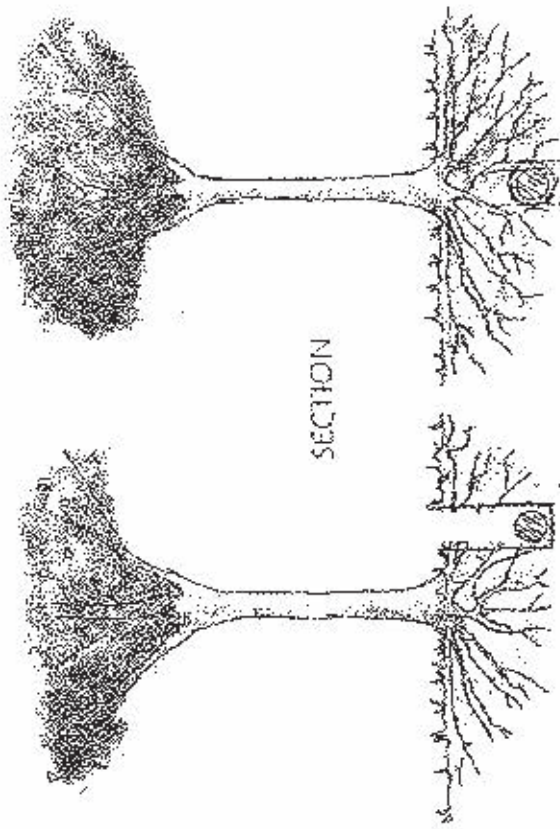


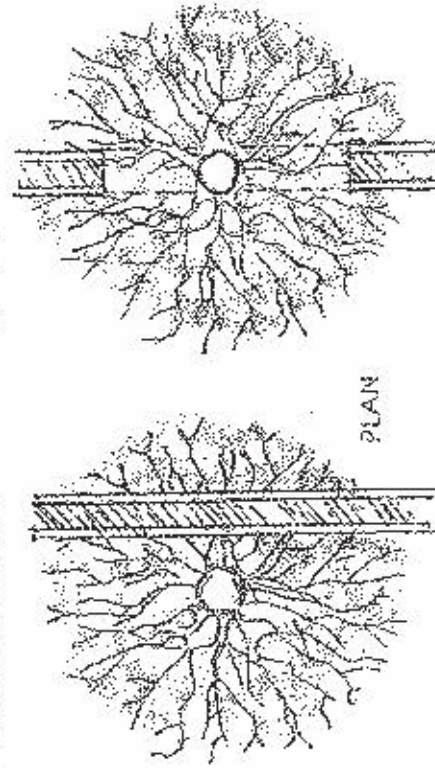
ILLUSTRATION FOR 9.4.3 A



SECTION

A. NOT ACCEPTABLE

B. ACCEPTABLE

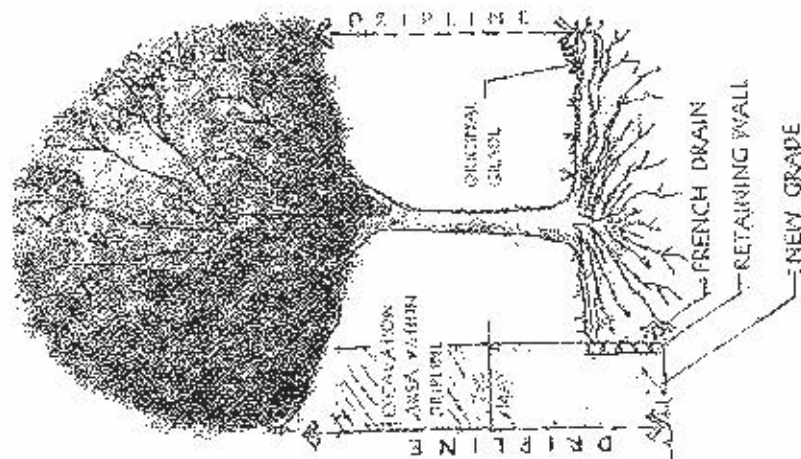


PLAN

TRENCHING METHODS FOR UTILITY LINES

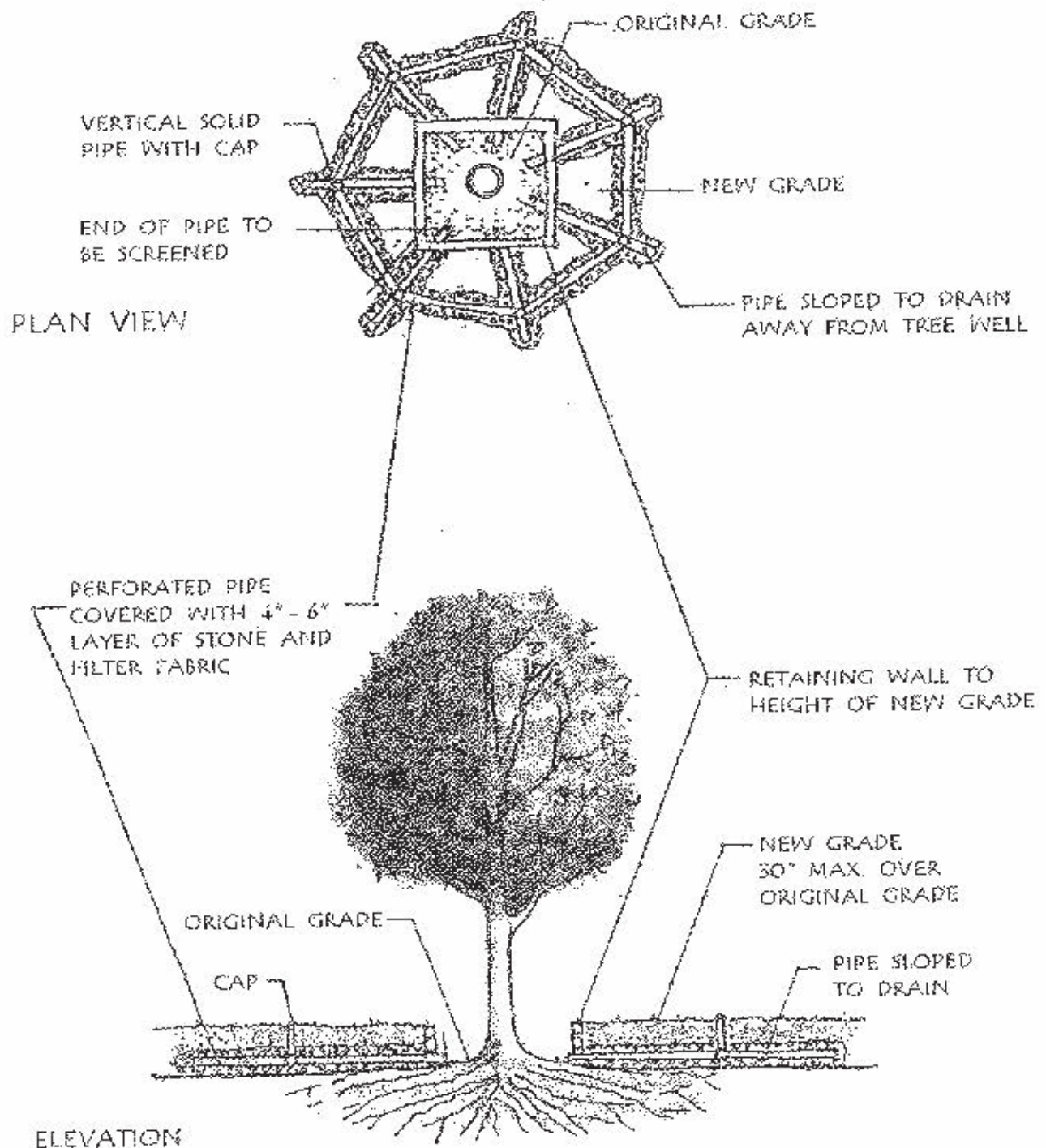
A. THIS TYPE OF TRENCHING WILL KILL THE TREE.

B. TUNNELING UNDER THE TREE WILL PRESERVE THE IMPORTANT FEEDER ROOTS.



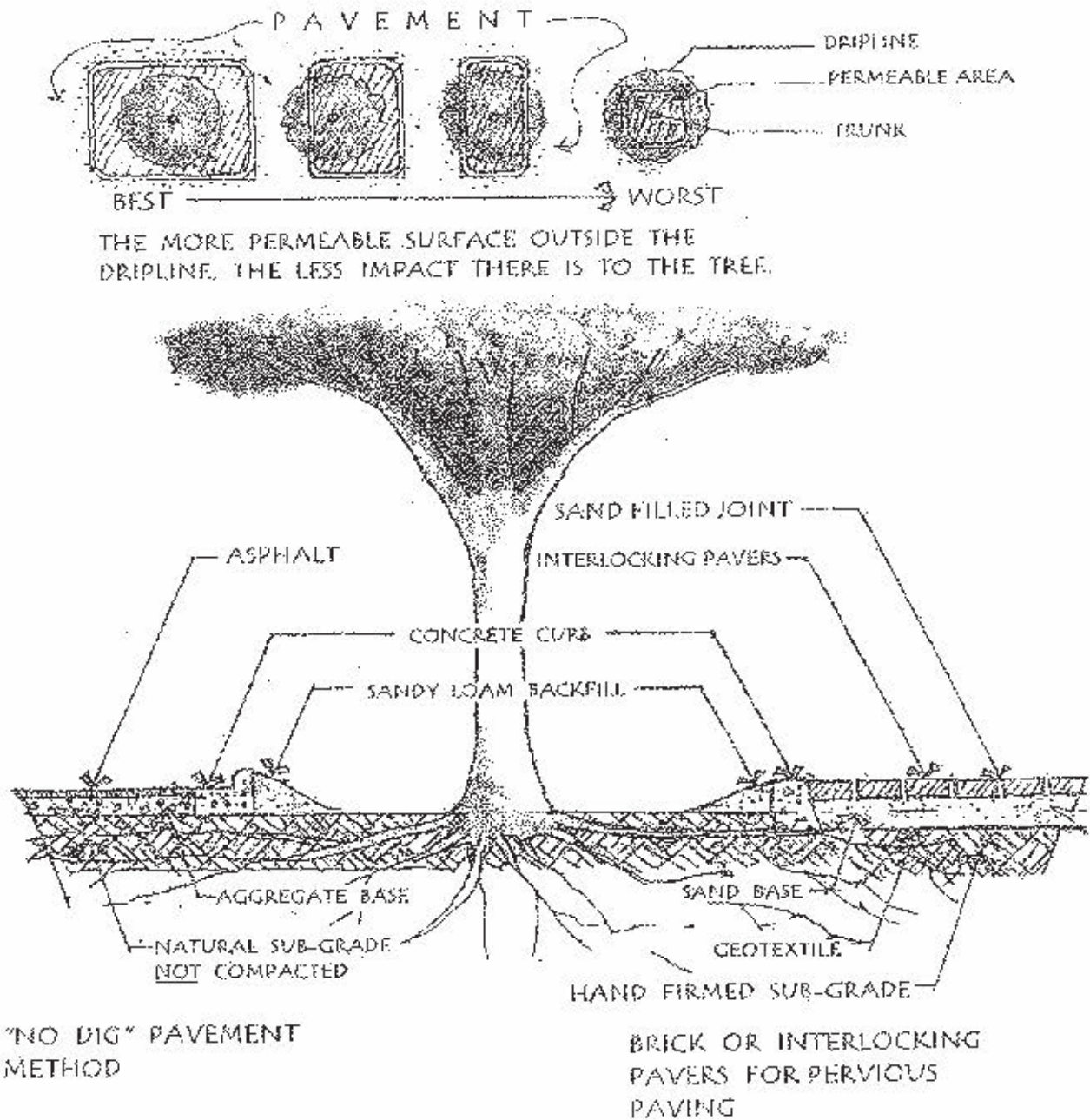
EXCAVATION WITHIN DRIPLINE

ILLUSTRATION FOR 9.4.4 D



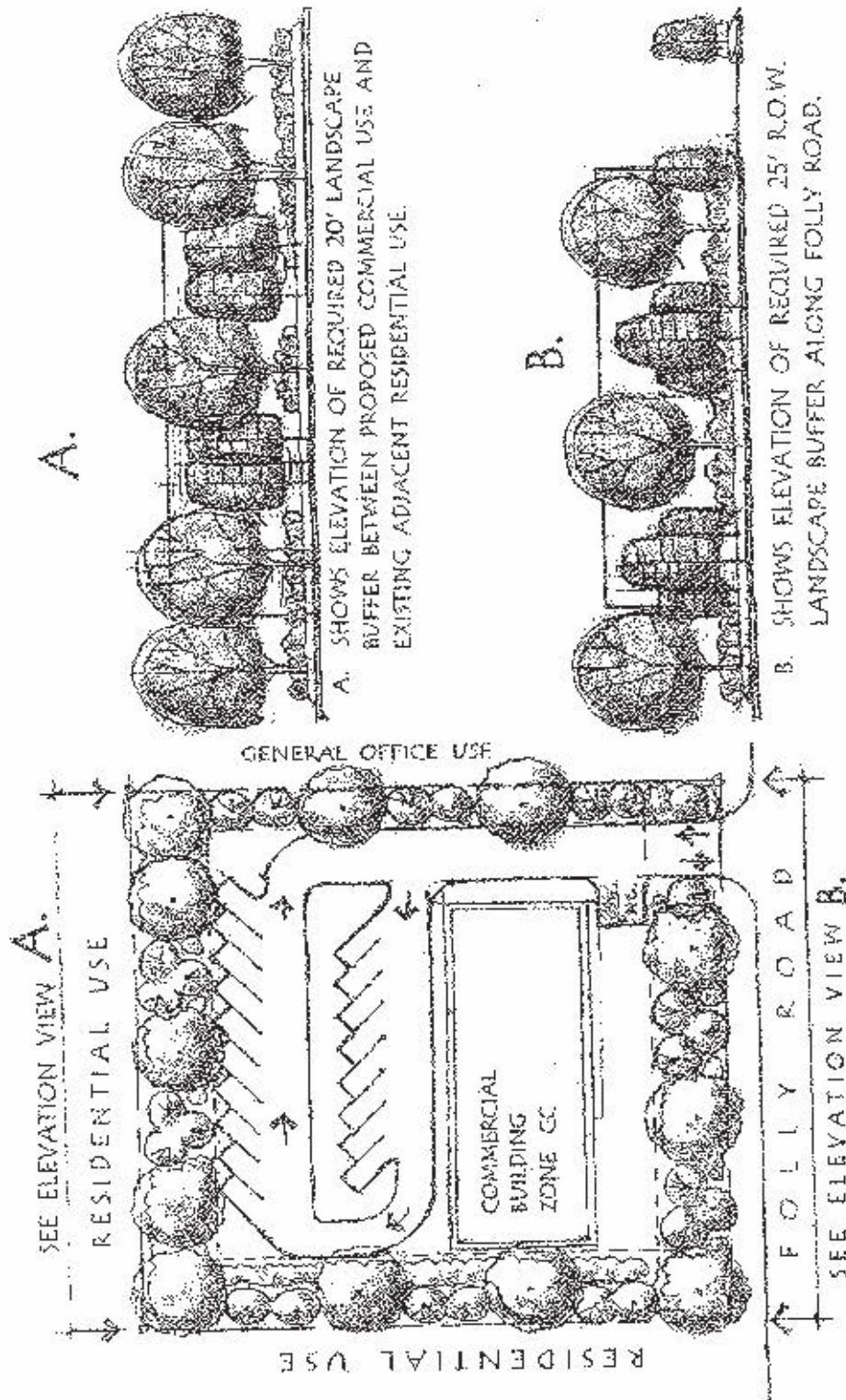
TREE PROTECTION FROM FILL

ILLUSTRATION FOR 9.4.4 D



PAVEMENT METHODS UNDER DRIPLINE

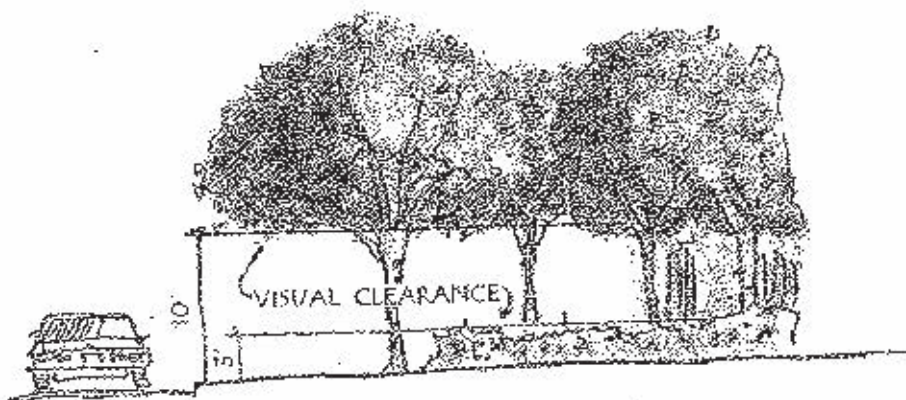
ILLUSTRATION FOR 9.4.4 D



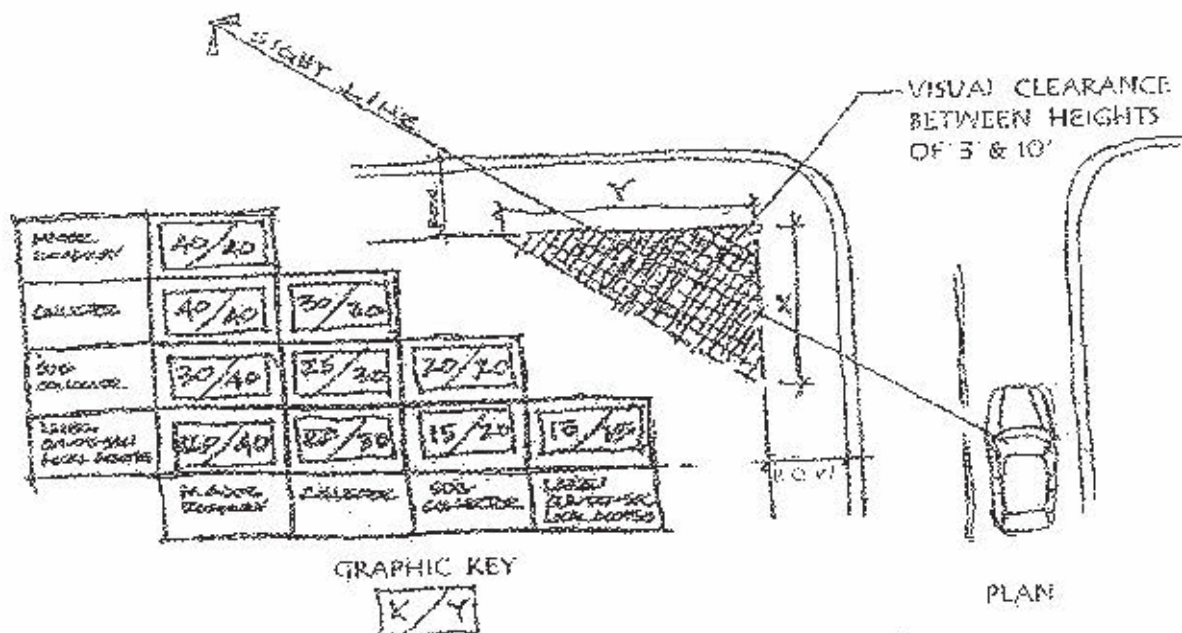
- NOTES
1. THIS EXAMPLE SHOWS THE REQUIRED PARKING IN "SIDE OR REAR" OF BUILDING WHEN THERE ARE 10 OR MORE SPACES.
 2. DIFFERENT ADJACENT USE REQUIRE DIFFERENT SIZE LANDSCAPE BUFFERS RANGING FROM 0 TO 100. SEE THE LAND USE BUFFER TABLE AND LANDSCAPE STANDARDS FOR BUFFER DEPTH AND PLANT MATERIAL REQUIREMENTS.

LANDSCAPE BUFFERS

ILLUSTRATION FOR ARTICLE 9.5



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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CHAPTER 10 | NONCONFORMITIES

ARTICLE 10.1 - GENERAL

§10.1.1 PURPOSE

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.

§10.1.2 AUTHORITY TO CONTINUE

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.

§10.1.3 DETERMINATION OF NONCONFORMITY STATUS

The burden of establishing that a nonconformity is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.

§10.1.4 REPAIRS AND MAINTENANCE

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.

§10.1.5 CHANGE OF TENANCY OR OWNERSHIP

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

§10.1.6 NONCONFORMITIES CREATED BY PUBLIC ACTION

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**§10.2.1 DEFINITION**

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.

§10.2.2 EXPANSION

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.

§10.2.3 CHANGE OF USE

- 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.

§10.2.4 LOSS OF LEGAL NONCONFORMITY STATUS

- A. **Abandonment**
If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 12 consecutive months or 18 months in cumulative total within any three-year period, 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.

§10.2.5 ACCESSORY USES AND STRUCTURES

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**§10.3.1 DEFINITION**

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 underlying zoning district.

§10.3.2 USE

A Nonconforming Structure may be used for any use allowed in the underlying zoning district.

§10.3.3 EXPANSION

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.

§10.3.4 MOVING

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.

§10.3.5 SUBDIVISION

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.

§10.3.6 LOSS OF LEGAL NONCONFORMING STATUS; DAMAGE OR DESTRUCTION

- 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 Flood Plain Management Regulations.

ARTICLE 10.4 NONCONFORMING LOTS**§10.4.1 DEFINITION**

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.

§10.4.2 VACANT LOTS

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 underlying zoning district, provided that the use shall comply with applicable setback to the maximum extent possible. If the underlying 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.

§10.4.3 LOT WITH BUILDING OR STRUCTURE

If a Nonconforming Lot or parcel contains a building or structure on the date on which this Ordinance became 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**§10.5.1 DEFINITION**

A "Nonconforming Sign" is any sign that was legally established but which no longer complies with the Sign Regulations contained in Chapter 9 of this Ordinance.

§10.5.2 ON-PREMISES SIGNS

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.

§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.

APPENDIX K: CANYON LANE IMPROVEMENTS PLAN

