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Cassique Clubhouse Village
Charleston County, South Carolina

Planned Development
Zoning District Application



Kiawah Development Partners, LLC
130 Gardeners Circle, #1361
Kiawah Island, SC 29455

April 2014

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Application History:

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Planning Commission May 12, 2014
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Planning/Public Works Committee of Council.. June 12, 2014
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Second ReadingJuly 29, 2014
Third ReadingAugust 26, 2014

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PROJECT TEAM

Master Developer/Planning

Kiawah Development Partners, LLC
130 Gardeners Circle, #1361
Kiawah Island, SC 29455

Civil Engineering

Thomas and Hutton Engineering Company
682 Johnnie Dodds Blvd., Suite 100
Mt. Pleasant, SC 29464

Legal

Pratt-Thomas, Pearce, Epting & Walker, P.A.
16 Charlotte Street
P. O. Drawer 22247
Charleston, SC 29413-2247

Conceptual Programming/Market Research

Permar Inc.
130 Gardeners Circle, #111
Kiawah Island, SC 29455

Surveying

SWA Surveying, LLC
1035-B Jenkins Rd.
Charleston, SC 29407

SECTION 1 STATEMENT OF INTENT AND RESULTS OF PROPOSED PD

Kiawah Development Partners LLC (KDP) is submitting this application for a Planned Development Zoning District (PD Application) to permit the design and development of a single family detached residential neighborhood within the existing Cassique community of Charleston County. Cassique Clubhouse Village is a 12.243-acre parcel adjacent to the existing clubhouse grounds and will be planned to include up to 27 diverse homesites organized around internal gardens, courtyards and natural areas.

The proposed master plan sensitively responds to existing tree/topographic patterns and includes setbacks/buffers from critical areas to the south, a created lake to the north and golf parkland to the east. The proposed standards are intended to provide greater flexibility in retaining more natural areas through the creative integration of more moderately sized homes, privacy courtyards and garage/studios.

The proposed development standards are intended to meet or exceed the goals of the PD standards as outlined in the *Zoning and Land Development Regulations (ZLDR) Section 4.23.4*, in order to improve the quality of design and character of the neighborhood within a natural Lowcountry environment. The following is a summary listing of objectives and how they are met with the proposed Cassique Clubhouse Village Master Plan:

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;

The proposed plan includes standards to permit flexibility in positioning of structures and courtyard walls so as to retain more existing tree canopy within the lot area. Additionally, the proposal of permitting slightly smaller homesites (from 7,250 to 6,000 sq. ft.) is intended to allow for the clustering of slightly smaller homesites in one area and slightly larger homesites in another to respond to unique natural features.

B. A greater freedom in selecting the means to provide access, light, open space and design amenities;

The proposed plan integrates shared driveways and common open space wherever possible to reduce hard surface ground cover and increase open space. The specific pattern of proposed homesites on the southern facing area of the site is organized to capture prevailing breezes and seasonal solar patterns, which allows for home designs that are more connected to the existing natural systems.

C. Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;

The proposed plan is organized to take advantage of unique contrast in view orientations and surrounding land uses. The lower density residential uses are adjacent to existing critical areas and similar residential patterns to the south and the 18th fairway to the east. The more moderate density residential areas are immediately opposite the active clubhouse grounds and existing cottages to the north. The proposed plan is a direct response to existing natural features.

D. A development pattern in harmony with the applicable goals and strategies of the Comprehensive Plan;

The proposed development pattern of use and density is consistent with the goals and strategies of the Charleston County Comprehensive Plan for this area. The proposed plan places an emphasis on the Comprehensive Plan Goals of Land Use and Natural Resources elements by providing high quality low density residential in an environmentally sensitive area of the County. The community of Cassique is within the projected urban growth area of Charleston County and the proposed plan will be implemented in a manner consistent with balancing high quality development with responsible environmental stewardship.

E. The permanent preservation of common open space, recreation areas and facilities;

The proposed plan integrates private, semi-private and community open space. The overall Cassique community includes no more than 275 residential dwelling units within 465 acres. More than half the area has been set aside for open space recreation areas and amenities. The proposed plan contributes to this community open space system.

F. An efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities;

The proposed plan provides for three small clusters of varied homesites. The plan includes an efficient network of basic services for roads, water, sewer and related infrastructure. The trail system connects with principle community recreation facilities so as not to require duplication of amenities.

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

Homesites are organized to encourage community interaction within common areas in the immediate area. This specific site was selected to optimize allowable density within a short walking/biking distance of existing amenities.

H. A development pattern that incorporates adequate public safety and transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site.

The proposed development plan is a logical extension of the Cassique circulation pattern, which provides for efficient public safety access. The Clubhouse Village land use pattern inclusive of residential homesites, vehicular/pedestrian circulation and open space patterns responds directly to both existing development and unique natural features of the site. The proposed plan is consistent with the vision of Cassique, while providing compatible and diverse homesites.

SECTION 2 OWNERSHIP AND PROPERTY DESCRIPTION

2.01 Short Title

This ordinance shall be known and cited as the “The Cassique Clubhouse Village Planned Development Zoning District Ordinance”.

2.02 Intent and General Location

It is the intent of the Applicant to plan and develop a low density single family residential Planned Development Project on a 12.243-acre parcel located within the Cassique community in the unincorporated area of Charleston County, South Carolina. The Real Property is on Seabrook Island between the planned communities of Kiawah and Seabrook Islands and is depicted on the Location Map attached as Exhibit A in the Supporting Exhibits.

EXHIBIT A – LOCATION MAP

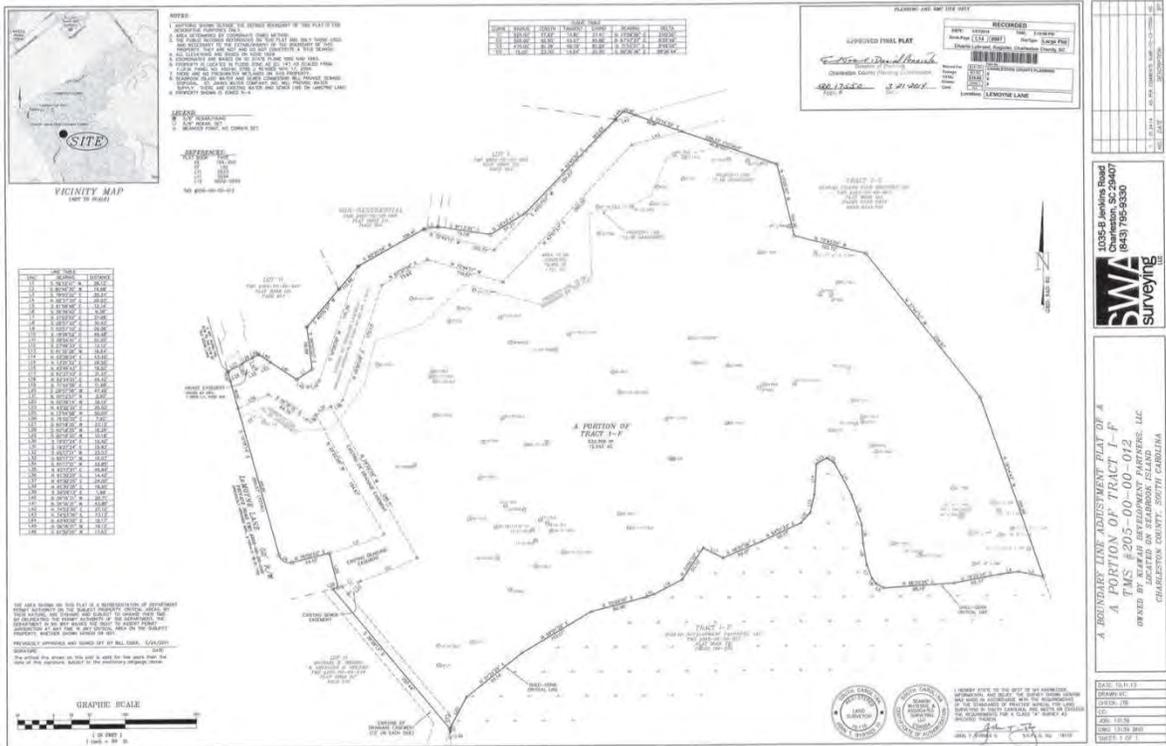


2.03 Property Description

The parcel is generally bounded by LeMoyné Lane to the west (which provides access) and surrounding lands composed of golf fairways or passive open space, lagoon and marshlands and is described as follows.

All that certain piece, parcel or tract of land situate, lying and being in Cassique Subdivision, on Seabrook Island, Charleston County, South Carolina, containing 12.243 acres, more or less, shown and designated as "A Portion of Tract 1-F 533.309 SF 12.243 AC" on a plat prepared by Seamon Whiteside & Associates Surveying, LLC, entitled "A Boundary Line Adjustment Plat of A Portion of Tract 1-F TMS #205-00-00-012 Owned by Kiawah Development Partners, LLC Located on Seabrook Island Charleston County, South Carolina" dated October 11, 2013, last revised on January 24, 2014, and recorded in Plat Book L14 at page 0097 in the RMC Office for Charleston County, South Carolina, said tract having such location, butts and bounds, metes, courses, and distances as will by reference to said plat more fully appear.

EXHIBIT B – SURVEY OF REAL PROPERTY



SECTION 3 GENERAL PLAN OF DEVELOPMENT

3.01 Name/Statement of Objectives

Cassique Clubhouse Village will be a residential neighborhood organized by clusters of homesites within parkland that provide internal garden courtyards. **The primary objective of the PD Application is to provide flexibility of locating structures and landscape elements within a diverse range of homesites that will include slightly smaller lots than presently allowed within the existing R-4 zoning district.** The arrangement of homes, garden courtyards and garages with the internal roadway and lane system will provide an alternative residential type to the more conventional residential subdivision pattern. The site will be structured to organize more modest sized cottage homes along the northern lake opposite existing similar housing types. Larger homesites will be located along the marshlands to the south and 18th fairway to the east. The proposed master plan will include 2.38 acres of land set aside for open space composed of lake, parkland and recreation areas.

AERIAL PHOTOGRAPHY

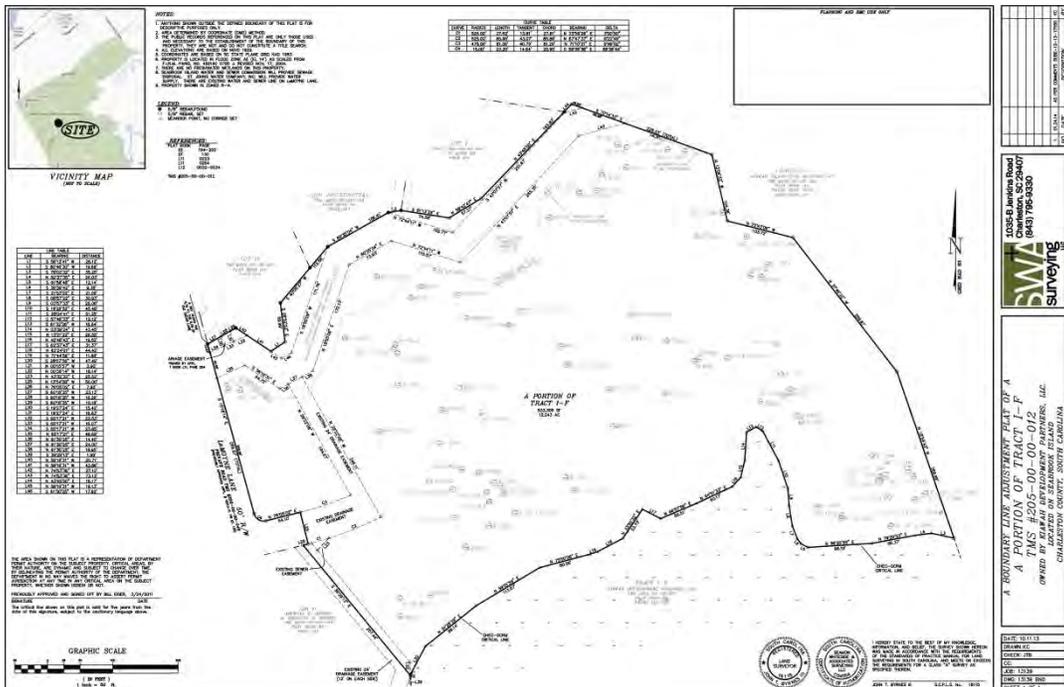
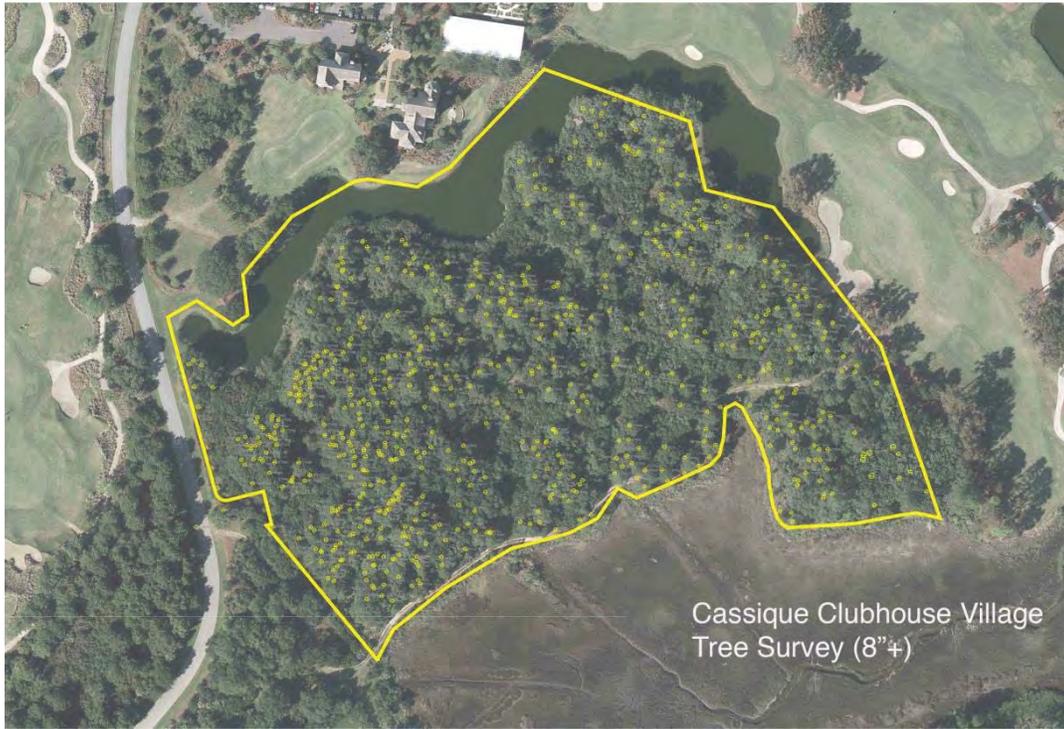


3.02 Site Information

The 12.243-acre parcel is located within Cassique, a 465-acre planned community composed of approximately 105 existing homes/homesites and an overall density limit of no greater than 275 fee simple detached single family dwelling units. The vast majority of land includes an existing 18-hole golf course by Tom Watson, a sports pavilion (fitness, tennis, and swimming pool) and a community dock for kayaks and canoes.

Cassique presently has two principal zoning classifications: R-4 (approximately 384 acres) and PD-110 (approximately 81 acres). The parcel is presently zoned R-4. The PD-110 zoning classification was approved by Charleston County Council in March 2005 to allow for similar flexible standards; however, this also permitted attached residential units which are not a part of this application. The total acreage of 12.243 is composed of all highland acreage with no freshwater wetlands or intertidal critical wetlands as determined by OCRM. A portion of the parcel includes approximately 1.11 acres of created lagoon to provide positive drainage for the area.

The site is similar in character to other coastal areas in this part of Charleston County with topography ranging from 5 – 9' m.s.l. and moderately dense tree canopy dominated by loblolly pines with a mix of live/water oaks, cedar and palms. A tree survey of significant trees 8" diameter or greater, inclusive of identification of all Grand Trees, is included in this application as Exhibit I (attached as part of Supporting Exhibits).



Tree Survey of Grand Trees

3.03 Master Land Use Plan

The proposed Master Land Use Plan is composed of 27 individual single family homesites organized in three related clusters, each served by an interior roadway. In direct response to existing natural features and adjacent residential and recreation development, each cluster balances the programmatic requirements of individual home design preferences with retention and enhancement of existing tree canopy and vegetative buffers.

The northern cluster of 12 moderately sized homesites along the northern lake boundary is immediately opposite the active clubhouse recreation grounds and golf oriented cottages. The 6 large custom homesites, oriented toward the east and the 18th hole of the Tom Watson Course, are specifically sized to minimize visual impact on the golf experience. The 9 homesites along the southern marsh shoreline are woven in the trees to provide connections to prevailing breezes.

The principle structuring element is a framework of individual, shared and community open spaces which protects existing Grand Trees, the adjacent critical marshlands and provides community access to recreation parkland. Shared driveways will be integrated to minimize ground coverage. Additionally, a pedestrian trail system and bridge will be integrated along the northern lake edge to provide access to the common open space and clubhouse grounds.

EXHIBIT D – MASTER LAND USE PLAN



Vehicular circulation will be limited to a double loaded central roadway with several shared driveways, where appropriate, to minimize impervious ground cover. The central roadway will serve as principal access for general and construction traffic. Pedestrian and bike traffic will be encouraged by connecting a pathway along the parkland along the lake shoreline and a bridge to the clubhouse grounds to the north. This will be accessible for all property owners.

CIRCULATION PLAN



3.04 Table of Proposed Land Uses

All principal use types allowed by right (A), subject to conditions (C) or by special exception (S) as outlined in the *ZLDR Chapter 6, Use Regulations* (attached as Exhibit G), for the existing R-4 zoning classification shall apply to the proposed PD Clubhouse Village Zoning District with the exception of the following deletions:

Principal uses not permitted:

- Greenhouse Production
- Horticulture Production
- Crop Production
- Stable
- Roadside Stands
- Congregate Care Living
- Duplex
- Child Caring Institution
- Group Care Home
- Group Residential
- Manufactured Housing
- Retirement Housing
- Single Family Attached
- Court of Law
- Adult Day Care Facilities
- Child Day Care Facilities
- Family Day Care Home
- Cemeteries
- Pre-school or Educational Nursery
- School, Primary
- School, Secondary
- College or University Facility
- Convalescent Services
- Bed and Breakfast Inns
- Sweetgrass Basket Stands
- Hair, Nail, or Skin Care Services
- Boat Ramps
- Commercial Dock
- Marina

Accessory uses and structures as defined and allowed per *ZLDR Article 6.5, Accessory Uses and Structures* shall be permitted in the PD-Cassique Clubhouse Village Zoning District and shall also include the following:

Additional residential accessory uses:

- Studio
- Greenhouse

Accessory uses not permitted:

- Barns and Farm-related Structures
- Selling of Sweetgrass Baskets

All development, for both principal and accessory uses, shall be subject to the following density, intensity and dimensional standards:

| PD-CASSIQUE CLUBHOUSE VILLAGE DENSITY/INTENSITY AND DIMENSIONAL STANDARDS [4] | |
|---|--|
| MAXIMUM DENSITY | 4 dwelling units per acre [1] |
| MINIMUM LOT AREA | 6,000 square feet |
| MINIMUM LOT WIDTH | 60 feet |
| MINIMUM SETBACKS | |
| Front/Street Side | 10 feet 5 feet (garage/studio) [2] |
| Interior Side | 5 feet (house) 0 feet (garage/studio) |
| Rear | 10 feet |
| OCRM Critical Line Buffer | 15 feet |
| Building Setback from OCRM Critical Line | 35 feet |
| MAXIMUM BUILDING COVER | 60% of individual lot [3] |
| MAXIMUM HEIGHT | 35 feet |

- [1] Total dwelling unit cap not to exceed 27.
- [2] Any wall up to 8 ft. above finish grade may be located within any of the required setbacks, provided vision site triangles at street intersections are maintained.
- [3] The garden courtyard concept coverage includes house, garage, and pool cavity.
- [4] Development within homesites contiguous to the OCRM critical line will comply with the ZLDR Waterfront Development Standards for the R-4 zoning district including:
 - Minimum lot area: 12,000 SF
 - Minimum lot width: 90 feet
 - Minimum lot width average: 100 feet

3.05 Maximum Density

The proposed master plan recommends a maximum density limit of 27 residential dwelling units, which equates to 2.20 D.U./Ac., substantially lower than the existing zoning allowance of 4 D.U./Ac.

The parcel is located within an urban/suburban area as identified in the Charleston County Comprehensive Plan. The proposed master plan includes approximately 1.11 acres of created lake and 1.27 acres of park/recreation area to be a part of the community open space system. This represents a total contribution of 2.38 acres or approximately 19% of the parcel area.

3.06 Dimensional Standards

The proposed master plan includes 7 homesites that are contiguous to the OCRM critical line. All waterfront homesites will meet the Waterfront Development Standards for the R-4 zoning district, including lot area, rear yard setback and buffer requirements, as defined in *ZLDR Article 4.22, Waterfront Development Standards*, and as indicated in the PD-Cassique Clubhouse Village Density/Intensity and Dimensional Standards Table of 3.04.

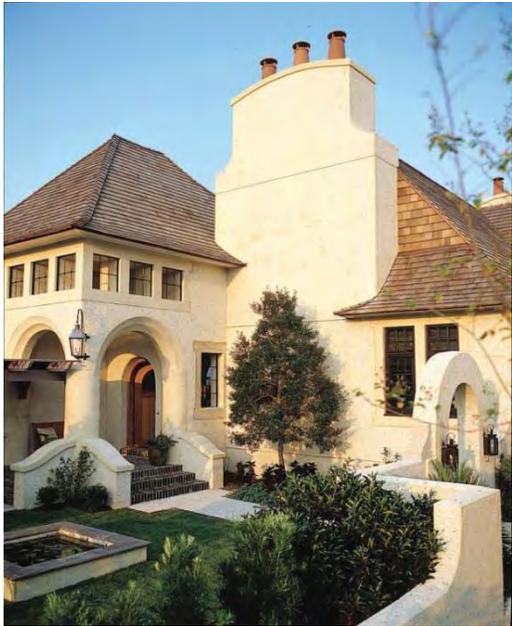
3.07 Architectural and Landscape Standards

Integral to the concept and execution of the community of Cassique are the architectural and landscape guidelines embodied in *Designing with Nature*. The architectural design and construction philosophy of Cassique is that homes generally be unobtrusive in form and color in order to complement the natural setting.

The existing architectural standards have served as the basis for all existing design and construction since development was initiated in the late 1990s. These standards meet or exceed the intent of *ZDLR Section 9.6.3, Architectural Design Standards* which assures respect for the character, integrity, and quality of the built and natural environments of this area of Charleston County. Specifically, the Cassique Architectural Review Board Standards and Guidelines (ARB) address key aesthetic and compositional elements of:

- General Design
- Materials
- Color
- Site Orientation
- Service Screening
- Landscape Design

All applicants for future zoning and building permits will submit documentation of ARB approval as part of such submittal to Charleston County.



Examples of Architectural Style, Massing, Form and Landscape Strategies.

Examples of Architectural Style, Massing, Form and Landscape Strategies:



The landscape concept is to integrate the existing interior framework of significant trees, maintain the buffer along the southern critical area and expand the parkland along the northern lake edge. Additionally, the existing pattern of roadside tree, hedge and diverse grass plantings will be expanded along LeMoyne Lane and the new interior roadway. In select areas where clusters of homesites share view corridors toward the marshlands, a coordinated landscape plan will be designed to provide a consistent theme. These are not community common open space areas; however, it is important the future landscape plan for these small areas have a unified design composition. The primary objective of the conceptual landscape plan is to complement existing natural vegetation with a compatible new landscape palette resulting in a parkland feel as indicated in Exhibit F (attached as part of Supporting Exhibits) and images below.

**EXHIBIT F
CONCEPTUAL LANDSCAPE PLAN**



Zone A: Natural Buffer
Retain natural area contiguous to OCRM critical line.



Zone B: Parkland
Integrate natural vegetation and indigenous grasses/plants.



Zone C: Roadside
Integrate street trees, hedge rows, grasses and flowering plants.



Zone D: Golf
Retain and enhance natural area contiguous to golf fairways.



3.08 Lots to Abut Common Open Space

The proposed master plan maximizes the number of homesites that directly or indirectly orient towards common open space or unique natural areas. Specifically, 24 of the potential 27 homesites are immediately adjacent to a lake, golf course fairway or critical marshlands. The remaining homesites are sited in such a way as to have a direct view corridor to south facing critical marshland.

3.09 Access

Direct vehicular and pedestrian access to the parcel is provided by the existing LeMoyne Lane to the west. A future internal vehicular roadway will connect all homesites to the existing circulation system. Additionally, a pedestrian trail system and bridge along the northern lake shore line will provide community access to the existing clubhouse grounds and beyond to the Sports Pavilion.

Access easements will be appropriately located between homesites/structures to provide access for principal service providers. All roadways/R.O.Ws are private and will be owned and maintained by the Cassique Property Owners Association.

3.10 Areas Designated to Future Use

All areas designated for future development, or not intended for immediate improvement, shall remain in a managed natural state until such time as development permits are approved.

3.11 Signs/Graphic Systems

It is the intent that all signage be minimal and unobtrusive in scale, color and material. Way finding signage and signage required for roadways, safety standards, including but not limited to speed limit, stop and street name signage, will meet the technical requirements of the *ZLDR Article 9.11, Signs*. Signage will be allowed in private ROW.

To date Cassique has an established graphic system delineating size, color, material and font type, which will be required for development of this parcel.

3.12 Parking

All off-street parking requirements will be in accordance with *ZLDR Article 9.3, Off-Street Parking and Loading*. The master developer also requires additional guest parking for each homesite beyond the required 2 parking spaces per dwelling unit and, where appropriate, integrate small pockets of common neighborhood parking for seasonal/event needs.

3.13 Resource Areas

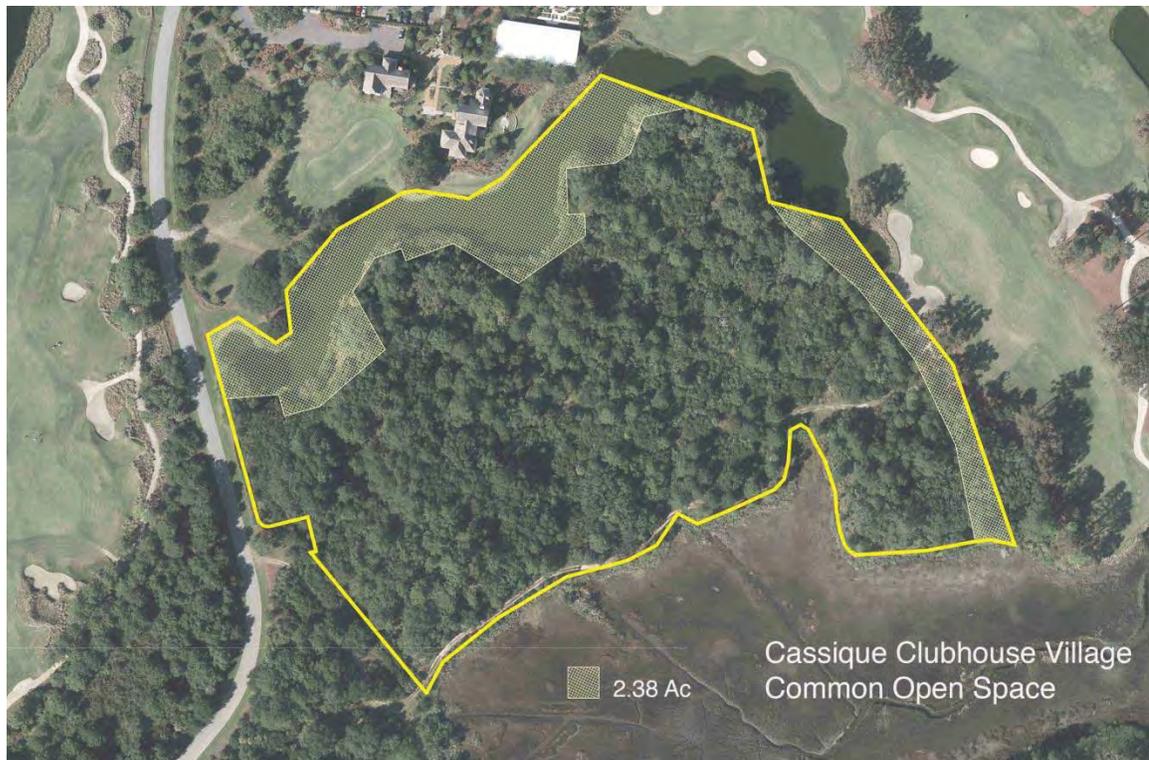
Development of the proposed plan will comply with the requirements of the *ZLDR Article 9.4, Tree Protection and Preservation*.

3.14 Common Open Space

A key structuring principle of the proposed parcel master plan is preservation of existing natural resources through a comprehensive plan of individual and community open space. As noted above, the parcel contributes approximately 2.38 acres of common open space to the overall Cassique community, which has set aside over 50% of the 465 acres to recreation and natural area open space.

It is important to note that more than 60% of the 465 acres was in a dormant, post-agricultural stage of open fields that was converted to natural areas, an 18-hole golf course, and several cluster residential areas. This restoration has resulted in increased habitat as well as accessible areas for property owners and their guests.

The proposed master plan will result in common space representing approximately 19% of the parcel that will be conveyed to the Cassique POA to be maintained and integrated in the overall system. Where appropriate, property owners will have access by way of pedestrian pathways or as golfers. Uses within the open space areas will be limited to parkland activities of trails/pathways, open air sitting areas, passive lake and a portion of an active golf fairway (No. 18). Structures will be limited to the addition of a pedestrian bridge to connect a trail system to the existing clubhouse grounds to the north.



3.15 Impact Assessment

The proposed plan is a low density residential development of homes that are dominated by seasonal use and second home user patterns. As such, the development will have minimal impact on existing public facilities and services. Service providers have indicated the capacity to adequately serve the development.

The proposed plan and density allowance if fully realized will not require future improvements to existing public facilities and services. The Cassique community amenities have already been sized to accommodate the proposed density limit.

3.16 Traffic Study

The maximum of 27 individual homesites will be served by a proposed, double loaded 20' wide roadway that will be connected to LeMoyné Lane an existing roadway sufficiently sized to accommodate the anticipated trip generation.

The site is particularly well-suited for walking and biking connections to the principle nearby amenities. This will be enhanced by proposed pedestrian trail and bridge connections to the adjacent clubhouse grounds. This will result in less vehicular trips per day.

3.17 Development Schedule

The proposed development schedule is to design and build approximately 5-10 custom homes per year based upon market demand. Complete design and construction of the primary infrastructure for the entire project will be implemented in the initial phase. Although the timing of individual home construction will vary, based upon existing conditions, it is anticipated that complete development of the neighborhood will be a 3 to 5-year time period. It is the intent of the master developer to have the project appear complete at the end of each phase regardless of the duration. Open space referenced in 3.14 will be available for community use prior to completion of the first phase of development.

3.18 Compliance with the ZLDR

All subsequent zoning and land development applications shall comply with the processes and requirements of the Charleston County ZLDR in effect at the time such applications are made, provided, however, that the following list of attached sections of the Charleston County ZLDR shall apply as described in this PD:

- a. Article 6.1, Use Table;
- b. Article 6.2, Definitions;
- c. Article 6.3, Use Types;
- d. Article 6.4, Use Conditions; and
- e. Article 6.5, Accessory Uses and Structures.

Additionally, the master developer agrees to proceed with development in accordance with the provisions of the Charleston County Comprehensive Plan and with such conditions as may be agreed to during the rezoning to the applicable PD district.

Provisions of the ZLDR Article 3.10, Zoning Variances shall not apply to the PD and all major changes must be approved by Charleston County Council, notwithstanding tree variances, which may be granted in accordance with the ZLDR.

In accordance with *ZLDR Section 4.23.9 (E) (9) Approval Criteria*, the following is a response as to how the proposed plan and design standards comply with the three primary criteria.

a) The PD Development Plan complied with the standards contained in the *ZLDR Article 4.23, PD, Planned Development District*.

The proposed plan meets or exceeds the standards established in this Article. The proposed density is less than the existing density allowance as permitted in the R-4 zoning classification. The proposed slight reduction in minimum lot size and setback standards are to allow for flexibility in positioning structures and landscape elements to save more trees and enhance individual and community open space.

b) The development is consistent with the intent of the Comprehensive Plan and other adopted policy documents.

The proposed plan is consistent with the goals, objectives and intent of the Comprehensive Plan with an emphasis on two primary areas of focus. This includes providing greater diversity in housing types and responsible planning and development of an environmentally sensitive coastal part of Charleston County.

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.

The primary design and construction of primary infrastructure (roads, water and sewer) is totally funded and implemented by the master developer. All common areas of roads, pathways, drainage, landscape areas will be owned and maintained by the existing Cassique Property Owners Association. Letters of agreement to provide service for Potable Water, Wastewater Treatment, Electricity and Telephone Communications have been received and are part of this application.

All future permit applications for individual custom homes will require normal submittal to Charleston County building officials and the St. Johns Fire District for compliance to structure building codes.

3.19 Historic and Archaeological Survey

An investigation and assessment of the 465-acre land presently known as Cassique was conducted by the Chicora Foundation, headed by Michael Trinkley, in 1999 prior to any development by Kiawah Development Partners, LLC. As a result of pre-investigation research, two sites were identified for specific investigation. Excavations and assessment were conducted and documents were filed with the appropriate agencies. The parcel proposed for rezoning is not within any areas determined to have any historical or archeological significance. A mapping of the two sites investigated with an indication of the project location is shown below as Exhibit H (also attached as part of Supporting Exhibits).

EXHIBIT H – ARCHAEOLOGY

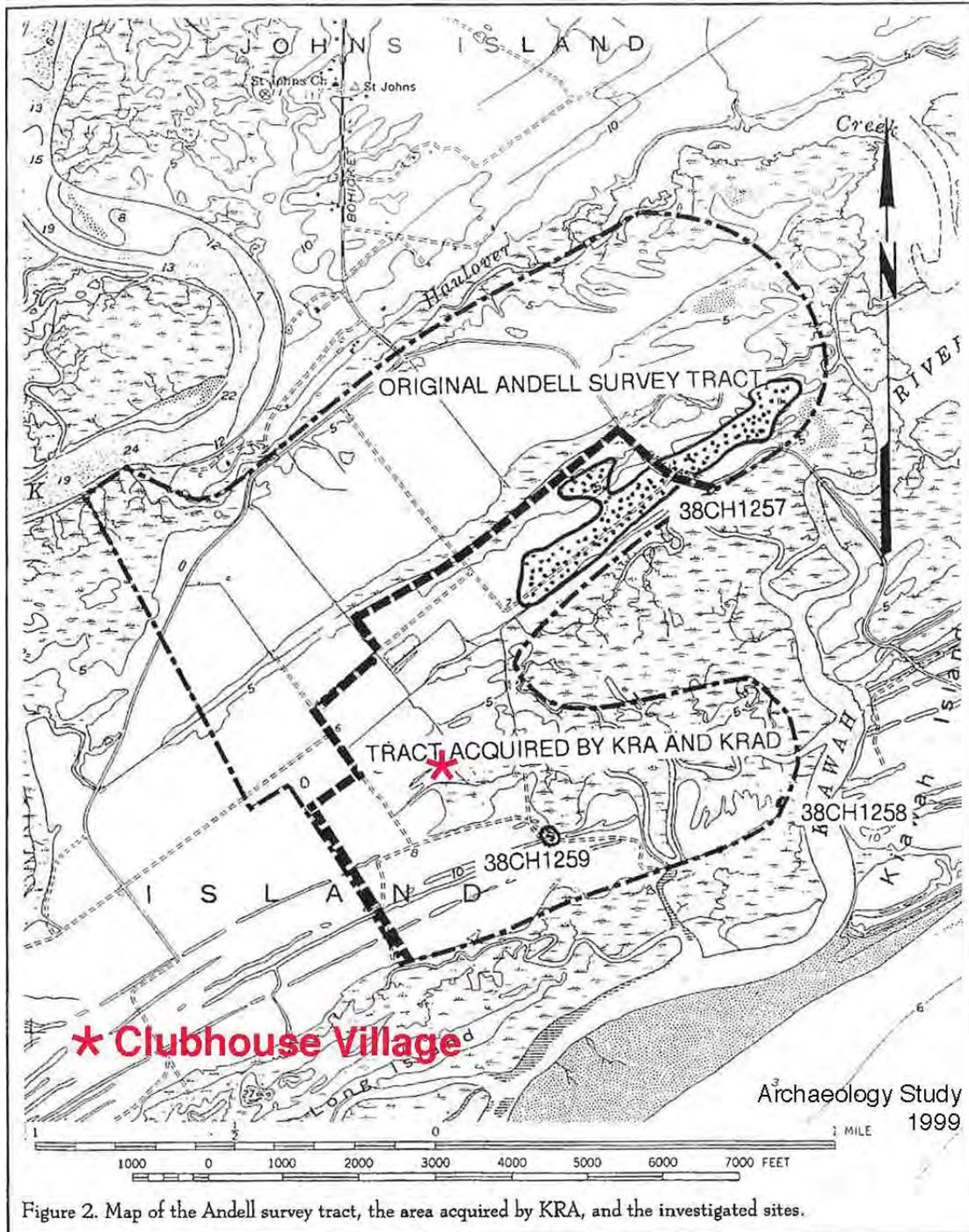


Figure 2. Map of the Andell survey tract, the area acquired by KRA, and the investigated sites.

Note: Site 38CH1257 is located in the general area of golf holes 2, 3, 4, 5, and 6 near the entrance road, while site 38CH1259 is a small area near hole 17 tee box. These sites are greater than 3,000 and 1,000 feet away respectively from the Clubhouse Village parcel.

3.20 Letters of Coordination

The Cassique community is presently served by the following principal service providers which have submitted letters indicating a willingness and sufficient capacity to serve the proposed development. These letters are attached in the Supporting Exhibits as Exhibit E.

| | |
|-----------------------|------------------------------------|
| Electric: | Berkeley Electric Cooperative |
| Telephone: | BellSouth |
| Water: | St. John's Water Company |
| Wastewater Treatment: | Seabrook Island Utility Commission |
| Fire/Safety: | St. Johns Fire Department |

The master developer agrees to grant the easements necessary to insure the continued operation and maintenance for all utilities and essential services.

3.21 Wetlands Survey

A wetlands survey of the parcel was conducted by Newkirk Environmental, Inc. in March 2011 to assess if there were any freshwater wetlands. Based upon their findings and a review of the field assessment submitted to the US Army Corps of Engineers, it has been determined that no wetlands are located on the property in the areas to be considered for future development.

A letter of determination that the "... referenced property does not contain any wetland areas or other waters of the United States ..." was authorized by Charles R. Crosby, Chief, South Branch, April 7, 2011. This letter is attached in the Supporting Exhibits as Exhibit J.

3.22 Utility Plan

As part of the pre-development planning for future infrastructure development of Clubhouse Village, a comprehensive utility plan was prepared by Thomas & Hutton Engineering. This assessment included water and sewer, clearing, road profiles, storm drainage and storm water pollution prevention plans. The complete document is entitled Site Development of Cassique Phase 4 and is included as Exhibit K in the Supporting Exhibits (attached). The utility plan is based on the principal objective of the master plan to minimize adverse impacts on the existing natural systems of the site.

EXHIBIT J – U.S. ARMY CORPS OF ENGINEERS LETTER OF WETLAND DETERMINATION



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

April 7, 2011

Regulatory Division

Mr. Adam Bradshaw
Newkirk Environmental, Inc.
P.O. Box 746
Mt. Pleasant, South Carolina 29465-0746

Dear Mr. Bradshaw:

This is in response to your letter received March 14, 2011, requesting a wetland determination, on behalf of Kiawah Development Partners, for 10.356 acre tract located on the east side of LeMoyné Lane approximately 900 feet south of the Cassique Club house on Seabrook Island, Charleston County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Southeastern Surveying of Charleston, Inc., dated February 9, 2011; revised April 8, 2011, and entitled "A Preliminary Subdivision Plat of Tract I-F Creating Lots 500-517, 10.356 AC Cassique PH. IVA & IVB Owned by Kiawah Development Partners Inc. Located on Seabrook Island Charleston County, South Carolina".

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the referenced property does not contain any wetland areas or other waters of the United States and, as such, Department of the Army authorization will not be required for mechanized land clearing, excavation, or the placement of dredged or fill material on this site.

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. For the purposes of 33 CFR 331.2, this is considered to be an approved jurisdictional determination.

In future correspondence concerning this matter, please refer to SAC 2011-0321-2JY. A copy of this letter is being forwarded to the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management for their information.

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

Respectfully,


CR Charles R. Crosby
Chief, South Branch

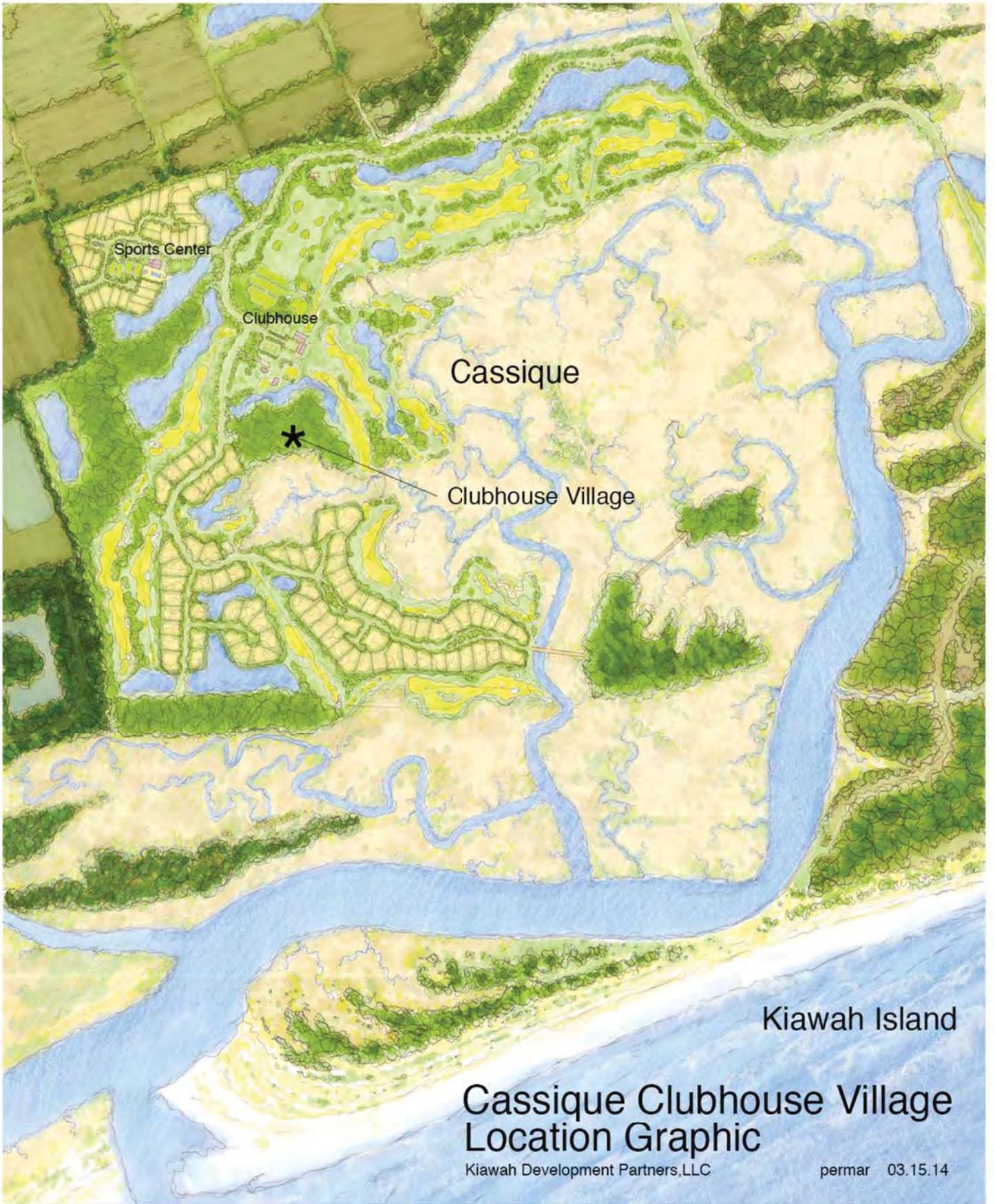


Cassique Clubhouse Village
Planned Development
Zoning District Application

SUPPORTING EXHIBITS

April 2014

**EXHIBIT A
LOCATION MAP**



Sports Center

Clubhouse

Cassique



Clubhouse Village

Kiawah Island

Cassique Clubhouse Village Location Graphic

Kiawah Development Partners, LLC

permar 03.15.14

EXHIBIT B
SURVEY OF REAL PROPERTY

| NO. | DATE | DESCRIPTION |
|-----|----------|---------------------------------|
| 1 | 01/24/14 | AS PER COUNTY FILE # 13-1-17544 |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

BWA Surveying
 1035-B Jenkins Road
 Charleston, SC 29407
 (843) 795-9330

A BOUNDARY LINE ADJUSTMENT PLAT OF A
 PORTION OF TRACT 1-F
 TMS #205-00-00-012
 OWNED BY KINVAH DEVELOPMENT PARTNERS, LLC
 LOCATED ON SEABROOK ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA

DATE: 10/11/13
 DRAWN BY: JTB
 CHECKED BY: JTB
 SCALE: AS SHOWN
 SHEET 1 OF 1

RECORDED
 DATE: 10/11/13
 BOOK: 13139
 PAGE: 205

APPROVED FINAL PLAT
 APPROVED BY: [Signature]
 TITLE: [Signature]
 DATE: 10/11/13

PLANNING AND MAP USE ONLY

DATE: 10/11/13
 DRAWN BY: JTB
 CHECKED BY: JTB
 SCALE: AS SHOWN

| CLASS | RANGE | MINIMUM | MAXIMUM | USUAL | DEPTH | DELTA |
|-------|-------|---------|---------|-------|-------|-------|
| 1 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 3 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 4 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 5 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 7 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 8 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 9 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 10 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

NOTES:

1. ANYTHING SHOWN ON THIS PLAT IS FOR INFORMATIONAL PURPOSES ONLY. THE EXACT BOUNDARY OF THIS PLAT IS TO BE DETERMINED BY SURVEYING DATA.
2. ALL ELEVATIONS ARE BASED ON MEAN SEA LEVEL.
3. ALL ELEVATIONS ARE BASED ON MEAN SEA LEVEL.
4. ALL ELEVATIONS ARE BASED ON MEAN SEA LEVEL.
5. PROPERTY IS LOCATED IN FLOOD ZONE AS SHOWN ON FEMA FLOOD MAPS.
6. THERE ARE NO FLOOD ZONE AS SHOWN ON FEMA FLOOD MAPS.
7. THERE ARE NO FLOOD ZONE AS SHOWN ON FEMA FLOOD MAPS.
8. THERE ARE NO FLOOD ZONE AS SHOWN ON FEMA FLOOD MAPS.
9. THERE ARE NO FLOOD ZONE AS SHOWN ON FEMA FLOOD MAPS.
10. THERE ARE NO FLOOD ZONE AS SHOWN ON FEMA FLOOD MAPS.



LEGEND:

- 1. 5/8" REPRESENTATION
- 2. 1/4" REPRESENTATION
- 3. 1/8" REPRESENTATION
- 4. 1/16" REPRESENTATION
- 5. 1/32" REPRESENTATION
- 6. 1/64" REPRESENTATION
- 7. 1/128" REPRESENTATION
- 8. 1/256" REPRESENTATION
- 9. 1/512" REPRESENTATION
- 10. 1/1024" REPRESENTATION

| LINE | BEARING | DISTANCE |
|------|-----------------|----------|
| 1 | N 00° 00' 00" E | 10.00 |
| 2 | S 00° 00' 00" E | 10.00 |
| 3 | ... | ... |
| 4 | ... | ... |
| 5 | ... | ... |
| 6 | ... | ... |
| 7 | ... | ... |
| 8 | ... | ... |
| 9 | ... | ... |
| 10 | ... | ... |

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE INFORMATION CONTAINED HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOUTH CAROLINA SURVEYING ACT AND THE REGULATIONS THEREUNDER. I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF SOUTH CAROLINA AND AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THIS SURVEY OR THE INFORMATION CONTAINED HEREIN.

DATE: 10/11/13
 SURVEYOR: [Signature]
 TITLE: [Signature]



**EXHIBIT C
AERIAL PHOTOGRAPHY**



No.1

Practice Grounds

Clubhouse

No.9

No.18

No.10

Clubhouse Village

Aerial Photograph

2012

**EXHIBIT D
MASTER LAND USE PLAN**

Cassique Clubhouse Village Master Land Use Plan

April 2014



Common
Open Space

Common
Open Space

Golf
Open Space

Custom Homes
Pre-Designed Homes

EXHIBIT E
LETTERS OF INTENT TO PROVIDE SERVICES



BERKELEY ELECTRIC COOPERATIVE, INC.

www.bec.coop Your Touchstone Energy® Partner 

April 3, 2014

Kiawah Resort Development
C/O: Mr. Ray Pantlik
Director of Development
PO Box 12001
Charleston, SC 29412

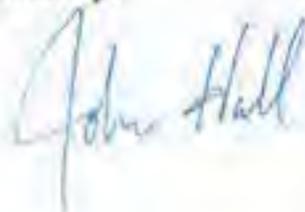
**RE: Power Availability for "Cassique Clubhouse Village (Cassique Phase Four)
PDD Application"
Kiawah, SC**

Dear Ray:

Berkeley Electric Cooperative will supply the electrical distribution requirements for the above referenced location and we look forward to extending our facilities to meet the needs of this development.

All services that are rendered will be under our Service Rules and Regulations at the time of service. If you have any questions, please don't hesitate to give me a call.

Sincerely,



John Hall
Manager of Construction and Design

JH/ts

Cc: Tim Mobley, V.P. of Engineering and Operations
Kevin Varner, Supervisor of Distribution Design
File

BellSouth Telecommunications, Inc.
2600 Meeting Street Road
Charleston, SC 29405-8307

April 4, 2014

%Ray Pantlik
253 Gardeners Circle
Suite 250
Kiawah Island, SC 29455

Cassique Clubhouse Village (Cassique Phase Four): PDD Clubhouse Village Application 36-25-14

Re: Service Availability for Telephone

To Whom it May Concern:

This is to confirm that AT&T will be able to provide telephone service to the property of Charleston County Tax Map #205-00-00-012 in the Seabrook Island area. Service is contingent upon our receiving detailed plans of the development with utility easements granted, proper lead-time to install these services (6 months), and the correct 911 street address. One 10'x10' easements would have to be provided to AT&T for equipment. This tract of land would be served with fiber cable to provide TV, Internet, and phone services. Plans should be submitted to Alan Squires (tel.# 843-722-5179) at the following address 385 Meeting St., Charleston, S.C. 29403- 6248 or email to js0590@att.com

Should you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Alan Squires". The signature is written in a cursive, flowing style.

Alan Squires
Designer-AT&T

ST. JOHN'S WATER COMPANY, INC.

"This institution is an equal opportunity employer and provider"

Post Office Box 629

John's Island, South Carolina 29457-0629

Phone (843) 559-0186

Fax (843) 559-0371

Board Members

Julia H. Grant, Chair
Thomas Legare, Jr., Vice Chair
Robert M. Lee., Sec/Treas
Samuel D. Brownlee
Cheryl Glover
Becky J. Dennis
Cindy M. Floyd
Tommy West
Richard Thomas

Original: March 10, 2011

Updated: April 14, 2014

Ray Pantlik
Kiawah Partners
130 Gardeners Circle, PMB#155
Kiawah Island, SC 29455

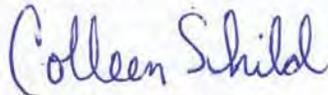
Re: Cassique Clubhouse Village (Cassique Phase Four) PDD Application
TMS Number 205-00-00-012
Water Availability and Willingness to Serve Letter

Dear Mr. Pantlik:

This letter is to confirm that Kiawah Partners is proposing to subdivide lots at TMS number 205-00-00-012 on Johns Island, which is within the water service area of the St. John's Water Company, Inc. (SJWC). SJWC does have water available from an existing 12-inch water line located on LeMoyne Lane. Our system is SC DHEC approved and we have the capacity and willingness to provide potable water service to a maximum of 30 lots at TMS number 205-00-00-012.

If you have any questions, please feel free to give me a call at 843-514-5570.

Sincerely,



Colleen Schild
Assistant Manager/Engineer



Seabrook Island Utility Commission
Managed by Hawthorne Services, Inc.

Commissioners:

*D. Jeffrey Bostock
Leon D. Vancini
James L. Banwart*

April 3, 2014

Ray C. Pantlik P.E.
Director of Development
130 Gardeners Circle, PMB #155
Kiawah Island, SC 29455

RE: Cassique Clubhouse Village (Cassique Phase Four) PDD Application

Dear Mr. Pantlik,

Per a December 1998 agreement between the Seabrook Island Utility Commission and Kiawah Island Resort Associates LP, sewer capacity has been reserved for this above referenced section of the Cassique Development.

Therefore, the Seabrook Island Utility Commission has adequate sanitary sewer capacity and is willing, able to serve, own and maintain said sanitary sewer system.

Prior to the installation of the sanitary sewer pipeline system, Impact fees of \$2,000 (per lot) must be paid to the Seabrook Island Utility Commission, the drawings illustrating the proposed sanitary sewers and connections shall be approved by the Seabrook Island Utility Commission. All connections to the sanitary sewer system shall be made in accordance to the Seabrook Island Utility Commission specifications and will be subject to a final inspection by the Seabrook Island Utility Commission.

At the time of connection to the sanitary sewer system, a Sewer Connection fee of \$300 and Security Deposit of \$150 (per lot), will be due.

If you have further questions concerning this matter, you may contact me at Wastewater Treatment Plant Operations Office.

Sincerely,

Tommy West
Manager

cc: file
Commissioners

Seabrook Town Hall
Town Hall
2001 Seabrook Island Road
Johns Island, SC 29455
Office 843-768-9121
Fax 843-768-9830

Hawthorne Services, Inc.
Accounting/Billing Office
P.O. Box 61269
Charleston, SC 29419-1269
Office 843-797-0525
Fax 843-797-5258

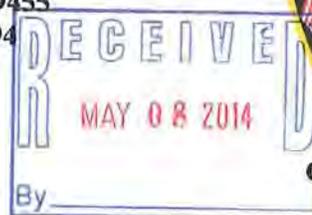
Wastewater Treatment
Plant Operations Office:
2902-A Seabrook Island Road
Johns Island, SC 29455
Office 843-768-0102
Fax 843-768-1075

ST. JOHN'S FIRE DISTRICT

COMMISSIONERS:

ERIC P. BRITTON, Chair
SAMUEL BROWNLEE, Vice-Chair
J. BARRY HART
SUSANNE HOLLOMAN
THOMAS KULICK
DON M. RIVERS
H. ALBERT THOMPSON
CRAIG WEAVER
JOHN OLSON

P.O. BOX 56
3327 Maybank Hwy.
JOHNS ISLAND, S.C. 29455
PHONE: (843) 559-9194
FAX: (843) 559-3687



Colleen Walz
Fire Chief

May 6, 2014

Kiawah Partners
Ray C. Pantlik P.E.
Director of Development
130 Gardeners Circle, PMB#155
Kiawah Island, SC 29455

RE: Cassique Clubhouse Village (Cassique Phase Four)

Dear Mr. Pantlik,

A review was conducted of the document you provided for the planned Cassique Clubhouse Village (Cassique Phase Four) as it relates to service availability. The St. John's Fire District is an "all hazards" department that provides emergency response to Kiawah Island. St. John's Fire District personnel are certified medical providers, certified firefighters and receive training to stabilize or mitigate other emergency incidents.

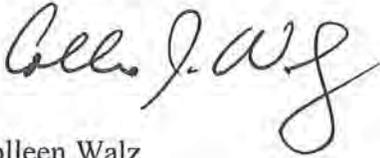
The resources for an emergency response are dictated by the emergency. For example, a suppression unit would be dispatched for an emergency medical incident to provide medical care until the arrival of a medical transport unit. For a report structure fire (house) the five closest engines, ladder truck, command officers and EMS unit would be dispatched. The St. John's Fire District participates in the regional auto aid agreement. This agreement ensures the closest unit(s) are dispatched regardless of political boundaries. Additionally, the auto aid agreement allows other departments to fill St. John's Fire District Stations in the event the St. John's Fire District is mitigating a long-term incident, such as a structure fire.

The Cassique area would receive an initial response from St. John's Fire District Station 4. Station 6 (Ocean Course Drive), Station 2 (Captain Sam's Road), Station 5 (River Road), Station 17 (City of Charleston), and Station 1 (Maybank Highway) would round out the response package.

Regardless of the amount of resources dispatched to a fire incident there is always reflex time between the detection of a fire and arrival and mitigation by suppression units. The reflex time can be addressed through the installation of a sprinkler system in all residential homes. We encourage your firm to speak with a sprinkler design professional that installs residential sprinkler systems to get a better understanding of the benefits of installing a sprinkler system in a residential dwelling.

The St. John's Fire District looks forward to working with you on this project to ensure proper access for emergency vehicles, access to all dwelling units, proper distribution of hydrants, and other aspects of the project that could impact emergency service delivery.

Respectfully,

A handwritten signature in black ink, appearing to read "Colleen J. Walz". The signature is written in a cursive style with a large, looping "z" at the end.

Colleen Walz
Fire Chief
St. John's Fire District

**EXHIBIT F
CONCEPTUAL LANDSCAPE PLAN**



Zone D Golf

Zone B Parkland

Zone C Roadside

Zone A Natural Buffer

Cassique Clubhouse Village Conceptual Landscape Plan

April 2014

EXHIBIT G
TABLE OF PROPOSED LAND USES

All subsequent zoning and land development applications shall comply with the processes and requirements of the Charleston County ZLDR in effect at the time such applications are made, provided, however, that the following list of attached sections of the Charleston County ZLDR shall apply as described in this PD:

- a. Article 6.1, Use Table;
- b. Article 6.2, Definitions;
- c. Article 6.3, Use Types;
- d. Article 6.4, Use Conditions; and
- e. Article 6.5, Accessory Uses and Structures.

3.04 Table of Proposed Land Uses

All principal use types allowed by right (A), subject to conditions (C) or by special exception (S) as outlined in the *ZLDR Chapter 6, Use Regulations*, for the existing R-4 zoning classification shall apply to the proposed PD Clubhouse Village Zoning District (Exhibit G) with the exception of the following deletions:

Principal uses not permitted:

- Greenhouse Production
- Horticulture Production
- Crop Production
- Stable
- Roadside Stands
- Congregate Care Living
- Duplex
- Child Caring Institution
- Group Care Home
- Group Residential
- Manufactured Housing
- Retirement Housing
- Single Family Attached
- Court of Law
- Adult Day Care Facilities
- Child Day Care Facilities
- Family Day Care Home
- Cemeteries
- Pre-school or Educational Nursery
- School, Primary
- School, Secondary
- College or University Facility
- Convalescent Services
- Bed and Breakfast Inns
- Sweetgrass Basket Stands
- Hair, Nail, or Skin Care Services
- Boat Ramps
- Commercial Dock
- Marina

Accessory uses and structures as defined and allowed per *ZLDR Article 6.5, Accessory Uses and Structures* shall be permitted in the PD-Cassique Clubhouse Village Zoning District and shall also include the following:

Additional residential accessory uses:

- Studio
- Greenhouse

Accessory uses not permitted:

- Barns and Farm-related Structures
- Selling of Sweetgrass Baskets

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

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

§6.3.1 [A] USES ALLOWED BY RIGHT

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

§6.3.2 [C] USES SUBJECT TO CONDITIONS

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

§6.3.3 [S] SPECIAL EXCEPTION USES

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

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

Any use that was legally established before April 21, 1999 with a Conditional Use Permit and which after April 21, 1999 is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Chapter 12 of this Ordinance.

§6.3.4 USES NOT ALLOWED

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

§6.3.5 NEW OR UNLISTED USES AND USE INTERPRETATION

The Planning Director shall be authorized to make use determination 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 process in accordance with the Planned Development (PD) procedures of this Ordinance.

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | |
|---|------------------|-------|------|------|------|----|----|----|------|------|------|----|----|----|-----------|----|----|----|------------|
| | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | CN | | CR | CT | CC | I |
| | RM | | | | | | | | | | | | | | | | | | |
| AGRICULTURAL USES | | | | | | | | | | | | | | | | | | | |
| ANIMAL PRODUCTION | | | | | | | | | | | | | | | | | | | |
| Animal Aquaculture, including Finfish Farming, Fish Hatcheries, or Shrimp or Shellfish Farming (in ponds) | A | A | A | A | C | C | | | | | | | | | | | | | \$ 6.4.1 |
| Apiculture (Bee Keeping) | A | A | A | A | A | A | | | | | | | | | | | | | |
| Horse or Other Animal Production | A | A | A | A | C | C | | | | | | | | | | | | | \$ 6.4.1 |
| Concentrated Animal Feeding Operations | S | S | S | S | | | | | | | | | | | | | | | |
| CROP PRODUCTION | | | | | | | | | | | | | | | | | | | |
| Greenhouse Production or Food Crops Grown Under Cover | A | A | A | A | A | A | C | | | | | | | | | | | | \$ 6.4.1 |
| Horticultural Production or Commercial Nursery Operations | A | A | A | A | A | A | S | | | | | | A | A | A | A | | | |
| Hydroponics | A | A | A | A | A | A | | | | | | | | | | | | | |
| Crop Production | A | A | A | A | A | A | A | | | | | | | | | | | | |
| Wineries | C | C | C | C | C | C | | | | | | | | | | | | | \$ 6.4.60 |
| FORESTRY AND LOGGING | | | | | | | | | | | | | | | | | | | |
| Bona Fide Forestry Operations | C | C | C | C | C | C | | | | | | | | | | | | | \$ 6.4.23 |
| Lumber Mills, Planing, or Saw Mills, including Chipping or Mulching | A | A | A | A | S | | | | | | | | | | | | | | A |
| STABLE | | | | | | | | | | | | | | | | | | | |
| Stable | A | A | A | A | C | C | C | | | | | | | | | | | | \$ 6.4.20 |
| SUPPORT ACTIVITIES FOR AGRICULTURE USES | | | | | | | | | | | | | | | | | | | |
| Agricultural Processing | C | C | C | C | S | | | | | | | | | | | | | | A \$ 6.4.1 |
| Agricultural Sales or Services | A | A | A | A | C | | | | | | | | | A | | | | | \$ 6.4.44 |
| Roadside Stands, including the sale of Sweetgrass Baskets | C | C | C | C | C | C | C | | | | | | | C | C | C | C | C | \$ 6.4.58 |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | | |
| Congregate Living for the elderly (up to 15 residents) | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | |
| Duplex | | | | | | | | | | | | | | | | | | | |
| Dwelling Group | C | C | C | C | C | C | C | C | C | C | C | C | | | | | | | \$ 6.4.7 |
| Farm Labor Housing (up to 10 residents) | C | C | C | C | C | | | | | | | | | | | | | | \$ 6.4.9 |
| Farm Labor Housing (Dormitory) (more than 10 residents) | S | S | S | S | S | | | | | | | | | | | | | | \$ 6.4.9 |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | |
|---|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I |
| Child Caring Institution (more than 20 children) | S | S | S | S | S | S | S | S | S | S | S | S | | | | | | | | |
| Group Care Home, Residential (up to 20 children) | 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 | | | | | | | | |
| Manufactured Housing Unit | A | A | A | A | A | C | C | C | C | C | A | A | | | | | | | | \$ 6.4.24 |
| Manufactured Housing Unit, Replacement | A | A | A | A | A | A | C | C | C | C | 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 | A | S | | | | | | | | | |
| Retirement Housing, Limited (up to 10 residents) | S | S | S | S | S | S | S | S | S | A | S | | | | | | | | | \$ 6.4.8 |
| Single family Attached, also known as Townhouses or Rowhouses | | | | | | | | | | S | C | C | S | | | | | | | \$ 6.4.2 |
| Single family Detached | A | A | A | A | A | A | A | A | A | A | A | A | A | C | C | C | A | C | C | \$ 6.4.25 |
| Affordable Dwelling Units | S | S | C | C | C | C | C | C | C | A | | | | | | | | | | \$ 6.4.19 |
| Single family Detached/Manufactured Housing Unit (Joint) or Two Manufactured Housing Units (Joint) | A | A | A | A | A | C | C | C | | | | | | | | | | | | \$ 6.4.24 |
| Transitional Housing, including Homeless and Emergency Shelters, Pre-Parole Detention Facilities, or Halfway Houses | | | | | | | | | S | S | | | S | S | S | S | | | | |
| CIVIC / INSTITUTIONAL | | | | | | | | | | | | | | | | | | | | |
| COURTS AND PUBLIC SAFETY | | | | | | | | | | | | | | | | | | | | |
| Court of Law | A | A | A | A | A | 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 | S | S | S | S | S | A | A | A | A | A | A | A |
| DAY CARE SERVICES | | | | | | | | | | | | | | | | | | | | |
| Adult Day Care Facilities | | C | C | C | C | C | C | S | S | S | S | S | S | S | A | A | A | A | A | \$ 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 | A | A | A | A | A | \$ 6.4.29 |
| Family Day Care Home | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | S |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | | |
|--|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|---|----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I | |
| | | | | | | | | | | | | | | | | | | | | | |
| DEATH CARE SERVICES | | | | | | | | | | | | | | | | | | | | | |
| Cemeteries or Crematories | A | A | A | A | C | C | C | C | C | C | C | S | | A | A | A | A | A | A | A | § 6.4.53 |
| Funeral Services, including Funeral Homes or Mortuaries | | | | | | | | | | | | | | A | A | A | A | A | A | A | |
| EDUCATIONAL SERVICES | | | | | | | | | | | | | | | | | | | | | |
| Pre-school or Educational Nursery | | C | C | C | C | C | C | S | S | S | S | S | S | S | S | A | A | A | A | A | § 6.4.29 |
| School, Primary | | S | S | S | A | S | S | S | S | S | S | S | S | | | | | | S | | |
| School, Secondary | | S | S | S | S | S | S | S | S | S | S | S | S | | | | | | S | | |
| College or University Facility | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | A | A |
| Business or Trade School | | S | S | S | S | S | S | | | | | | | S | S | S | S | S | S | A | A |
| Personal Improvement Education, including Fine Arts Schools or Automobile Driving Schools | | S | S | S | S | S | | | | | | | | S | S | C | C | A | A | A | § 6.4.26 |
| HEALTH CARE SERVICES | | | | | | | | | | | | | | | | | | | | | |
| Medical Office or Outpatient Clinic, including Psychiatrist Offices, Abortion Clinics, Chiropractic Facilities, or Ambulatory Surgical Facilities | | | | | | | | S | | | | | | A | A | A | A | A | A | A | |
| Community Residential Care Facilities | | | | | | | | S | | S | | | | | S | | S | | A | | |
| Convalescent Services, including Nursing Homes | | | | | | | | S | S | S | S | S | S | S | S | S | S | S | A | | |
| Counseling Services, including Job Training or Placement Services | | | | | | | | S | S | | | | | A | A | A | A | A | A | A | |
| Intermediate Care Facility for the Mentally Retarded | | | | | | | | S | S | | S | | | | S | | S | | A | | |
| Public or Community Health Care Centers | | | | | | | | S | S | | | | | A | A | | | | A | | |
| Health Care Laboratories, including Medical Diagnostic or Dental Laboratories | | | | | | | | | | | | | | A | A | A | A | A | A | A | |
| Home Health Agencies | | | | | | | | | | | | | | A | A | A | A | A | A | A | |
| Hospitals, including General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric or Substance Abuse Hospitals, or Hospices | | | | | | | | | | | | | | S | A | S | S | S | A | S | |
| Outpatient Facilities for Chemically Dependent or Addicted Persons | | | | | | | | | | | | | | | S | S | S | S | A | | |
| Rehabilitation Facilities | | | | | | | | | | | | | | S | A | A | A | A | A | A | |
| Residential Treatment Facility for Children or Adolescents (mental health treatment) | | | | | | | | S | S | | | | | | S | | S | | A | | |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | |
|--|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|-----------|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I |
| | | | | | | | | | | | | | | | | | | | | |
| MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS | | | | | | | | | | | | | | | | | | | | |
| Historical Sites (Open to the Public) | C | C | C | C | C | C | C | C | C | C | C | C | A | A | A | A | A | A | A | \$ 6.4.27 |
| Libraries or Archives | | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Museums | | | | | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Nature Exhibition | C | C | C | C | C | | | | | | | | | | | | S | A | \$ 6.4.10 | |
| Botanical Gardens | A | A | A | A | A | | | | | | | | | | | | S | A | | |
| Zoos | | | | | S | S | S | | | | | | | | | | S | S | | |
| POSTAL SERVICE | | | | | | | | | | | | | | | | | | | | |
| Postal Service, United States | C | C | C | C | C | C | C | C | C | C | C | C | A | A | A | A | A | A | A | \$ 6.4.28 |
| RECREATION AND ENTERTAINMENT | | | | | | | | | | | | | | | | | | | | |
| Community Recreation, including Recreation Centers | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Fishing or Hunting Guide Service (Commercial) | A | A | A | A | A | | | | | | | | A | A | A | A | A | A | A | |
| Fishing or Hunting Lodge (Commercial) | A | A | A | A | | | | | | | | | | | A | | | | | |
| Golf Courses or Country Clubs | | C | C | C | C | C | C | C | C | C | C | C | | | | | | | | \$ 6.4.50 |
| Parks and Recreation | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | \$ 6.4.11 |
| Recreation and Entertainment, Indoor, including Billiard Parlors, Bowling Centers, Ice or Roller Skating Rinks, Indoor Shooting Ranges, Theaters, or Video Arcades | | | | | | | | | | | | | | | | | A | C | A | \$ 6.4.30 |
| Recreation and Entertainment, Outdoor, including Amusement Parks, Fairgrounds, Miniature Golf Courses, Race or Go-Cart Tracks, or Sports Arenas | | | C | C | | | | | | | | | | | | | | C | C | \$ 6.4.11 |
| Drive-In Theaters | | | | | | | | | | | | | | | | | | C | A | \$ 6.4.6 |
| Golf Driving Ranges | | | S | S | S | S | S | | | | | | | | | | | | | \$ 6.4.11 |
| Outdoor Shooting Ranges | C | C | C | C | | | | | | | | | | | | | | | | \$ 6.4.11 |
| Recreation or Vacation Camps | C | C | C | C | C | | | | | | | | | | | | | | | \$ 6.4.11 |
| Special Events (Commercial & Industrial) | | | | | | | | | | | | | | | | | C | C | C | \$ 6.7.3 |
| Special Events (Residential & Agricultural) | | | | | S | S | S | S | S | S | S | | | | | | | | | \$ 6.7.4 |
| RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS | | | | | | | | | | | | | | | | | | | | |
| Business, Professional, Labor, or Political Organizations | | | | | | | | | | | | | | | | | A | A | A | A |
| Social or Civic Organizations, including Youth Organizations, Sororities, or Fraternities | | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | A | A | A |
| Religious Assembly | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | \$ 6.4.13 |
| Social Club or Lodge | | | | | S | S | S | S | S | S | S | S | S | S | S | S | S | A | A | A |

TABLE 6.1-1

| ZONING DISTRICTS | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | | | |
|---|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|---|------------|---|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| 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 | S | \$6.4.21 | |
| 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 | S | \$6.4.17 | |
| Utility Substation | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Electrical or Telephone Switching Facility | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Sewage Collector or Trunk Lines | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Sewage Disposal Facilities | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.17 | |
| Utility Pumping Station | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Water Mains | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Water or Sewage Treatment Facilities | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Water Storage Tank | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | \$6.4.21 | |
| Utility Service, Minor | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | \$6.4.31 | |
| Electric or Gas Power Distribution | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | \$6.4.31 | |
| Sewage Collection Service Line | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | \$6.4.31 | |
| Water Service Line | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | \$6.4.31 | |
| Waste-Related Uses | | | | | | | | | | | | | | | | | | | | | | |
| Hazardous Waste Treatment or Disposal | | | | | | | | | | | | | | | | | | | | | S | |
| Nonhazardous Waste Treatment or Disposal | | | | | | | | | | | | | | | | | | | | | S | |
| Septic Tank Installation, Cleaning, or Related Services | | | | | | | | | | | | | | | | | | | | S | S | |
| Solid Waste Combustors or Incinerators, including Cogeneration Plants | | | | | | | | | | | | | | | | | | | | | S | |
| Solid Waste Disposal Facility (Public or Private) | C | | | | | | | | | | | | | | | | | | | | C § 6.4.51 | |
| Waste Collection Services | | | | | | | | | | | | | | | | | | | | | S | |
| Waste Transfer Facilities | | | | | | | | | | | | | | | | | | | | | S | |
| COMMERCIAL | | | | | | | | | | | | | | | | | | | | | | |
| ACCOMMODATIONS | | | | | | | | | | | | | | | | | | | | | | |
| Bed and Breakfast Inns | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | \$ 6.4.4 | |
| Hotels or Motels | | | | | | | | | | | | | | | | | | | S | A | A | A |
| Rooming or Boarding Houses | | | | | | | | | | | | | | | | | | | S | A | A | A |
| 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 | S | \$ 6.4.12 | |
| ANIMAL SERVICES | | | | | | | | | | | | | | | | | | | | | | |
| Kennel | A | A | A | A | A | A | C | C | S | | | | | | | | | | | S | \$ 6.4.54 | |
| Pet Stores or Grooming Salons | | | | | | | | | | | | | | | | | | | | C | S | A |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | |
|---|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I |
| | | A | A | A | A | C | C | | | | | | | | | | | C | S | A |
| Veterinary Services | A | A | A | A | S | S | | | | | | | | | | C | C | A | A | \$ 6.4.32 |
| FINANCIAL SERVICES | | | | | | | | | | | | | | | | | | | | |
| Banks | | | | | | | | | | | | | C | C | C | C | | A | A | \$ 6.4.33 |
| Financial Services | | | | | | | | | | | | | C | C | C | C | | A | A | \$ 6.4.33 |
| Short-term Lenders | | | | | | | | | | | | | | | | | | C | C | \$ 6.4.61 |
| FOOD SERVICES AND DRINKING PLACES | | | | | | | | | | | | | | | | | | | | |
| Bar or Lounge (Alcoholic Beverages), including Taverns, Cocktail Lounges, or Member Exclusive Bars or Lounges | | | | | | | | | | | | | | | S | S | S | S | S | S |
| Catering Service | | | | | | | | | | | | | | | | | | | | |
| Restaurant, Fast Food, including Snack or Nonalcoholic Beverage Bars | | | | | | | | | | | | | | | | | | | | |
| Restaurant, General, including Cafeterias, Diners, Delicatessens, or Full-Service Restaurants | | | | | | | | | | | | | | | | | | | | |
| Sexually Oriented Business | | | | | | | | | | | | | | | | | | | | |
| INFORMATION INDUSTRIES | | | | | | | | | | | | | | | | | | | | |
| Communication Services, including Radio or Television Broadcasting Studios, News Syndicates, Film or Sound Recording Studios, Telecommunication Service Centers, or Telegraph Service Offices | | | | | | | | | | | | | | | | | | | | |
| Communications Towers | | | | | | | | | | | | | | | | | | | | |
| Data Processing Services | | | | | | | | | | | | | | | | | | | | |
| Publishing Industries, including Newspaper, Periodical, Book, Database, or Software Publishers | | | | | | | | | | | | | | | | | | | | |
| OFFICES | | | | | | | | | | | | | | | | | | | | |
| Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services | | | | | | | | | | | | | | | | | | | | |
| Government Office | | | | | | | | | | | | | | | | | | | | |
| Professional Office, including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services | | | | | | | | | | | | | | | | | | | | |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | Condition | | | | | | |
|--|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|-----------|----|----|----|----|----|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | | OG | CN | CR | CT | CC | I |
| OTHER NONRESIDENTIAL DEVELOPMENT | | | | | | | | | | | | | | | | | | | | |
| Convention Center or Visitors Bureaus | | | | | | | | | | | | | S | S | S | A | A | A | A | A |
| Heavy Construction Services or General Contractors, including Paving Contractors, or Bridge or Building Construction | | | | | | | | | | | | | | | | | | | A | |
| Office/Warehouse Complex | | | | | | | | | | | | | | | | | S | A | A | |
| Billboard | | | | | | | | | | | | | | | | | | | A | \$ 9.11.6 |
| Special Trade Contractors (Offices/Storage) | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Building Equipment or other Machinery Installation Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Carpentry Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Concrete Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Drywall, Plastering, Acoustical or Insulation Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Electrical Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Excavation Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Masonry or Stone Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Painting or Wall Covering Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Plumbing, Heating or Air-Conditioning Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Roofing, Siding or Sheet Metal Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| Tile, Marble, Terrazzo or Mosaic Contractors | | | | | | | | | | | | | | | | C | S | A | A | \$ 6.4.36 |
| PARKING, COMMERCIAL | | | | | | | | | | | | | | | | | | | | |
| Parking Lots | | | | | | | | | | | | | | | | A | A | A | A | \$ 6.4.37 |
| Parking Garages | | | | | | | | | | | | | | | | A | | | | |
| RENTAL AND LEASING SERVICES | | | | | | | | | | | | | | | | | | | | |
| Charter Boat or other Recreational Watercraft Rental Services | | | | | | | | | | | | | | | | | | S | A | Art. 5.3 |
| Commercial or Industrial Machinery or Equipment Rental or Leasing | | | | | | | | | | | | | | | | | | | A | A |
| Construction Tools or Equipment Rental | | | | | | | | | | | | | | | | | | A | A | A |
| Consumer Goods Rental Centers | | | | | | | | | | | | | | | | | | A | A | A |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | | |
|--|--|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|-----------------------|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I | |
| | Consumer Goods Rental Service , including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items | | | | | | | | | | | | | | | | C | C | A | A | |
| Heavy Duty Truck or Commercial Vehicle Rental or Leasing | | | | | | | | | | | | | | | | | | A | A | | |
| Self-Service Storage / Mini Warehouses | | | | | | | | | | | | | | | C | | | A | A | \$ 6.4.16 | |
| Vehicle Rental or Leasing , including Automobiles, Light or Medium Duty Trucks, Motorcycles, Moving Vans, Utility Trailers, or Recreational Vehicles | | | | | | | | | | | | | | | | A | | A | A | | |
| REPAIR AND MAINTENANCE SERVICES | | | | | | | | | | | | | | | | | | | | | |
| Boat Yard | | C | C | C | C | S | | | | | | | | | | | | C | C | \$ 6.4.39 Art. 5.3 | |
| Repair Service, Consumer , including Appliance, Shoe, Watch, Furniture, Jewelry, or Musical Instrument Repair Shops | | | | | | | | | | | | | | | C | C | | A | A | \$ 6.4.40 | |
| Repair Service, Commercial , including Electric Motor Repair, Scientific or Professional Instrument Repair, Tool Repair, Heavy Duty Truck or Machinery Servicing and Repair, Tire Retreading or Recapping, or Welding Shops | | | | | | | | | | | | | | | | S | S | A | A | | |
| Vehicle Repair, Consumer , including Muffler Shops, Auto Repair Garages, Tire or Brake Shops, or Body or Fender Shops | | | | | | | | | | | | | | | | S | C | A | A | \$ 6.4.22 | |
| Vehicle Service, Limited , including Automotive Oil Change or Lubrication Shops, or Car Washes | | | | | | | | | | | | | | | C | C | C | A | A | \$ 6.4.22 | |
| 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 | | | | | | | | | | | | | | | | | | | | A | |
| Liquefied Petroleum Gas (Bottled Gas) Dealers | | | | | | | | | | | | | | | | | | | A | A | \$ 6.4.41 |
| Vending Machine Operators | | | | | | | | | | | | | | | | | | | A | A | |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | |
|--|------------------|-------|-------|------|------|------|----|----|----|------|-----|-----|----|----|-----------|----|----|----|----|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MHS | MHP | OR | OG | | CN | CR | CT | CC | I |
| Building Materials or Garden Equipment and Supplies Retailers | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.42 |
| Hardware Stores | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.42 |
| Home Improvement Centers | | | | | | | | | | | | | | | | | | A | | |
| Garden Supplies Centers | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.42 |
| Outdoor Power Equipment Stores | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.42 |
| Paint, Varnish, or Wallpaper Stores | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.42 |
| Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.43 |
| Liquor, Beer, or Wine Sales | | | | | | | | | | | | | | | S | S | S | | | |
| Retail Sales or Services, General | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods or Related Products Store | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Convenience Stores | | | | | | | | | | | | | | | S | A | A | | | |
| Drug Stores or Pharmacies | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Duplicating or Quick Printing Services | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Electronics, Appliance, or Related Products Store | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Florist | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Furniture, Cabinet, Home Furnishings, or Related Products Store | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Pawn Shop | | | | | | | | | | | | | | | | | | A | | \$ 6.4.44 |
| Private Postal or Mailing Service | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Tobacconist | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.44 |
| Sweetgrass Basket Stands | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | \$ 6.4.58 |
| Warehouse Clubs or Superstores | | | | | | | | | | | | | | | | | | | A | |
| Service Stations, Gasoline (with or without convenience stores) | | | | | | | | | | | | | | | C | C | C | A | | \$ 6.4.45 |
| Truck Stop | | | | | | | | | | | | | | | | | | | A | |
| Vehicle Sales (new or used) | | | | | | | | | | | | | | | | | | | A | |
| Automobile, or Light or Medium Duty Truck Dealers | | | | | | | | | | | | | | | | | | | A | |
| Heavy Duty Truck or Commercial Vehicle Dealers | | | | | | | | | | | | | | | | | | | A | |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | |
|---|--|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|-------------------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I |
| | Manufactured (Mobile) Home Dealers Motorcycle, Watercraft, or Recreational Vehicle Dealers Vehicle Parts, Accessories or Tire Stores | | | | | | | | | | | | | | | | | | | |
| RETAIL OR PERSONAL SERVICES | | | | | | | | | | | | | | | | | | | | |
| Consumer Convenience Service | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| Automated Bank / Teller Machines | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| Drycleaners or Coin-Operated Laundries | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| Drycleaning or Laundry Pick-up Service Stations | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| Locksmith | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| One-Hour Photo Finishing | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| Tailors or Seamstresses | | | | | | | | | | | | | | | | C | C | A | A | \$ 6.4.46 |
| Hair, Nail, or Skin Care Services, including Barber Shops or Beauty Salons | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | A | A | A | \$ 6.4.3 |
| Personal Improvement Service, including Dance Studios, Health or Physical Fitness Studios, Photography Studios, or Reducing Studios | | | | | | | | | | | | | | C | C | C | A | A | A | \$ 6.4.47 |
| Tattoo Parlors | | | | | | | | | | | | | | | | | | | S | \$ 6.4.59 |
| Services to Buildings or Dwellings, including Carpet or Upholstery Cleaning, Exterminating, or Janitorial services | | | | | | | | | | | | | | C | C | C | A | A | A | \$ 6.4.48 |
| Landscaping and Horticultural Services to commercial, industrial, or institutional buildings, and residences | C | C | C | C | S | S | S | S | S | S | S | S | S | C | C | A | A | A | A | \$ 6.4.48 |
| VEHICLE AND WATERCRAFT STORAGE | | | | | | | | | | | | | | | | | | | | |
| Vehicle Storage, including Bus Bams, Boat or RV Storage, or Impound Yards | | | | | | | | | | | | | | | | | | | A | A |
| Boat Ramps | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | Art. 5.3, \$5.3.4 |
| Community Dock | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | Art. 5.3, \$5.3.3 |
| Commercial Dock | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | Art. 5.3, \$5.3.6 |
| Marina | | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | Art. 5.3, \$5.3.5 |

TABLE 6.1-1

| Condition | ZONING DISTRICTS | | | | | | | | | | | | | | | | | | | | |
|------------------------|--|-------|-------|------|------|------|----|----|----|------|------|------|----|----|----|----|----|----|---|---|---|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | CN | CR | CT | CC | I | | |
| | | | | | | | | | | | | | | | | | | | | | |
| 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 |
| | Leather Products Wholesalers | | | | | | | | | | | | | | | | | | | A | A |
| | Machinery, Tools, or Construction Equipment Wholesalers | | | | | | | | | | | | | | | | | | | A | A |
| | Manufactured Home (Mobile Home) or other Prefabricated Structures Wholesalers | | | | | | | | | | | | | | | | | | | A | A |
| | Metal or Mineral (except Petroleum) Wholesalers | | | | | | | | | | | | | | | | | | | A | A |
| | Motor Vehicles (Commercial or Passenger) or Trailers Wholesalers, including Related Parts | | | | | | | | | | | | | | | | | | | A | A |
| | Paint, Varnish or Related Supplies Wholesalers | | | | | | | | | | | | | | | | | | | A | A |
| | Paper or Paper Products Wholesalers | | | | | | | | | | | | | | | | | | | A | A |
| | Petroleum Wholesalers | | | | | | | | | | | | | | | S | | | | A | A |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | |
|---|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I |
| 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 | | | | | | | | | | | | | | | | | | | | |
| 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 |
| MANUFACTURING AND PRODUCTION | | | | | | | | | | | | | | | | | | | | |
| 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 |
| Computers or Electronic Products Manufacturing | | | | | | | | | | | | | | | | | | | | A |
| | | | | | | | | | | | | | | | | | | | | \$ 6.4.57 |
| | | | | | | | | | | | | | | | | | | | | A |
| | | | | | | | | | | | | | | | | | | | | \$ 6.4.57 |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | | | | |
|---|------------------|-------|-------|------|------|------|----|----|----|------|------|------|----|----|-----------|----|----|----|----|-----------|-----------|-----------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | | CN | CR | CT | CC | I | | |
| Electrical Equipment, Appliances or Components Manufacturing | | | | | | | | | | | | | | | | | | C | A | \$ 6.4.57 | | |
| Fabric or Apparel Manufacturing, including Textile Mills | | | | | | | | | | | | | | | | | | | A | | | |
| Food or Related Products Manufacturing | | | | | | | | | | | | | | | | | | | A | | | |
| Furniture, Cabinets or Related Products Manufacturing | | C | C | C | | | | | | | | | | | | | | C | C | A | \$ 6.4.57 | |
| Glass or Related Products Manufacturing | | | | | | | | | | | | | | | | | | C | A | \$ 6.4.57 | | |
| Leather Products Manufacturing, including Tanneries | | | | | | | | | | | | | | | | | | | A | | | |
| Machinery, Tools, or Construction or Construction Equipment Manufacturing, including Farm Equipment | | | | | | | | | | | | | | | | | | | C | A | \$ 6.4.57 | |
| Manufactured Home (Mobile Home) or other Prefabricated Structures Manufacturing | | | | | | | | | | | | | | | | | | | A | | | |
| Metal, Petroleum, Coal, and other Mineral Products Manufacturing, including Refineries | | | | | | | | | | | | | | | | | | | A | | | |
| Motor Vehicle (Commercial and Passenger) or Trailer Manufacturing, including Related Parts | | | | | | | | | | | | | | | | | | | A | | | |
| Paint, Varnish or Related Supplies Manufacturing | | | | | | | | | | | | | | | | | | | A | | | |
| Plastics or Rubber Products Manufacturing | | | | | | | | | | | | | | | | | | | A | | | |
| Printing Press Production or Lithography | | | | | | | | | | | | | | | | | | | C | A | \$ 6.4.57 | |
| Professional or Commercial Equipment or Supplies Manufacturing, including Office, Medical, Restaurant Equipment, or Specialty Items | | | | | | | | | | | | | | | | | | | C | A | \$ 6.4.57 | |
| Pulp or Paper Mills | | | | | | | | | | | | | | | | | | | S | | | |
| Rendering Plants | | | | | | | | | | | | | | | | | | | S | | | |
| Sign Manufacturing | | | | | | | | | | | | | | | | | | | A | | | |
| Slaughter House and Meat Packing | | | | | | | | | | | | | | | | | | | S | | | |
| Stone or Shell Products Manufacturing | | | | | | | | | | | | | | | | | | | C | S | \$ 6.4.57 | |
| Tobacco Products Manufacturing | | | | | | | | | | | | | | | | | | | A | | | |
| Toy or Artwork Manufacturing | | C | C | C | | | | | | | | | | | | | | C | C | A | \$ 6.4.57 | |
| Watercraft (Commercial or Recreational) Manufacturing, including Related Parts | | | | | | | | | | | | | | | | | | | A | | | |
| Wood Products Manufacturing | | C | C | C | | | | | | | | | | | | | | | C | C | A | \$ 6.4.57 |
| Other Miscellaneous Manufacturing and Production | | C | C | C | | | | | | | | | | | | | | | C | C | A | \$ 6.4.57 |

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | Condition | | | | |
|--|------------------|-------|------|------|------|----|----|----|------|------|------|----|----|----|-----------|----|----|----|----------|
| | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | CN | | CR | CT | CC | I |
| | RM | | | | | | | | | | | | | | | | | | |
| WAREHOUSE AND FREIGHT MOVEMENT | | | | | | | | | | | | | | | | | | | |
| Warehouse and Distribution Facilities | | | | | | | | | | | | | | | | | | | A |
| Cold Storage Plants | | | | | | | | | | | | | | | | | | | A |
| Freight Container Storage Yards, excluding Fuel Storage Facilities | | | | | | | | | | | | | | | | | | C | § 6.4.52 |
| Freight Forwarding Facilities, including Truck Terminals, Marine Terminals, or Packing and Crating Facilities | | | | | | | | | | | | | | | | | | C | § 6.4.49 |
| Fuel Storage Facilities, excluding Nuclear Fuels | | | | | | | | | | | | | | | | | | | A |
| Household Moving Storage | | | | | | | | | | | | | | | | | | | A |
| Grain Terminals and Elevators | | | | | | | | | | | | | | | | | | | A |
| Parcel Services | | | | | | | | | | | | | | | | | | | A |
| Retail Store Warehouses | | | | | | | | | | | | | | | | | | | A |
| Stockpiling of Sand, Gravel, or other Aggregate Materials | | | | | | | | | | | | | | | | | | | A |
| Storage of Weapons or Ammunition | | | | | | | | | | | | | | | | | | | S |
| 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 | C | C | C | C | §6.4.55 |
| 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 | S | S | S | S | § 6.4.14 |
| TRANSPORTATION | | | | | | | | | | | | | | | | | | | |
| Aviation, including Private Air Strips | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | §6.4.56 |
| Railroad Facility | | | | | | | | | | | | | | | | | | | A |
| Sightseeing Transportation, Land or Water | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | A | Art. 5.3 |
| Taxi or Limousine Service | | | | | | | | | | | | | | | | | | A | A |
| Urban Transit Systems | | | | | | | | | | | | | | | | | | | A |
| Water Transportation, including Coastal or Inland Water Passenger Transportation | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | 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 right-of-ways 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

The Planning Director shall be authorized to allow the use of dwelling groups for two or more residential structures on the same zoning lot when it is deemed necessary to facilitate random grouping of buildings to preserve trees and other natural features, mitigate development constraints due to irregular shaped parcels or for the conversion of condominium buildings to fee simple ownership. Dwelling groups are required to complete the Site Plan Review process and the Subdivision process for fee simple ownership as provided by S.C. Code of Laws 6-29-110.

A. Density/Intensity and Dimensional Standards

Density/intensity and dimensional standards of the underlying zoning district shall apply including all Waterfront Development Standards of Article 4.22. In each case, the distance between structures shall not be less than the sum of the minimum interior setbacks required for the zoning district. This distance shall be measured from the closest protrusion of each structure. A minimum 40 foot by 40 foot building envelope (1,600 square feet) and, a maximum of a 100-foot by 100-foot building envelope (10,000 square feet) shall be shown for each dwelling to indicate the area where each dwelling is to be constructed. The provisions for access, parking, utilities, sewer and water can be provided by a public entity or located on common area owned by the property owners.

1. Setbacks and Buffers

Setback and buffer requirements within building envelopes shall not apply to dwelling groups.

B. Site Plan Review

Dwelling Groups are required to complete the Site Plan Review process. In addition to any other applicable provisions of this Ordinance, the following information shall be shown on all site plans:

1. Layout

Each dwelling unit shall face (front) a street, courtyard or outdoor living space.

2. Building Envelope

Building envelopes shall be depicted on site plans indicating the location of the proposed or existing building footprint or building area as a dashed line.

3. Accessory Structures

Proposed accessory structures must be shown on the site plans and meet the accessory structure requirements of this ordinance.

4. Parking and Vehicular Access

If the required parking is not within the building to be constructed, there shall be shared or offsite parking that meets the required parking needs within the common area. Each dwelling group shall provide an access consistent with the Road Construction Standards in Appendix A of this Ordinance.

C. Subdivision

Individual lots for attached or detached buildings may be located on their own fee-simple lot provided the subdivision meets the following requirements:

1. Site Plan Review

Completion of Site Plan Review as described in Article 6.4.7.B is required prior to submitting for subdivision of a dwelling group.

2. Lots

Except as described in Article 6.4.7. A. & B. lots created in Dwelling Groups for fee simple ownership shall meet the Chapter 8 Subdivision Regulations and Appendix A Road Construction standards of this Ordinance.

3. Building Envelopes

Building envelopes shall be depicted on subdivision plats indicating the location of the proposed or existing building footprint or building area as a solid line.

4. Common Area

A mandatory property owners association shall own the common areas and documentation shall be included on all plats and recorded deed insuring access, parking, utilities and maintenance.

5. Subdivisions

Subdivisions shall be in compliance with the Horizontal Property Act. S.C. Code Ann. Section 27-31-130 et. seq.

D. Other Zoning Requirements

Unless specifically modified by this Section, Dwelling Groups shall comply with all other requirements of this Ordinance for the district in which located.

§6.4.8 RETIREMENT HOUSING, LIMITED

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

- A. Such use shall be allowed only if reviewed and approved as a Special Exception in accordance with the procedures of this Ordinance.
- B. Only existing single family dwelling units may be used for such facilities.
- C. No more than ten residents shall be allowed within such facility.
- D. Medical services shall not be permitted on the premises.
- E. Small Site Retirement Housing will not include programs or treatment for individuals suffering from mental illness, drug addiction or alcoholism.
- F. Facilities shall comply with all applicable state regulations.

§6.4.9 FARM LABOR HOUSING

Farm Labor Housing shall be subject to the following standards:

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

§6.4.10 NATURE EXHIBITIONS

- A. Where nature exhibitions are of public ownership or listed in the National Registry of Natural Landmarks or registered as a Heritage Site with the South Carolina Heritage Trust in accordance with the provisions of Act #600 of the 1976 Acts and Joint Resolutions, either in public or private ownership, accessory uses to acquire maintenance revenue are permitted.
- B. Accessory uses are limited to the retail sale of gifts, novelties, souvenirs, food services, and bicycle, horse or boat rental for on-premises use.

- C. Accessory structures so used shall not exceed ten percent in size of the principal structures when the nature exhibit is housed, or 1,200 square feet for each acre when the nature exhibit is not enclosed.
- D. Parking requirements for each accessory use, in addition to the parking requirements for the principal use, shall comply with the parking requirements for the type of use as specified in the Off-Street Parking Schedule of Chapter 9 of this Ordinance.
- E. Signs advertising accessory uses shall be located on the premises and not visible from a public road.

§6.4.11 PARKS, RECREATION AND OUTDOOR RECREATION/ENTERTAINMENT

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

§6.4.12 RECREATIONAL VEHICLE PARKS

Recreational Vehicle Parks shall be subject to the following standards:

A. Location and Access

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

B. Site Conditions

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

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

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

D. Site Planning and Required Improvements

Site Planning and Improvements shall provide for:

1. Facilities and amenities appropriate to the needs of the occupants;
2. Safe, comfortable, convenient and sanitary use by occupants under all weather conditions to be expected during periods of occupancy; and

3. Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from potential adverse influences within the recreational vehicle park.

E. Relation of Spaces to Public Streets

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

§6.4.13 RELIGIOUS ASSEMBLY

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

§6.4.14 RESOURCE EXTRACTION

A. Applications

All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC).

B. Special Exceptions

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

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

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

1. The resource extraction operation shall be limited to one (1) year;
2. The resource extraction operation shall not be located within 50 feet of any property boundary and/or within 250 feet of any building intended for human occupancy existing at the time of permit application;
3. The resource extraction operation shall be two (2) acres or less, provided that the total accumulated area(s) dedicated to resource extraction uses on a parcel is less than five (5) acres. The Special Exception procedures of this Ordinance shall apply if the total accumulated resource extraction area is greater than five (5) acres; and

4. No more than one (1) resource extraction use shall be permitted on the same property within one (1) year from the date of Zoning Permit approval for a previous resource extraction use.

D. Plat Alternative for Bona Fide Agricultural Uses

The Planning Director may waive the requirement that an approved and recorded plat of the subject property be submitted as part of a resource extraction application for a Bona Fide Agricultural Use when the proposed use complies with all of the conditions of sub-section C, above, and a scaled survey, scaled aerial photograph, or print of equal quality is submitted.

E. Special Exception Exemption for Solid Waste Disposal Facility

Excavation or grading activities required to prepare, operate, or close a permitted solid waste disposal facility site shall be exempt from the Special Exception procedures of this Ordinance.

§6.4.15 RESTAURANTS, BARS AND LOUNGES SERVING ALCOHOLIC BEVERAGES

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

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

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

A. Performance Standards

1. Front Setback

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

2. Side and Rear Buffers/Screening

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

3. Building Lengths and Access

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

4. Accessory Office/Apartment

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

5. Parking and Circulation

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

6. Signs

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

B. Operating Conditions

1. Commercial Activities

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

2. Commercial Repair Activities

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

3. Storage of Flammable Substances

Storage of flammable chemical substances within the complex is prohibited.

4. Open Storage

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

§6.4.17 SEWAGE DISPOSAL FACILITIES

Sewage Disposal Facilities shall be subject to the following standards:

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

§6.4.18 SEXUALLY ORIENTED BUSINESSES

A. Purpose and Intent

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

B. Findings of Fact

1. There are a number of sexually oriented businesses in Charleston County and it is in the interests of the health, safety, and welfare of the patrons of such businesses, as well as the citizens of Charleston County, to provide certain minimum standards and regulations for sexually oriented businesses, as well as the operators and employees of such businesses.
2. Sexually oriented businesses generate secondary effects that are detrimental to the public health, safety and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches or parks and playgrounds.
3. The concern over sexually transmitted diseases is a legitimate health concern of the county which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of our citizens.
4. Live entertainment presented by some sexually oriented businesses involves a considerable amount of bodily contact between patrons and semi-nude and nude employees and dancers, including physical contact, such as hugging, kissing and sexual fondling of employees and patrons. Many sexually oriented businesses have "couch" or "straddle" dancing, and in these "dances," employees sometimes do such things as sit in a patron's lap, place their breasts against the patron's face while physical contact is maintained, and gyrate in such a manner as to simulate sexual intercourse. Such behavior can lead to prostitution. The County Council recognizes that preventing prostitution and the spread of sexually transmitted diseases are clearly within its police powers: *Southeastern Promotions, Inc. v. Conrad*, 341 F. Supp. 465, 477 (E.D. Tenn. 1972), *rev'd on other grounds*, 420 U.S. 546 (1975). The County Council believes that prohibiting physical contact between performers and patrons at a sexually oriented business establishment is a reasonable and effective means of addressing these legitimate governmental interests.

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

C. Definitions

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

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

condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

- c. "Adult bookstore," "Adult retail store" or "Adult video store" does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than ten percent of the business's total square footage, and which prohibits anyone under 18 years of age from entering the room.
 - d. "Principal business purpose," as used in this Section, means that more than 25 percent of the "stock in trade" of the business is devoted to the display, rent or sale of items, products or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."
 - e. "Stock in trade" for purposes of this subsection shall mean the greater of:
 - i. The retail dollar value of all items, products or equipment readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
 - ii. The total volume of shelf space and display area.
3. "Adult cabaret" means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:
- a. Persons who appear in a state of nudity.
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
 - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. "Adult car wash" means a car wash where some or all of the employees are semi-nude or nude and/or where "specified sexual activities" occur or

"specified anatomical areas" are exhibited.

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

11. "Established" or "establishment", as used in this Chapter, means and includes any of the following:
 - a. The opening or commencement of any sexually oriented business as a new business.
 - b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
 - c. The addition of any sexually oriented business to any other existing sexually oriented business.
 - d. The relocation of any sexually oriented business.
12. "Health club", as used in this Chapter, means a health club where some or all of the employees are nude or semi-nude, or in which "specified sexual activities" occur or "specified anatomical activities" are exhibited.
13. "Licensee" means a person in whose name a Sexually Oriented Business Regulatory License to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a Sexually Oriented Business Regulatory License.
14. "Live entertainment", for purposes of this Chapter, means a person who appears nude, semi-nude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."
15. "Nude model studio" means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration, and such place is not subject to an exemption pursuant to any provision herein.
16. "Nude, Nudity or state of nudity" means: (a) the appearance, real or simulated, of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to completely cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
17. "Operate" or "causes to be operated", as used in the Chapter, means to cause to function or to put or keep in operation.
18. "Operator" means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.
19. "Patron" means any person who pays a sexually oriented business any

- form of consideration for services provided to him or her by the sexually oriented business.
20. "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
 21. "Semi-nude" or "semi-nudity" means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areolae of the breasts of a woman.
 22. "Sexually oriented business" includes an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business, such as a car wash or a health club, which offers, for consideration, materials or services characterized as depicting "specified sexual activities" or "specified anatomical areas", or whose employees perform services in a state of nudity or semi-nudity.
 23. "Sexually Oriented Business Regulatory License" means a special annual operating license necessary for a sexually oriented business to do business in Charleston County. Such license is in addition to a Charleston County Business License, and is issued by the Charleston County Planning Department.
 24. "Specified anatomical areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
 25. "Specified sexual activities" means and includes any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
 - c. Masturbation, actual or simulated.
 - d. Excretory functions as part of or in connection with any of the activities set forth in A. through C. above.
 26. "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date the original Charleston County Zoning Permit was obtained.
 27. "Transfer of ownership" or control of a sexually oriented business means and includes any of the following:
 - a. The sale, lease or sublease of the business.
 - b. The transfer or securities which constitute a controlling interest in

the business, whether by sale, exchange or similar means.

- c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
28. "Viewing Room" means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, video reproduction, or live production.

D. Permits and Licenses; Application

1. Every person engaged or intending to engage in a sexually oriented business is required to obtain a Sexually Oriented Business Regulatory License.
2. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid Zoning Permit and Business License and Sexually Oriented Business Regulatory License issued by Charleston County.
3. An application for a Zoning Permit and/or a Sexually Oriented Business Regulatory License must be made on a form provided by the Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be prepared by an architect, engineer or surveyor, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.
4. The applicant must be qualified according to the provisions of Article 6.4.18.E and the premises must be inspected and found to be in compliance with applicable State laws by the South Carolina Department of Health and Environmental Control (DHEC) and the Building Official.
5. If an entity wishing to operate a sexually oriented business is an individual, he or she must sign the application for a Sexually Oriented Business Regulatory License as applicant. If an entity wishing to operate a sexually oriented business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a Sexually Oriented Business Regulatory License as an applicant.
6. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirements to obtain a Sexually Oriented Business Regulatory License.
7. All licenses granted pursuant to this Chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license

filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration shall be permitted.

8. The completed application shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is:
 - i. An individual, the individual shall state his or her legal name and any aliases and shall submit satisfactory proof that he or she is eighteen (18) years of age;
 - ii. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - iii. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the state, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the state, the names and capacity of all officers, directors and principal owners, and the name of the registered corporate agent and the address of the registered office for service of process;
 - iv. A limited liability company shall state its complete name, the date of filing of the articles of organization and operating agreement, the names of all managers and members.
 - b. Whether the applicant or any other individual listed under subsection (A) of this Section had worked under or has had a previous Sexually Oriented Business Regulatory License under this Chapter or other adult business or adult entertainment ordinance from another state, city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
 - c. Whether the applicant or any other individual listed under subsection (A) for this Section holds any other licenses under this Chapter or other similar adult business ordinance from another city, county or state and, if so, the names and locations of such other permitted business.
 - d. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
 - e. Proof of the applicant's right to possession of the premises wherein

the sexually oriented business is proposed to be conducted.

- f. The applicant's or any other individual's listed, pursuant to subsection (A) of this Section, mailing address and residential address.
 - g. A photocopy of the driver's license or other government issued identification card for the individuals listed in subsection (A) of this Section.
9. If the applicant is an individual, he/she must sign the application for a license. If the applicant is a corporation it must be signed by the president or vice president, attested to by the secretary or assistant secretary, and each individual having a 10 percent or greater interest in the corporation. If the applicant is a general or limited partnership it must be signed by a general partner. If the applicant is a limited liability company it must be signed by the manager and each individual having a 10 percent or greater interest in the company.
 10. If an omission or error is discovered by the Planning Director, the application will be returned to the applicant for completion or correction without further action by the Planning Director. Any application rejected due to an omission or error shall be re-filed only when the omission or error has been remedied. For the purposes of this Chapter, the date the Planning Director accepts an application which is complete shall be the date the application is deemed to be filed with the Planning Director.
 11. In the event that the Planning Director determines that the applicant has improperly completed the application, he/she shall promptly notify the applicant of such fact and allow the applicant thirty (30) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
 12. Applicants for a license under this Chapter shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Planning Director, shall be grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

E. Approval/Denial of License:

1. The Planning Director shall approve or deny the issuance of a Sexually Oriented Business Regulatory License to an applicant within thirty (30) days after receipt of a completed application. The Planning Director shall deny a license if:
 - a. The applicant (if a natural person) is under the age of eighteen (18)

- years;
- b. The applicant has made a false statement upon the application or has given false information in connection with an application;
 - c. The applicant or any holder of any class of stock, or a director, officer, partner or principal of the applicant has had an adult business license revoked or suspended anywhere within the state within one year prior to the application;
 - d. The applicant has operated an adult business which has determined to be a public nuisance under state law or this code within one year prior to the application;
 - e. A corporate applicant is not in good standing or authorized to do business in the state;
 - f. The applicant is overdue in the payment to the County of taxes, fees, fines or penalties assessed against him/her/it or imposed against him/her/it in relation to an adult business;
 - g. The applicant has not obtained the required sales tax license; or
 - h. The applicant of the sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this Section.
2. In the event that the Planning Director denies a license, he/she shall make written findings of fact stating the reasons for the denial, and a copy of such decision shall be sent by first class mail to the address shown in the application. An applicant shall have the right to a hearing before the Board of Zoning Appeals as set forth in subsection J below. A written request for such hearing shall be made to the Planning Director within ten (10) days of the date of the denial of the license by the Planning Director. This hearing shall be held within sixty (60) days from the date a timely request for hearing is received. If no such hearing is held or if no order is issued within the time set forth below following such hearing, the application shall be deemed approved.
- a. At the hearing referred to above, the Board of Zoning Appeals shall hear such statements and consider such evidence as the Planning staff, enforcement officers, the applicant or other party in interest, or any other witness shall offer which is relevant to the denial of the license application by the Planning Director.
 - b. If the Board of Zoning Appeals determines that the applicant is ineligible for a license per subsection (A) of this Section, it shall issue an order sustaining the Planning Director's denial of the application, within five (5) days after the hearing is concluded, which shall include findings of fact. A copy of the order shall be mailed to the applicant at the address supplied on the application.

- c. The order of the Board of Zoning Appeals made pursuant to this Section shall be a final decision and may be appealed to the circuit court pursuant to the provisions of the SC Local Government Planning Act, as may be amended from time to time. Failure of an applicant to timely follow the limits specified above constitutes a waiver by him/her/it of any right he/she/it may otherwise have to contest denial of his/her/it license application.
3. If any county official or department fails to render a timely decision pursuant to the terms of this Section then said official or department shall be deemed to have approved or consented to the issuance of the requested license.
4. The Sexually Oriented Business Regulatory License, if granted, shall state of its face the names of the persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The Sexually Oriented Business Regulatory License shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it may be easily read at any time.

F. Temporary Permits

1. An applicant may apply for a temporary permit if a Sexually Oriented Business Regulatory License has been denied by the Planning Director, an appeal has been denied by the Board of Zoning Appeals and an appeal or other legal challenge is pending in the circuit court.
2. The temporary permit application shall include all information required by the Sexually Oriented Business Regulatory Ordinance.
3. The temporary permit application shall also include written evidence of the pendency of the appeal to the circuit court.
4. The completeness of the temporary permit application will be determined within five (5) days of its submittal.
5. After submittal of a complete application, the Planning Director shall issue the temporary permit within five (5) days.
6. Upon issuance, the applicant may commence its sexually oriented business adult use as set forth in the permit, pending compliance with other applicable non-sexually oriented business laws, rules and regulations.
7. In the event that denial of a Sexually Oriented Business Regulatory License is upheld by the courts, an investment or construction undertaken during the time of temporary permit must be removed and the business ceased. The applicant shall not have the right to continue with any business or recoup any investment from the County. Revocation of the permit shall not be considered a taking.

G. Inspection

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

H. Expiration of Sexually Oriented Business Regulatory License

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

I. Suspension of Sexually Oriented Business Regulatory License

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

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

J. Revocation of Sexually Oriented Business Regulatory License

1. The Planning Director shall revoke a Sexually Oriented Business Regulatory License if a cause of suspension in Section 6.4.18H occurs and the Sexually Oriented Business Regulatory License has previously been suspended within the preceding 12 months.
2. The Planning Director shall revoke a Sexually Oriented Business Regulatory License if the Planning Director determines that:
 - a. The licensee gave false or misleading information in the material submitted to the Zoning or Business License Departments during the application process;

- b. The licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's Sexually Oriented Business Regulatory License was suspended; or
 - c. A licensee or an employee has knowingly allowed any act of sexually intercourse, sodomy, oral copulation or masturbation to occur in or on the permitted and/or licensed premises.
3. If subsequent to revocation, the Planning director finds that the basis for the revocation of the Sexually Oriented Business Regulatory License has been corrected or abated, the applicant may be granted a Sexually Oriented Business Regulatory License.

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

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

L. Transfer of Sexually Oriented Business Regulatory License

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

M. Location Restriction

1. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of the zoning district where the use is allowed. (See Article 6.1).
2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within 1,000 feet of:
 - a. A facility for Religious Assembly;
 - b. A public or private school;
 - c. A boundary of any residential zoning district;
 - d. A public park adjacent to any residential zoning district; and
 - e. The property line of a lot occupied by a residential use.
3. A person commits a misdemeanor if he or she causes or allow the operation, establishment, or maintenance of more than 1 sexually oriented business in the same building, structure or portion thereof, or the

substantial enlargement of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business without the issuance of Sexually Oriented Business Regulatory License for each use and every expansion.

4. For the purpose of this Section , measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a facility for Religious Assembly, a public or private school, to the nearest boundary of any residential zoning district, a public park adjacent to any residential zoning district, or the nearest property line of a lot occupied by a residential use.
5. No expansion of the uses or physical structure of a building housing a sexually oriented business shall occur without the issuance of a Sexually Oriented Business Regulatory License for each use and expansion.

N. Regulation of Adult Car Washes

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

O. No Fondling or Caressing

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

P. Nonconforming Sexually Oriented Business

1. Any sexually oriented business operating on the date the original Sexually Oriented Business Regulations were enacted by Charleston County Council (Section 6.4.18), that is found to be in violation of any of the location provisions of Article 6.4.18L above, shall be deemed a nonconforming use, and upon written notification by the Planning Director, must obtain a Certificate of Nonconformity from the Planning Department. A certified nonconforming use will be permitted to continue to operate for a period not to exceed 1 year before being licensed.
2. If the sexually oriented business does not, within 6 months of notification by the Planning Director, obtain a Certificate of Nonconformity, then the business will be deemed in violation of the Ordinance, and will not be permitted to continue to operate more than 6 months after the date that the regulations of this Section (Article 6.4.18) first became effective.
3. No nonconforming use shall be increased, enlarged, extended or altered except that the use may be changed to a conforming use.
4. If 2 or more sexually oriented businesses are within 1,000 feet of one

another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at that particular location is the conforming use and the later-established business is the nonconforming use.

5. Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use due to the subsequent location of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid Sexually Oriented Business Regulatory License, and does not apply when an application for a Sexually Oriented Business Regulatory License is submitted after a Sexually Oriented Business Regulatory License has expired or has been revoked.

Q. Adult Motels Prohibited

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

R. Six-Foot Distance Rule

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

S. Gratuities

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

3. Sexually oriented businesses with nude or semi-nude dancers or nude or semi-nude employees shall conspicuously post a sign that advises patrons that gratuities to be paid personally to nude or semi-nude dancers and nude or semi-nude employees are prohibited.

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

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

1. Upon application for a Sexually Oriented Business Regulatory License, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of 1 or more manager's stations and the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object, and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Planning Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Planning Director.
4. It is the duty of the owners and operator of the premises to ensure that at least 1 employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has 2 or more manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owners and operator, and also the duty of any

agents and employees present in the premises, to ensure that the view area specified in subparagraph "5" remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subparagraph "1" of this Section.

7. No viewing room, nor any room or enclosed area in a health club that cannot be viewed from the manager's station, may be occupied by more than 1 person at any time.
8. In order to ensure that places to which patrons access are adequately illuminated, the premises shall be equipped with overhead lighting fixtures at an illumination at least 1 candle foot as measured at the floor level.
9. It shall be the duty of the owners and operator, and also the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
10. A person having a duty under subparagraphs 1. through 9. above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

U. Exemptions

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

1. By a proprietary school licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation.
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - c. Where no more than one nude model is on the premises at any one time.

V. Violations

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

W. Severability

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

§6.4.19 SINGLE FAMILY DETACHED AFFORDABLE HOUSING UNITS

To promote ownership or occupancy of affordable, quality housing by low-income households, property within the AG-8 or any AGR, RR-3, S-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 6.4.19C 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-4, M-8, and M-12 Zoning Districts

The replacement of manufactured housing units shall be allowed by right in the 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-3, R-4, M-8, and M-12 Zoning Districts

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

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

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

1. The area within 300 feet of the parcel proposed for manufactured home placement is characterized either entirely of manufactured homes or a mix of site built and manufactured homes. (The mix shall contain a minimum number of manufactured homes equivalent to twenty-five percent (25%) of the number of existing principal residences located on parcels within 300 feet of the subject property); and
2. If the Planning Director determines that the area is not characterized either entirely of manufactured homes or by a mix of site built and manufactured homes, the use shall fall under the Special Exception procedures of this Ordinance.

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

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

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

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

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

§6.4.26 PERSONAL IMPROVEMENT EDUCATION

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

§6.4.27 HISTORICAL SITE

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

§6.4.28 POSTAL SERVICE, UNITED STATES

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

§6.4.29 ADULT OR CHILD DAY CARE FACILITY

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

§6.4.30 RECREATION OR ENTERTAINMENT, INDOOR

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

§6.4.31 UTILITY SERVICE, MINOR

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

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

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

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

§6.4.33 BANKS AND FINANCIAL SERVICES

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

§6.4.34 CATERING SERVICE

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

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

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

§6.4.36 SPECIAL TRADE CONTRACTORS

Special Trade Contractors shall be subject to the following standards:

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

§6.4.37 PARKING LOTS

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

§6.4.38 CONSUMER GOODS RENTAL SERVICE

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

§6.4.39 BOAT YARD

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

§6.4.40 REPAIR SERVICE, CONSUMER

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

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

§6.4.41 LIQUIFIED PETROLEUM GAS DEALERS

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

§6.4.42 BUILDING MATERIALS OR GARDEN EQUIPMENT AND SUPPLIES DEALERS

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

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

§6.4.43 FOOD SALES

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

§6.4.44 RETAIL SALES OR SERVICE, GENERAL

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

§6.4.45 SERVICE STATION, GASOLINE

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

§6.4.46 CONSUMER CONVENIENCE SERVICES

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

§6.4.47 PERSONAL IMPROVEMENT SERVICES

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

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

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

B. Landscaping Services

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

§6.4.49 FREIGHT FORWARDING FACILITIES

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

§6.4.50 GOLF COURSES

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

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

1. Required Site Analysis

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

a. Vegetation

Characteristics of a vegetation survey related to land use will describe principal, predominant, and significant vegetation, by type, condition, age, use, and general or specific location. Features in the survey will include trees and shrubs, agricultural fields, treelines, native vegetation, orchards, groves, woodlots, pastures, wetlands, forests, and grasslands. The vegetation survey shall indicate any significantly large trees or endangered plant or animal species that may reside on the site and is protected by law.

b. Historical, Archaeological and Cultural Resources

Historical resources located within the proposed golf course development must be identified on the plat. Sources such as the County of Charleston Historical Survey (1991), state registers, and federal registers such as the National Register of Historic Places shall be utilized in identifying these resources. The historical survey is important for noting structures and areas that must be protected as designated landmarks.

- c. **Adjacent Land Use Patterns**
Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, rice dams, traditional settlement areas, cemeteries, clusters of structures, parks, marinas, and logging areas shall be shown.
 - d. **Hydrography**
All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors, must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet are required on all saltwater marshes, and 35 feet on all protected freshwater wetlands. All water bodies - rivers, streams, drainage channels, marshes or wetland, floodplains and aquifers must be inventoried or identified.
 - e. **Wildlife Habitat Areas**
The purpose of identifying wildlife areas is to assess the ecological conditions of the landscape and to provide continuation of these habitat areas. Features of this survey shall include the presence of any threatened or endangered species, natural areas vital to wildlife species, habitat areas that are connected to larger undisturbed natural habitat (connected habitat system). Through this method the study will develop key points or areas that should be left undeveloped, then define those areas most suitable for development.
- B. Within the RM, AG, AGR, RR-3, S-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 environmental berms, vegetative strips, grease traps, or other recommended technologies in parking areas for drainage controls to minimize pollution to nearby riparian areas and surface waters.

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

4. Archaeology

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

5. Noise

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

6. Growth-Inducing Impacts

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

I. Notification

Upon the receipt of a complete application for a golf course, the Planning Department shall notify neighbors within a 300-foot radius, parties in interest and place notification in the newspaper within ten (10) days. All notifications shall be done in accordance with the provisions contained in Chapter 3 of this Ordinance.

- J. **Time Limit for Staff Review**
Upon the receipt of a complete application for a golf course, the Planning Department shall have a maximum of 45 days to act on the application. Staff's failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

§6.4.51 SOLID WASTE DISPOSAL FACILITY

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

§6.4.52 CONTAINER STORAGE FACILITIES

- A. Facilities for or including container storage (whether temporary or permanent), shall be subject to the following additional standards:
1. Uses shall be separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by way of one of the following:
 - a. A suitably landscaped earthen berm sufficient to screen neighboring or nearby property from the facility; and in no event less than eight (8) feet in height above finished grade; or
 - b. A solid concrete, brick or masonry wall of not less than ten (10) feet in height above finished grade and completely screened from view from public rights-of-way by way of a vegetative buffer; or
 - c. A minimum vegetative buffer depth of two hundred (200) feet along the boundaries adjacent to any property zoned Residential (R) and a minimum vegetative buffer depth of fifty (50) feet otherwise. This buffer shall be located within the required setback as described in Section 6.4.52.3.b.

2. Container yard light fixtures installed after January 1, 2005, shall be a type that minimizes fugitive light scatter and shall be directed into the container yard away from neighborhoods. In addition, yard light fixtures installed after January 1, 2005, shall not be visible above the tree line from adjacent residential neighborhoods.
3. Storage within a container yard shall be restricted by the following:
 - a. Container stacking may be permitted, where appropriate, pursuant to an approved container stacking plan. Such plan shall, at a minimum, include a site plan showing the location of all abutting streets and sidewalks, all internal travel-ways, a stagger stacking schedule, and the proposed maximum stacking heights. A suitable stacking plan shall feature a slope not exceeding a rise/run of $\frac{1}{2}$, shall include a perimeter setback of not less than thirty (30) feet from the nearest stored container, the nearest sidewalk edge, or right-of-way edge, and shall indicate how the stacking plan meets all other requirements of this Ordinance; and
 - b. Container and chassis storage is not permitted within three-hundred fifty (350) feet of the boundary adjacent to any property zoned Residential (R) and within fifty (50) feet otherwise. In addition, containers stacked in the yard shall not be visible above the tree line from adjacent residential neighborhoods. Structures may be allowed in the area beyond the required buffer where container and chassis storage is prohibited, provided that proposed structures meet all requirements of this Ordinance and receive Site Plan Review Approval.
4. In those instances which proposed container storage facilities are viewed by the Planning Director as having a substantially negative impact on a surrounding area(s) or adjoining property(ies), based on the facility's location, proposed use, permitted use, or actual use of the property, the Planning Director shall bring the matter to the next available meeting of the Board of Zoning Appeals for hearing and decision, pursuant to Article 3.13.

B. Amortization Provided

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

§6.4.53 CEMETERIES

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

§6.4.54 KENNEL

Kennels shall be subject to the following standards:

A. Minimum Lot Size

The lot size shall contain a minimum of five (5) acres.

B. Exception to Minimum Lot Size

This use may be approved for a lot that is at least two (2) acres in size through the Special Exception procedures contained in this Ordinance.

C. Required Screening and Landscaped Buffer and Site Plan Review

1. A minimum 100-foot screened and landscaped buffer from all adjacent properties is required.
2. All kennel uses shall comply with the Site Plan Review requirements of this Ordinance.

§6.4.55 RECYCLING COLLECTION, DROP-OFF

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

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

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

§6.4.57 SPECIALIZED MANUFACTURING

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

§6.4.58 SWEETGRASS BASKET STANDS

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

§6.4.59 TATTOO FACILITIES

- A. Tattoo facilities shall be prohibited within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of the ordinary pedestrian

or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground;

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

§6.4.60

WINERIES

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

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

§6.4.61 SHORT-TERM LENDERS

Short-term Lender uses shall be subject to the following standards:

- A. All short-term lender uses shall comply with the Site Plan Review requirements of this Ordinance;
- B. The proposed use shall be at least 3,000 feet, measured from lot line to lot line, from another Short-term lender in the unincorporated area or incorporated area of Charleston County; and
- C. The proposed use shall be at least 300 feet, measured lot line to lot line, from any church, school, or lot in a residential zoning district or containing a residential use, whether located in the unincorporated area or incorporated area of Charleston County.
- D. The proposed use is housed within a nonresidential building having at least 30,000 square feet.

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.

A. Accessory Uses

An accessory use is a use customarily incidental and subordinate to the principal use of a zoning lot or of a structure. Accessory uses shall be subject to the same regulations as apply to principal uses in each zoning district, unless otherwise expressly stated.

B. Accessory Structures and Buildings

An accessory structure is a structure that is detached from a principal structure and customarily incidental and subordinate to the principal structure. Accessory structures include, but are not limited to, swimming pools, fences, and detached accessory buildings (dwellings, barns, garages, sheds, gazebos). If any accessory building is attached to a principal building with a roof supported by columns or walls, it shall be deemed part of the principal building provided the attachment is a minimum of 4 feet in width with a minimum length to width ratio of 4:1. In such cases, the structure shall comply with the setback requirements of the applicable zoning district.

§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 RESIDENTIAL ACCESSORY USES

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

- A. Fences and walls;
- B. Garages, carports and off-street parking areas;
- C. Gate houses and guard houses;
- D. Home occupations, subject to Section 6.5.11;
- E. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings
- F. Radio and television receiving antennas or dishes;
- G. Recreational and play facilities for the use of residents;
- H. Solar collectors, subject to Section 6.5.18;
- I. Tennis courts, swimming pools, hot tubs, and related mechanical equipment;
- J. Accessory Dwelling Units, subject to Section 6.5.9;
- K. 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-4, M-8, or M-12 district shall exceed 250 square feet in area;
- L. The selling of sweetgrass baskets is allowed as an accessory use in a II Agricultural Zoning Districts and in RR-3, S-3, and R-4 Zoning Districts; and
- M. 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.

§6.5.4 AGRICULTURAL ACCESSORY USES

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.

§6.5.5 COMMERCIAL AND INDUSTRIAL ACCESSORY USES

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

- A. One dwelling unit for security or maintenance personnel;
- B. Fences and walls;
- C. Gates and guard houses;
- D. Off-street parking areas (which may be located on a separate parcel pursuant to the requirements contained in Chapter 9);
- E. Radio and television receiving antennas or dishes and support structures;
- F. Recreation areas and facilities for the use of employees;
- G. Cafeterias, dining halls and similar food services when operated exclusively for the convenience of employees, clients, or visitors to the principal use;
- H. Day care facilities when operated exclusively for the convenience of employees of the principal use;
- I. Gift shops, newsstands and similar commercial activities operated exclusively for the convenience of employees, clients, or visitors to the principal use;
- J. Solar Collectors, subject to Section 6.5.18; and
- K. 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.

§6.5.6 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 INSTITUTIONAL AND CIVIC ACCESSORY USES

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

- A. Refreshment stands and food and beverage sales located in uses involving public assembly;
- B. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;

- C. Gift shops, newsstands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
- D. Recreation areas and facilities for the use of employees;
- E. Solar Collectors, subject to Section 6.5.18 of this Chapter; and
- F. 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.

§6.5.8 ACCESSORY STRUCTURES IN RESIDENTIAL AND RESIDENTIAL OFFICE (OR) ZONING DISTRICTS

Unless otherwise expressly stated and in addition to any other applicable provisions of this Ordinance, accessory structures in Residential and Residential Office (OR) 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 district that abuts a residential district, the accessory structure in the OR district shall be located at least ten feet from the abutting interior lot line; when an OR 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 building coverage;
- E. See also the Accessory Dwelling Unit provisions of Section 6.5.9 contained within this Chapter.

§6.5.9 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. Accessory Dwelling Units placement shall comply with all dimensional standards of the applicable zoning district, as contained in Chapter 4, Base Zoning Districts, of this Ordinance, including all setback, buffer, lot coverage, height requirements, and waterfront development standards.
- E. Accessory Dwelling Units placement on parcels that contain or abut an OCRM Critical Line shall meet the Waterfront Development Standards of Article 4.22.2.
- F. Separate electrical meters shall not be allowed for attached accessory dwellings.

§6.5.10 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, AG-10, AG-15, RM, Community Commercial (CC), or Industrial (I) Zoning District and comply with the provisions of Section 6.5.17.

§6.5.11 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-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-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-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. Limited Prosthetic Manufacturing as defined in Chapter 12 of this Ordinance shall be allowed.
 - 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. 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, with the exception of signs that comply with the following requirements:

1. One (1) non-illuminated sign not to exceed 216 square inches in size (example: 12 inches by 18 inches) may be permitted per property on which a legally established Home Occupation use exists;
2. The sign must be attached to the principal structure or fence located on the subject property;
3. The applicant must submit a plan drawn to scale showing the location and design of the sign that will complement the color and materials of structures in the area; and
4. The sign must be removed within thirty (30) days of the termination of the Home Occupation use.

Examples of prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit, signs that are not in compliance with the requirements of this Section, and commercial-like exterior lighting. The use of snipe signs is strictly prohibited.

K. Operational Impacts

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

L. Vehicles

Not more than one pick-up truck, car, sports utility vehicle, or van used in conjunction with a home occupation may be parked at the site of the home occupation in any S-3, R-4, M-8, M-12, MHS, or MHP Zoning District. The heavy commercial vehicle standards of Section 6.5.15 shall apply to home occupations.

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.

§6.5.12 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.

§6.5.13 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.

§6.5.14 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.

§6.5.15 STORAGE AND PARKING OF HEAVY COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

For the purposes of neighborhood preservation, public safety, and public right-of-way maintenance considerations, storage or parking of heavy commercial vehicles, upon any lot, land, street, or right-of-way in the R-4, M-8, M-12, and MHS Zoning Districts is prohibited. The prohibition shall not apply to heavy commercial vehicles that are actively being loaded, unloaded, or used in the process of pick-up or delivery of products, materials or passengers at a residential location. Storage or parking of heavy commercial vehicles may be allowed in the MHP Zoning District with an approved site plan that provides for an area on the site sufficient to park, store, and maneuver the vehicles in a manner that would not negatively impact the public health, safety, and welfare of the residents.

§6.5.16 VEHICLE SALES

Not more than two operable or inoperable motor vehicles may be offered for sale upon any lot unless such sales activities are 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 6.5.14.

§6.5.17 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 6.5.16 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.

§6.5.18 PERMANENT STORAGE UNITS

Permanent storage units are permitted subject to the following conditions:

A. Applicability

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

B. Location

1. Permanent Storage Units may be established as an accessory use to any principal use in an 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.
2. Permanent Storage Units are permitted only in the rear yard.

C. Definitions

1. 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.

D. Permitting

1. 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)

E. Screening

1. 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.
2. Screening shall include at least one (1) of the following:
 - a. The principal building and any existing vegetation on the lot; or
 - b. 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 Permanent Storage Unit complies with the Building Design Standards in subsection F, below.

F. Building Design

1. Applicability

Subsections a. through e., below, apply to all Permanent Storage Units, regardless of screening.

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

G. Existing Permanent Storage Units

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

§6.5.19 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.

**EXHIBIT H
ARCHAEOLOGY**

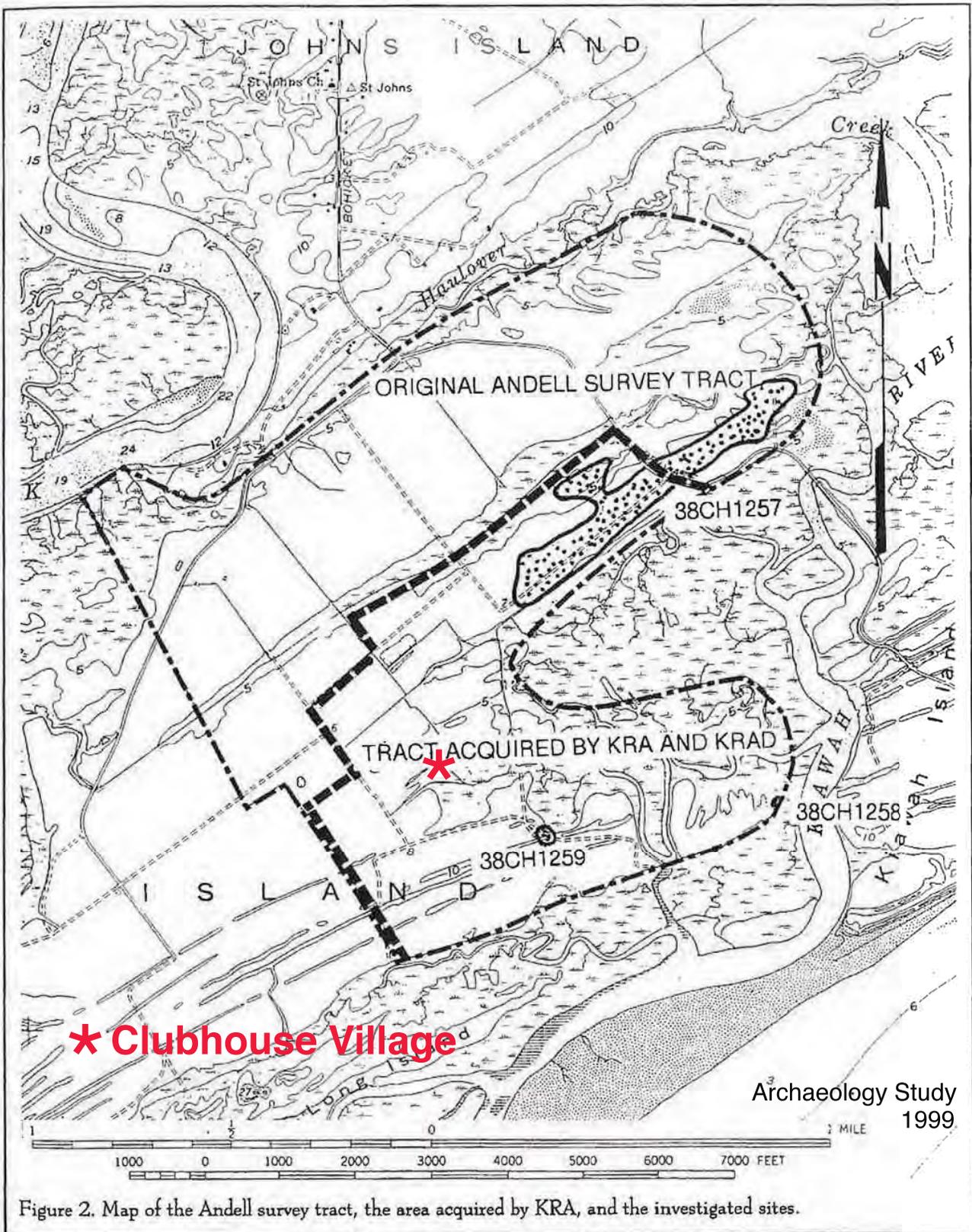


Figure 2. Map of the Andell survey tract, the area acquired by KRA, and the investigated sites.

**EXHIBIT I
TREE SURVEY**



Cassique Clubhouse Village
Tree Survey (8"+)

EXHIBIT J
U.S. ARMY CORPS OF ENGINEERS LETTER OF WETLAND DETERMINATION



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

April 7, 2011

Regulatory Division

Mr. Adam Bradshaw
Newkirk Environmental, Inc.
P.O. Box 746
Mt. Pleasant, South Carolina 29465-0746

Dear Mr. Bradshaw:

This is in response to your letter received March 14, 2011, requesting a wetland determination, on behalf of Kiawah Development Partners, for 10.356 acre tract located on the east side of LeMoyne Lane approximately 900 feet south of the Cassique Club house on Seabrook Island, Charleston County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Southeastern Surveying of Charleston, Inc., dated February 9, 2011; revised April 8, 2011, and entitled "A Preliminary Subdivision Plat of Tract I-F Creating Lots 500-517, 10.356 AC Cassique PH. IVA & IVB Owned by Kiawah Development Partners Inc. Located on Seabrook Island Charleston County, South Carolina".

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the referenced property does not contain any wetland areas or other waters of the United States and, as such, Department of the Army authorization will not be required for mechanized land clearing, excavation, or the placement of dredged or fill material on this site.

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. For the purposes of 33 CFR 331.2, this is considered to be an approved jurisdictional determination.

In future correspondence concerning this matter, please refer to SAC 2011-0321-2JY. A copy of this letter is being forwarded to the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management for their information.

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

Respectfully,


CR Charles R. Crosby
Chief, South Branch

Enclosure:
Basis for Jurisdiction

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

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): March 30, 2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston, Kiawah Development Partners, SAC 2011-0321-2JY

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Charleston City: Seabrook Island
Center coordinates of site (lat/long in degree decimal format): Lat. 32.594079° N, Long. -80.148251° W.
Universal Transverse Mercator:

Name of nearest waterbody: Kiawah River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: NA

Name of watershed or Hydrologic Unit Code (HUC): 3050202

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date:

Field Determination. Date(s): March 29, 2011 Chamberlain/Socha

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³ [Including potentially jurisdictional features that upon assessment are NOT waters or wetlands]

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: A large drainage ditch (10' x 3' x 257') was noted running north to south near LeMoyne Lane, but this feature appears to move water from an ornamental pond to an underground pipe leading to another ornamental pond with no outlet to the tidal marsh. Since this conveyance did not connect two wetlands or involve tidal flow, it was determined to be non-jurisdictional.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List.** Characteristics:

Subsurface flow: **Pick List.** Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Bed and banks | | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris | |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation | |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line | |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting | |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour | |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events | |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community | |
| <input type="checkbox"/> other (list): | | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum: |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings: |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film: water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: linear feet width (ft). Or. acres.
 - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 - Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft),
 Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft),
 Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2. above. Provide rationale indicating that wetland is directly abutting an RPW:

 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2. above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (I-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain:
 Other factors. Explain:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters:
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Adam Bradshaw/Newkirk Environmental, Inc.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant, Adam Bradshaw/Newkirk Environmental, Inc.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Rockville
- USDA Natural Resources Conservation Service Soil Survey, Citation: Charleston County Soil Survey, page 81.
- National wetlands inventory map(s). Cite name: Rockville 11230:80.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): 99:11230:80.
 - or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: No wetlands were found on the property. A large drainage ditch was noted running north to south near LeMoyne Lane, but this feature appears to move water from an ornamental pond to an underground pipe leading to

another ornamental pond with no outlet to the tidal marsh. Since this conveyance did not connect two wetlands or involve tidal flow, it was determined to be non-jurisdictional.

**EXHIBIT K
UTILITY PLAN**



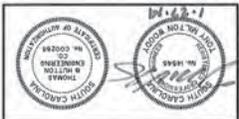
| NO. | REVISIONS | BY | DATE |
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KIAWAH DEVELOPMENT PARTNERS
LLC
 CHARLESTON COUNTY, SOUTH CAROLINA
CASSIOPE PHASE 4
WATER AND SEWER MASTER PLAN

C1.1





| NO. | REVISIONS | BY | DATE |
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 482 Jennifer Dodd Boulevard • Suite 100
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 P.O. Box 1222 • 843.849.0200
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KIAWAH DEVELOPMENT PARTNERS LLC
 CLEARING PLAN
 CASSIOPE PHASE 4
 CHARLESTON COUNTY, SOUTH CAROLINA

C2.1



CURVE TABLE

| CURVE | RADIUS | LENGTH | CHORD | CB | BEARING | DELTA |
|-------|---------|---------|---------|---------------|-----------|---------|
| C1 | 15.00' | 22.63' | 20.85' | S 32°31'17" W | 88°27'31" | 118.11° |
| C2 | 225.00' | 496.24' | 483.81' | N 60°13'15" E | 21°38'15" | 80.44° |
| C3 | 275.00' | 555.27' | 535.00' | N 64°54'45" E | 14°37'48" | 72.02° |
| C4 | 300.00' | 598.13' | 575.00' | N 67°52'52" W | 12°42'48" | 68.96° |
| C5 | 300.00' | 598.13' | 575.00' | S 32°57'06" E | 12°42'48" | 68.96° |
| C6 | 300.00' | 598.13' | 575.00' | N 20°54'50" E | 8°17'03" | 53.07° |
| C7 | 300.00' | 598.13' | 575.00' | N 30°42'50" W | 6°41'18" | 49.18° |
| C8 | 300.00' | 598.13' | 575.00' | N 50°17'18" E | 16°17'42" | 72.02° |
| C9 | 300.00' | 598.13' | 575.00' | N 57°50'58" E | 16°17'42" | 72.02° |
| C10 | 300.00' | 598.13' | 575.00' | N 61°06'21" W | 23°48'37" | 82.14° |
| C11 | 175.00' | 482.18' | 461.40' | N 62°38'00" E | 24°53'50" | 84.41° |
| C12 | 18.00' | 23.20' | 20.95' | N 34°38'50" E | 18°33'44" | 27.62° |

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 77°51'06" E | 18.11' |
| L2 | N 81°48'42" E | 80.44' |
| L3 | S 72°50'00" W | 18.79' |
| L4 | S 70°50'00" W | 32.02' |
| L5 | S 49°11'07" W | 153.34' |
| L6 | S 27°39'39" W | 178.14' |
| L7 | N 30°52'52" E | 171.74' |
| L8 | N 30°52'52" E | 171.74' |
| L9 | N 30°52'52" E | 171.74' |
| L10 | N 30°52'52" E | 171.74' |
| L11 | N 30°52'52" E | 171.74' |
| L12 | N 30°52'52" E | 171.74' |
| L13 | N 30°52'52" E | 171.74' |
| L14 | N 30°52'52" E | 171.74' |
| L15 | N 30°52'52" E | 171.74' |
| L16 | N 30°52'52" E | 171.74' |
| L17 | N 30°52'52" E | 171.74' |
| L18 | N 30°52'52" E | 171.74' |
| L19 | N 30°52'52" E | 171.74' |
| L20 | N 30°52'52" E | 171.74' |
| L21 | N 30°52'52" E | 171.74' |
| L22 | N 30°52'52" E | 171.74' |
| L23 | N 30°52'52" E | 171.74' |
| L24 | N 30°52'52" E | 171.74' |
| L25 | N 30°52'52" E | 171.74' |
| L26 | N 30°52'52" E | 171.74' |
| L27 | N 30°52'52" E | 171.74' |
| L28 | N 30°52'52" E | 171.74' |
| L29 | N 30°52'52" E | 171.74' |
| L30 | N 30°52'52" E | 171.74' |



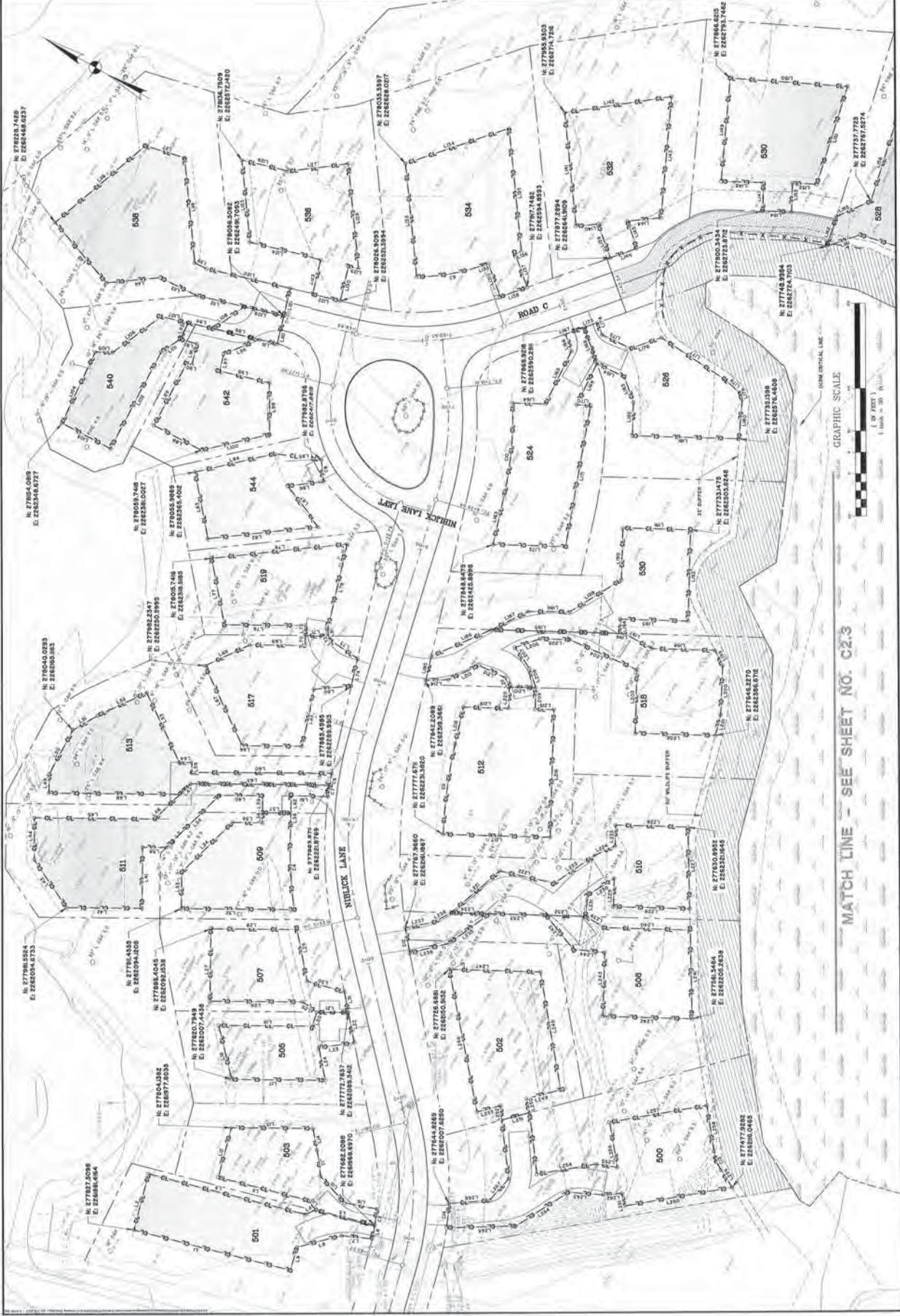
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 Charleston, SC 29405-1521 • 843.497.0000
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KIAWAH DEVELOPMENT PARTNERS LLC
 CASIQUE PHASE 4
 LOT CLEARING PLAN

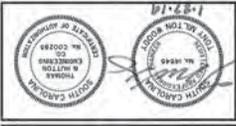
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| DATE: 02/20/2025 |
| DRAWN BY: [Name] |
| CHECKED BY: [Name] |
| SCALE: [Scale] |

C2.2



MATCH LINE - SEE SHEET NO. C2.3





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KIAWAH DEVELOPMENT PARTNERS LLC
 CHARLESTON COUNTY, SOUTH CAROLINA
CASSIOUE PHASE 4
SITE DEVELOPMENT PLAN

C3.2

DATE: 06/20/2020
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]



GRAPHIC SCALE
 1" = 20' (HORIZONTAL)
 1" = 10' (VERTICAL)

MATCH LINE - SEE SHEET NO. C3.1

END OF HYDRANT ASSEMBLY

END OF INITIAL FACILITY

END OF WATER

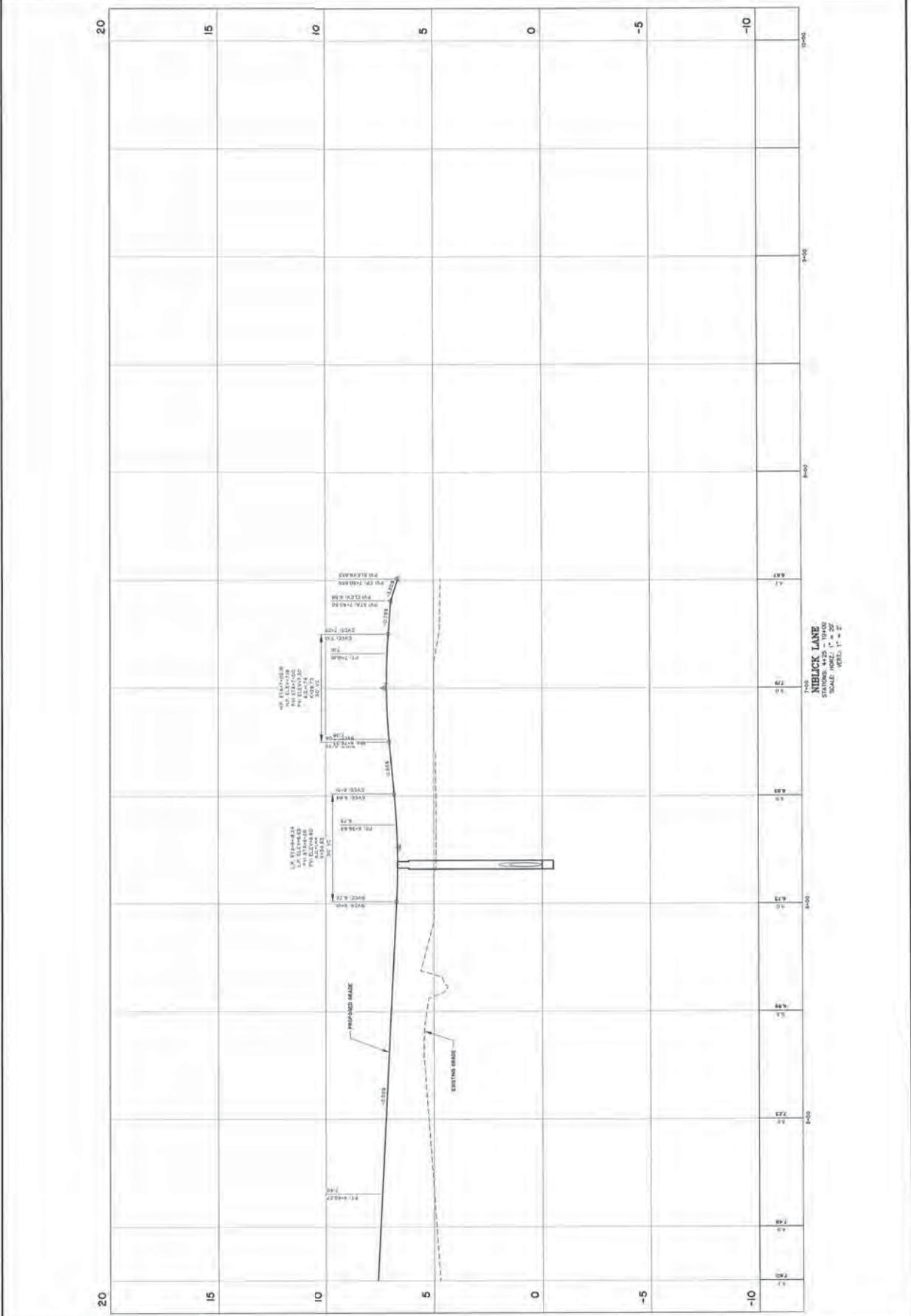
LAGOON - 1'-24" ELEV. 33'

| | |
|--------------|-------------|
| DATE: | 03/20/2020 |
| DRAWN BY: | WJ |
| CHECKED BY: | WJ |
| PROJECT NO.: | 19-00000000 |
| SCALE: | AS SHOWN |

KIAWAH DEVELOPMENT PARTNERS LLC
 CHARLESTON DISTRICT, SOUTH CAROLINA
CASSIQUE PHASE 4
 ROAD PROFILES

THOMAS & HUTTON
 6822 Joveria Dodds Boulevard • Suite 100
 Charleston, SC 29405
 www.thomasandhutton.com
 P.O. Box 1322 • 843.497.0200
 Charleston, SC 29405-1322 • 843.497.0200

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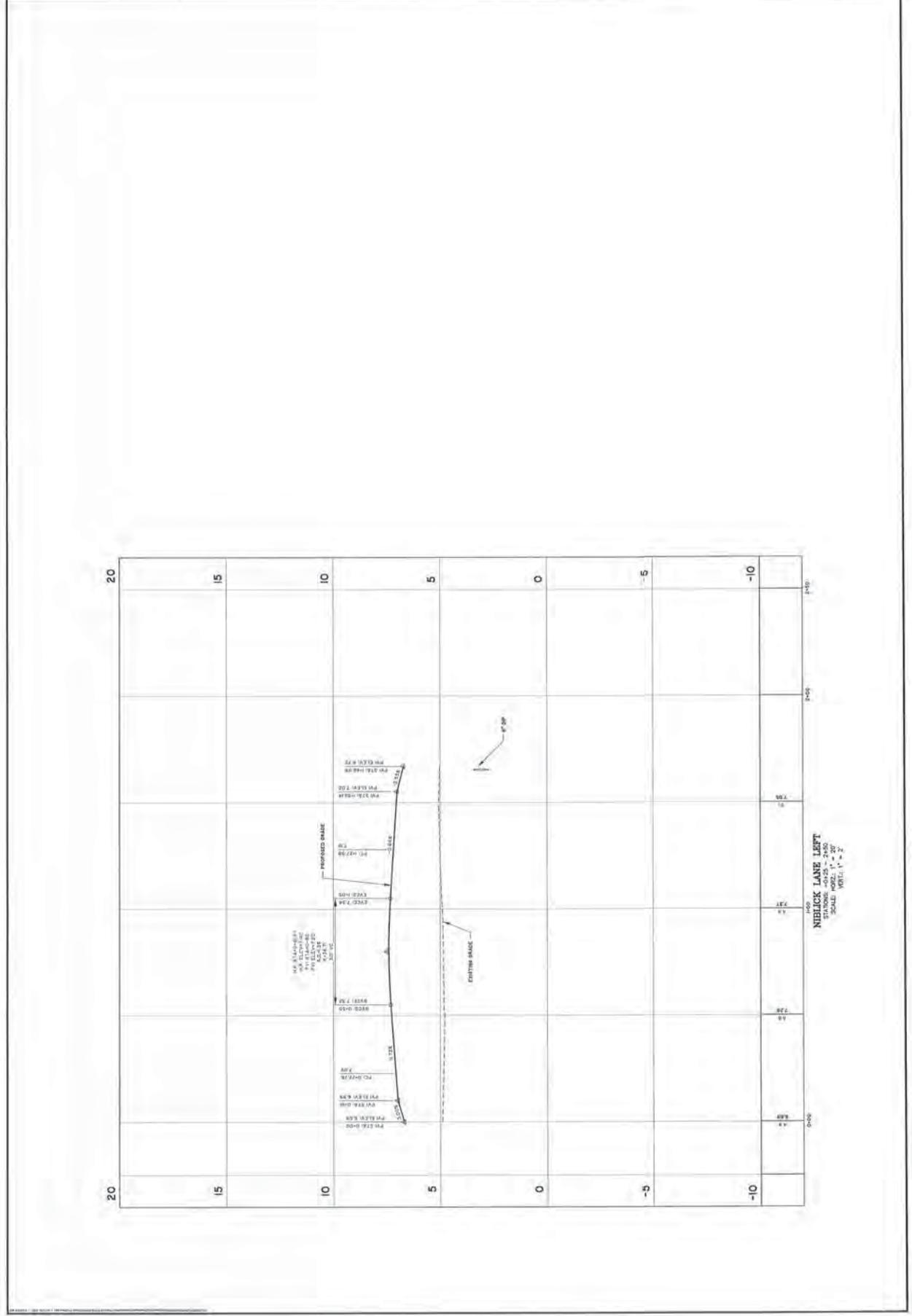


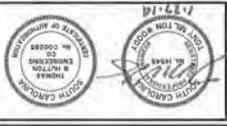
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| PROJECT NO. | 2024-0001 |
| DATE | 08/15/2024 |
| SCALE | 1" = 20' |
| DATE | 08/15/2024 |
| SCALE | 1" = 20' |

KIAWAH DEVELOPMENT PARTNERS LLC
 CHARLESTON COUNTY, SOUTH CAROLINA
CASSIOPE PHASE 4
 ROAD PROFILES

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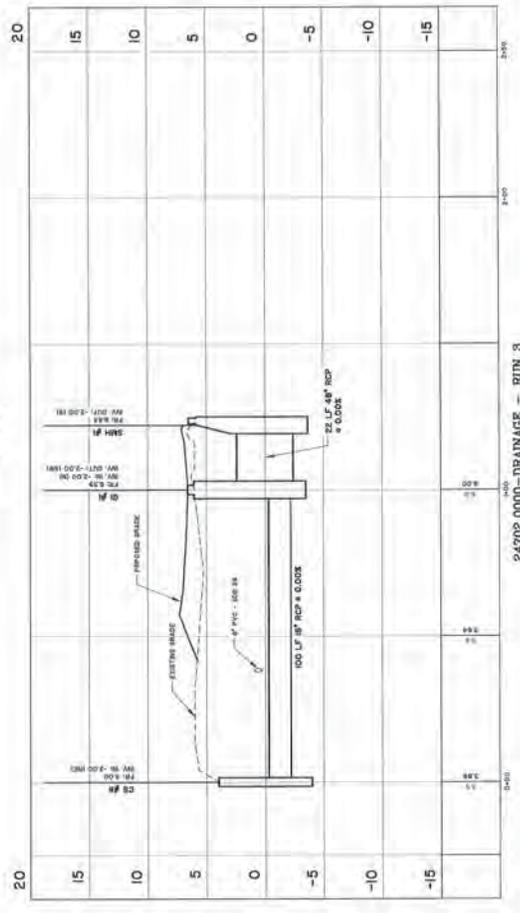
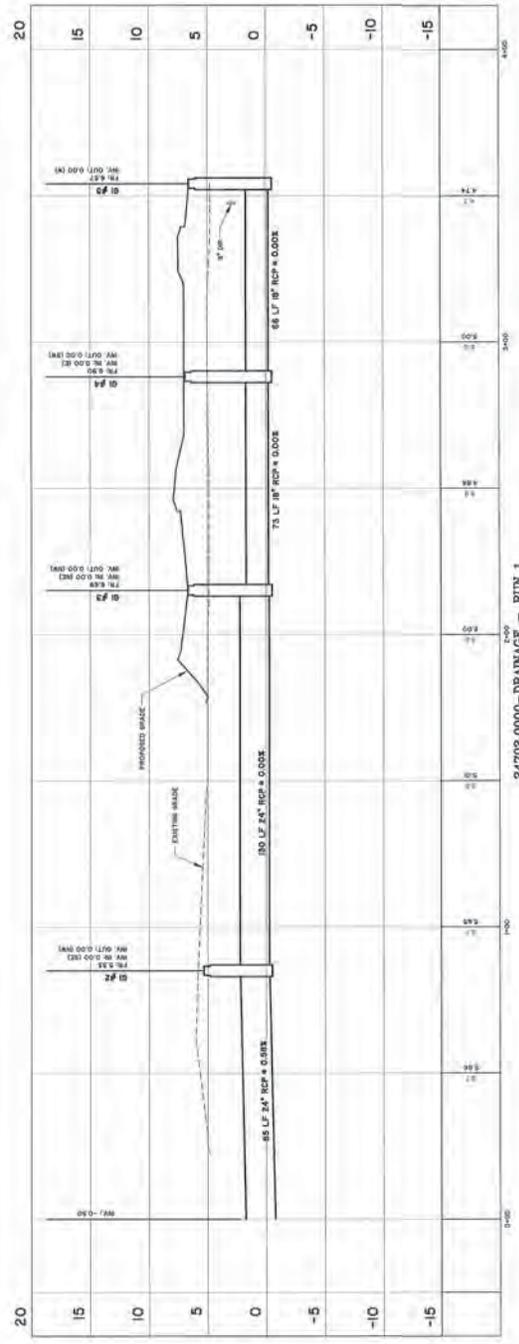


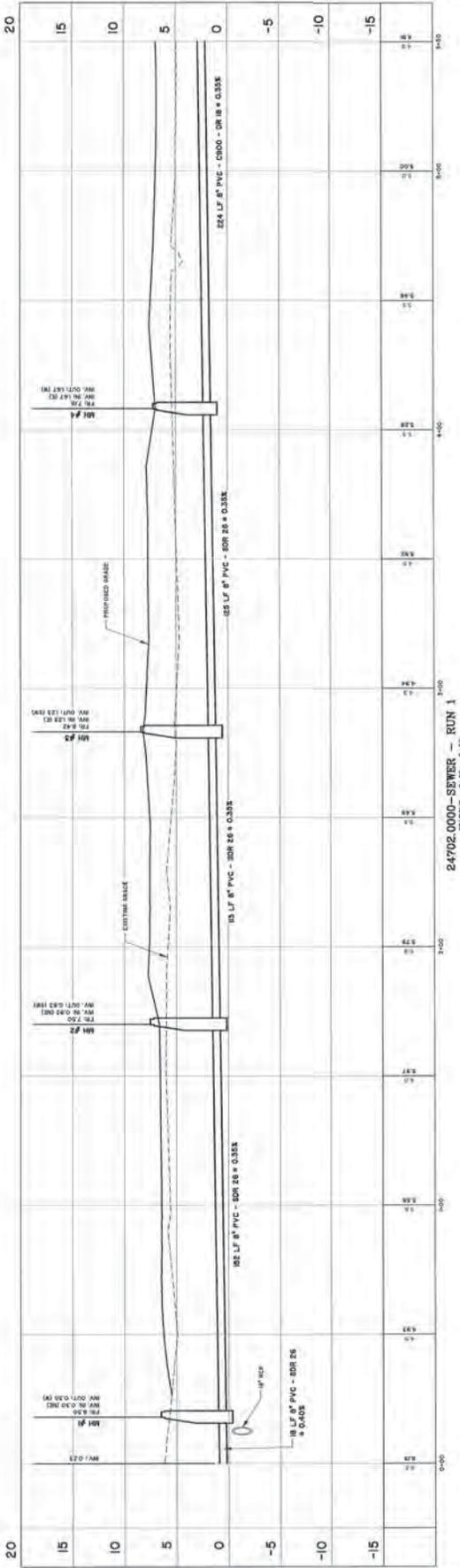
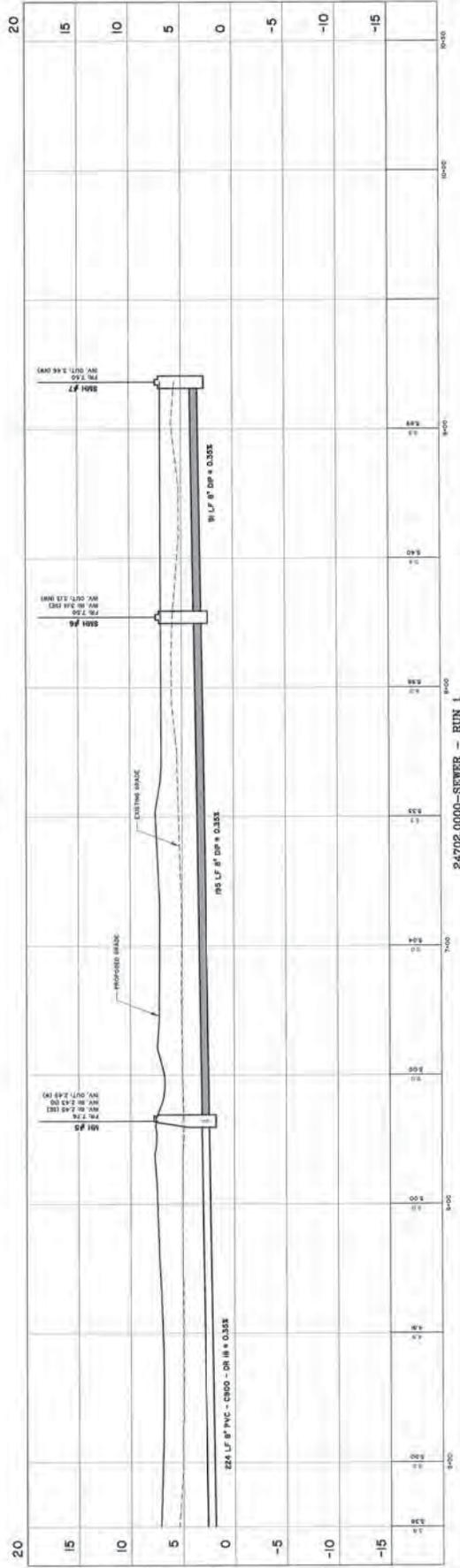
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KIAWAH DEVELOPMENT PARTNERS
LLC
 CHARLESTON COUNTY, SOUTH CAROLINA
 CASIQUE PHASE 4
 STORM DRAINAGE PROFILES

C3.7





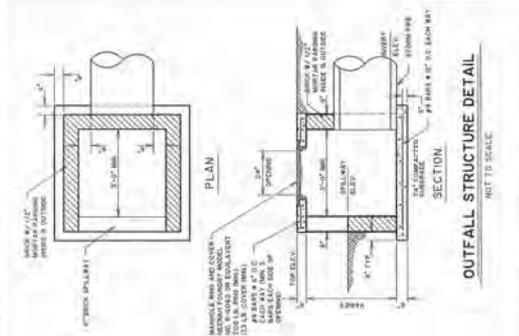


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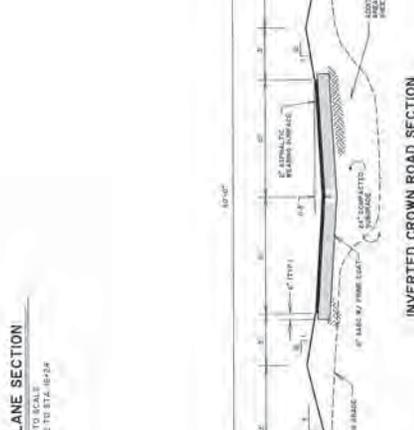
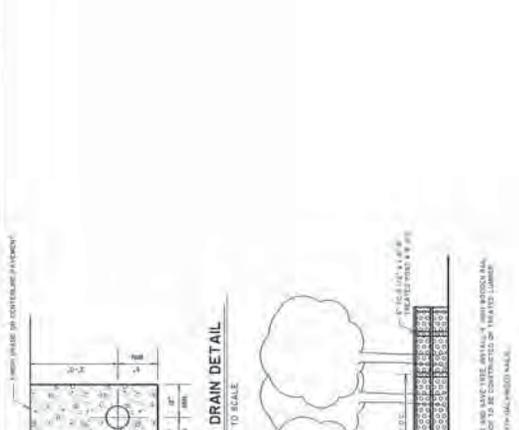
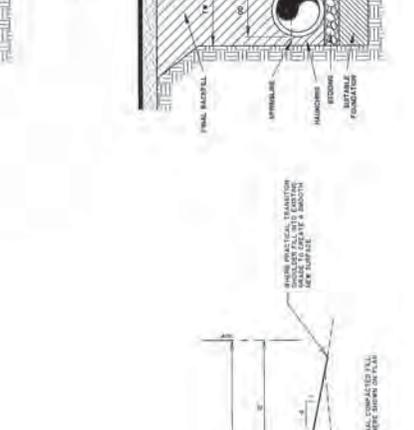
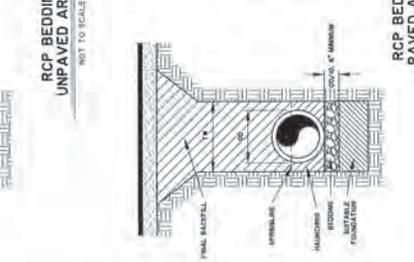
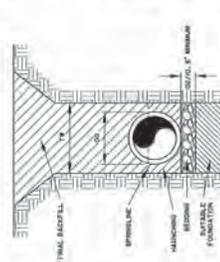
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 10000 W. HARRISVILLE ROAD
 SUITE 100
 RALEIGH, NC 27615-1222
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KAIAH DEVELOPMENT PARTNERS LLC
 PROJECT: CASPIQUE PHASE 4
 LOCATION: CASPIQUE COUNTY, SOUTH CAROLINA
 SHEET: 05.1

C5.1



- NOTES**
1. SHALL BE LESS THAN 10 IN. TO 10" x 4"
 2. MATERIALS TO BE INSTALLED BEFORE BEDDING
 3. FILL JOINT SHALL BE REPAIRED WITH PATCH
 4. SEE ATTEM TABLE 1 FOR MATERIAL
 5. SEE ATTEM TABLE 1 FOR MATERIAL
- CONSTRUCTION NOTES**
1. MATERIALS TO BE INSTALLED BEFORE BEDDING
 2. FILL JOINT SHALL BE REPAIRED WITH PATCH
 3. SEE ATTEM TABLE 1 FOR MATERIAL
 4. SEE ATTEM TABLE 1 FOR MATERIAL
 5. SEE ATTEM TABLE 1 FOR MATERIAL



NOTES

1. DIMENSIONS ALL UNLESS OTHERWISE NOTED
2. MATERIALS TO BE INSTALLED BEFORE BEDDING
3. FILL JOINT SHALL BE REPAIRED WITH PATCH
4. SEE ATTEM TABLE 1 FOR MATERIAL
5. SEE ATTEM TABLE 1 FOR MATERIAL

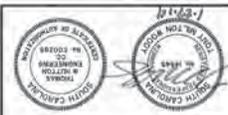
NOTES

1. DIMENSIONS ALL UNLESS OTHERWISE NOTED
2. MATERIALS TO BE INSTALLED BEFORE BEDDING
3. FILL JOINT SHALL BE REPAIRED WITH PATCH
4. SEE ATTEM TABLE 1 FOR MATERIAL
5. SEE ATTEM TABLE 1 FOR MATERIAL

NOTES

1. DIMENSIONS ALL UNLESS OTHERWISE NOTED
2. MATERIALS TO BE INSTALLED BEFORE BEDDING
3. FILL JOINT SHALL BE REPAIRED WITH PATCH
4. SEE ATTEM TABLE 1 FOR MATERIAL
5. SEE ATTEM TABLE 1 FOR MATERIAL

DATE: 05/15/2024
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: CASPIQUE PHASE 4
 SHEET: 05.1



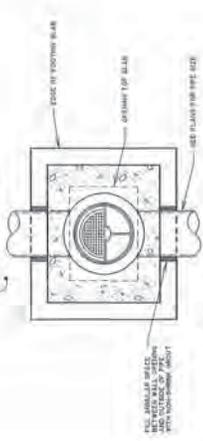
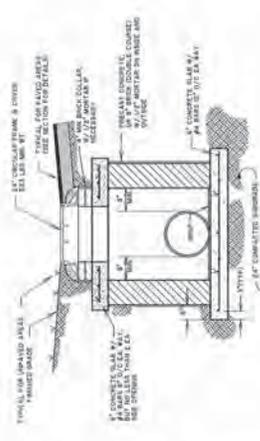
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 Engineering & Surveying | 1000 North 10th Street | Raleigh, NC 27601
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KIAWAH DEVELOPMENT PARTNERS LLC
 CHARLESTON COUNTY, SOUTH CAROLINA
CASSIQUE PHASE 4
 DETAILS

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| SCALE | |
| PROJECT NO. | |
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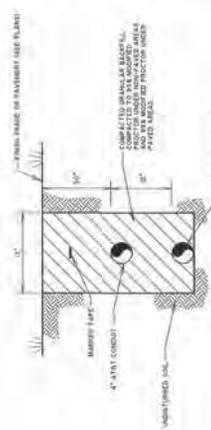
C5.2



DRAINAGE MANHOLE DETAIL

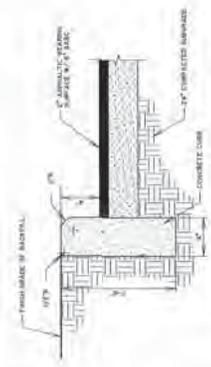
NOT TO SCALE

- NOTES:
1. CURB AND ALL EXPOSED CONCRETE SHALL BE 4" x 4" x 4" WITH 1% SLOPE AWAY FROM THE MANHOLE.
 2. WHERE SHOWN IN SECTION, ALL EXPOSED SURFACES SHALL BE COATED WITH 1/2" OF 100% SOLIDS RUBBER ASPHALT AND FINISHED WITH A 1/2" OF 100% SOLIDS RUBBER ASPHALT.
 3. IF PRECAST MANHOLE IS USED, IT SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF ASTM C-175.
 4. ALL MANHOLE MANHOLE SHALL BE USED AND ALL MANHOLE SHALL MEET ALL SPECIFICATIONS.



CONDUIT DETAIL

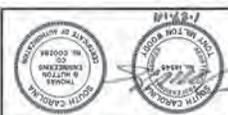
NOT TO SCALE



CONCRETE HEADER CURB DETAIL

NOT TO SCALE

- NOTES:
1. CURB TO BE 4" HIGH, 7" WIDE, AND 4" DEEP.
 2. CURB TO BE 4" HIGH, 7" WIDE, AND 4" DEEP.
 3. CURB TO BE 4" HIGH, 7" WIDE, AND 4" DEEP.

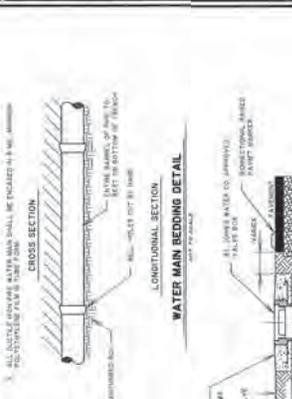
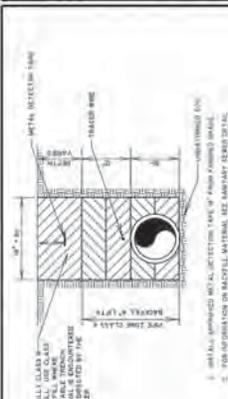


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WATER DETAILS
 CASSIOPE PHASE 4
 CHARLESTON COUNTY, SOUTH CAROLINA
 KIAWAH DEVELOPMENT PARTNERS LLC

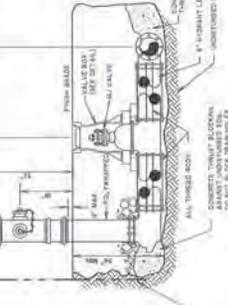
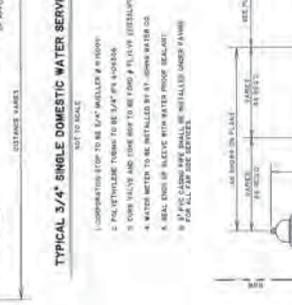
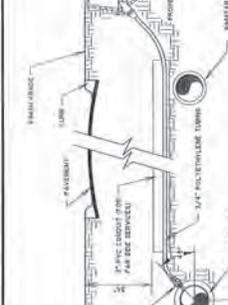
C5.3



WATER MAIN BEDDING DETAIL
 NOTES:
 1. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 2. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 3. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 4. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.



TYPICAL 3/4" SINGLE DOMESTIC WATER SERVICE
 NOTES:
 1. COMPENSATION FOR TO BE 1/4" MAXIMUM AT ENTRY.
 2. POLYETHYLENE TEREPHTHALATE (PET) SHALL BE USED FOR ALL WATER SERVICE PIPING.
 3. OVER VALVE AND UNDER TO BE 1/4" PET (SEE DETAIL).
 4. WATER METERS TO BE INSTALLED BY OTHER CONTRACTOR.
 5. SEAL ENDS OF VALVES FOR WATER PROOF SEALING.
 6. 1/2" PET SHALL BE USED FOR ALL VALVE AND HYDRANT PIPING.



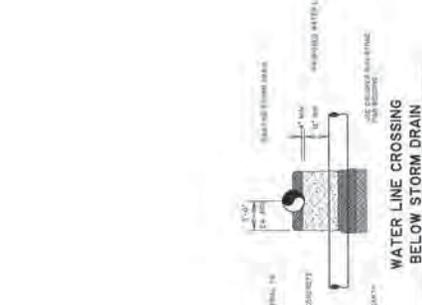
VERTICAL OFFSET DETAIL
 NOTES:
 1. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 2. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 3. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.



RESTRAINED JOINT FITTING
 NOTES TO SCALE

| SIZE | 1/2" | 3/4" | 1" | 1 1/4" | 1 1/2" | 2" | 2 1/2" | 3" | 3 1/2" | 4" |
|---------------|------|------|-----|--------|--------|-----|--------|-----|--------|-----|
| MINIMUM COVER | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" |
| MINIMUM COVER | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" |
| MINIMUM COVER | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" | 12" |

GENERAL NOTES
 1. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 2. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 3. ALL VALVES AND HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.



WATER LINE CROSSING ABOVE STORM DRAIN
 NOTES TO SCALE

WATER LINE CROSSING BELOW STORM DRAIN
 NOTES TO SCALE



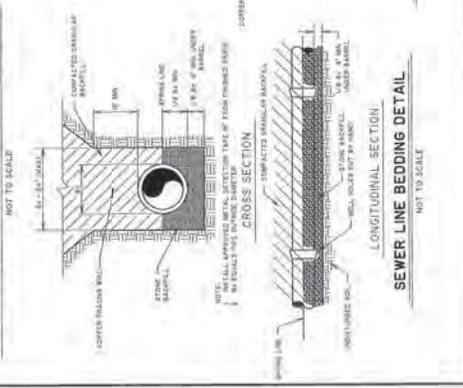
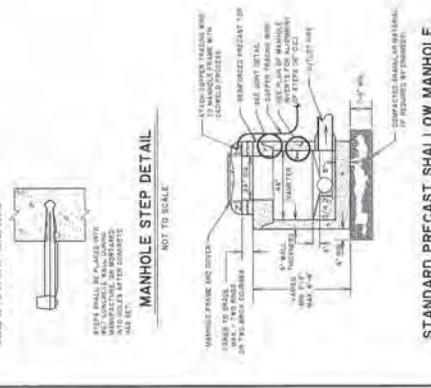
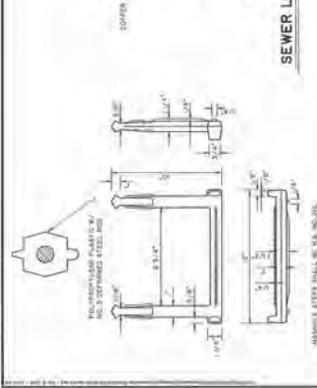
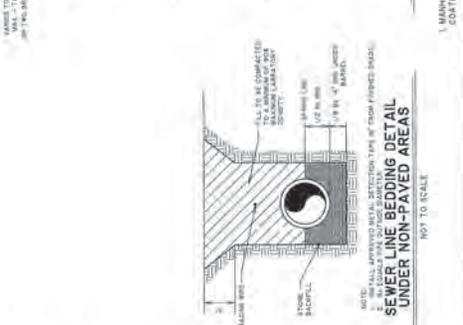
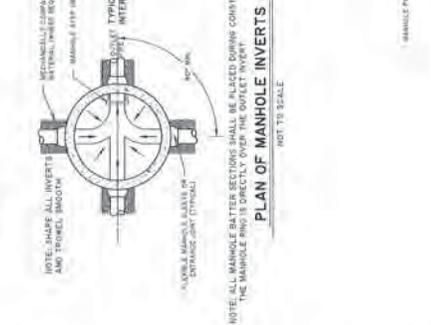
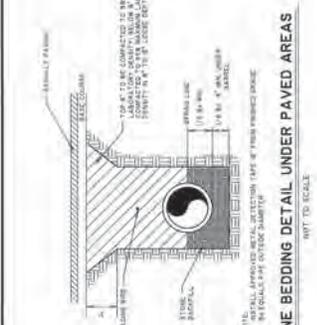
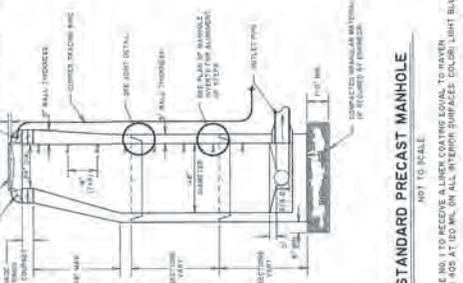
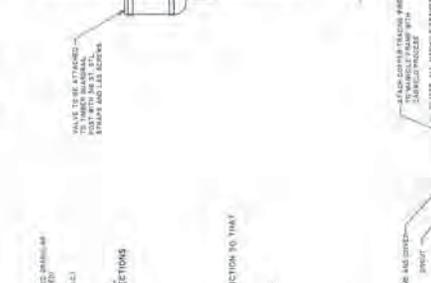
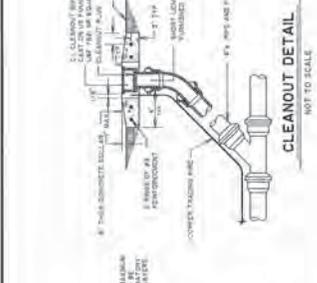
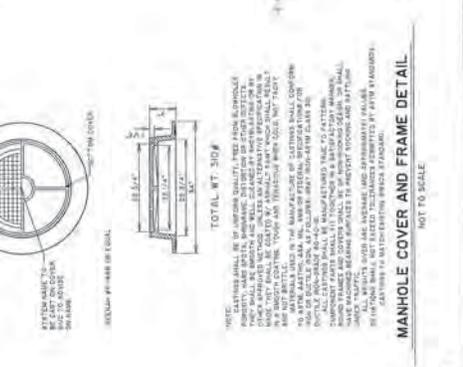
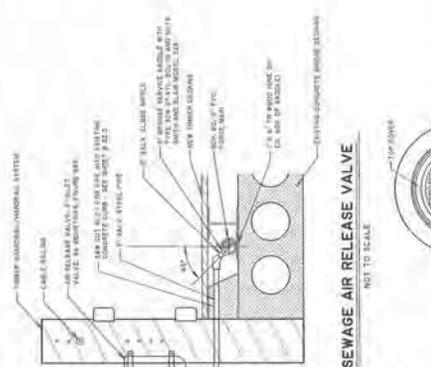
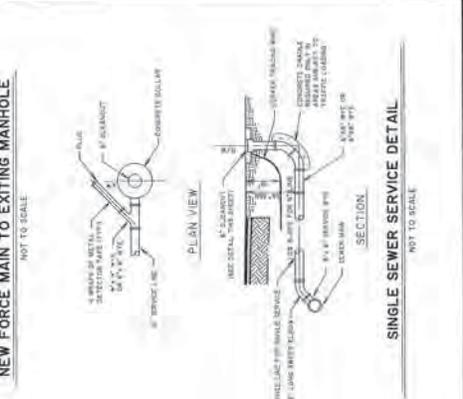
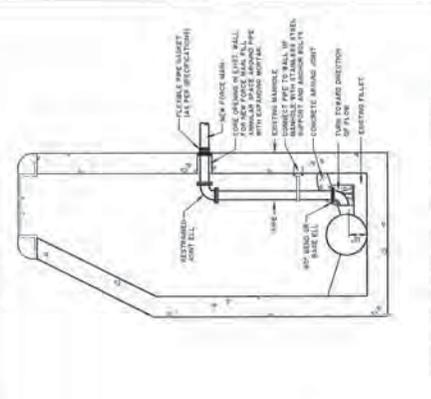
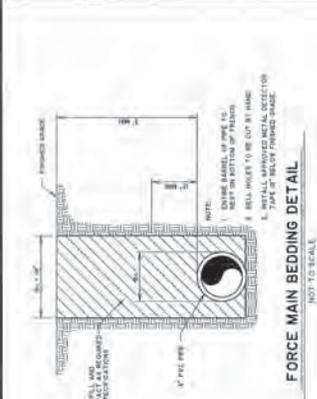
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KIAWAH DEVELOPMENT PARTNERS LLC
 CHARLES BY COUNTY, SOUTH CAROLINA
 CASINO PHASE 4
 SEWER DETAILS

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| DATE | |
| SCALE | |
| PROJECT | |
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 ENGINEERS & ARCHITECTS
 692 JENNIFER DODDS BOULEVARD • SUITE 100
 CHARLESTON, SOUTH CAROLINA 29405
 M. PIERCE, P.E. • 843.849.0200
 WWW.THOMASANDHUTTON.COM

KIAWAH DEVELOPMENT PARTNERS LLC
 STORMWATER POLLUTION PREVENTION PLAN
 CASSIQUE PHASE 4

| | |
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| DATE: | 02/20/2025 |
| DRAWN BY: | |
| CHECKED BY: | |
| SCALE: | |

EC.1



TEMPORARY SEEDING - COASTAL

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 40 | | | | | | | | | | | | |
| PYE GRASS | 54 | | | | | | | | | | | | |
| HYDRASS | 50 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 40 | | | | | | | | | | | | |
| JAPANESE BELLET | 45 | | | | | | | | | | | | |
| PYE GRASS | 54 | | | | | | | | | | | | |
| HYDRASS | 50 | | | | | | | | | | | | |

WELL DRAINED, CLAYEY/LOAMEY SITES

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 20 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

PERMANENT SEEDING - COASTAL

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

WELL DRAINED, CLAYEY/LOAMEY SITES

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

PERMANENT SEEDING - SANDY, DROUGHTY SITES

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

WELL DRAINED, CLAYEY/LOAMEY SITES

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

PERMANENT SEEDING - SANDY, DROUGHTY SITES

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

WELL DRAINED, CLAYEY/LOAMEY SITES

| SPECIES | LAM/AC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| BAHAGRASS | 40 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 40 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| ATLANTIC COASTAL | 10 | | | | | | | | | | | | |
| PANAGRASS | PLS | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| SHRUBS | PLS | | | | | | | | | | | | |
| SMALL | PLS | | | | | | | | | | | | |
| LITTLE BLUESTEM | 4 | | | | | | | | | | | | |
| SERICEA LESPEDEZA | 20 | | | | | | | | | | | | |
| BROWNSTOP BELLET | 10 | | | | | | | | | | | | |
| WEEPING LOVEGRASS | 8 | | | | | | | | | | | | |

EROSION CONTROL LEGEND

| DESCRIPTION | PLAN SYMBOL |
|---------------------------------------|-------------|
| SEDIMENT TRAP | |
| ROCK CHECK DAM | |
| STABILIZED OBSTRUCTION DYNAMICS | |
| STORM DRAIN INLET PROTECTION - TYPE A | |
| STORM DRAIN INLET PROTECTION - TYPE B | |
| STORM DRAIN INLET PROTECTION - TYPE C | |
| STORM DRAIN INLET PROTECTION - TYPE D | |
| STORM DRAIN INLET PROTECTION - TYPE E | |
| STORM DRAIN INLET PROTECTION - TYPE F | |

EROSION CONTROL LEGEND

| DESCRIPTION | PLAN SYMBOL |
|---|-------------|
| ANY FENCE | |
| GLASSING LAMPS | |
| WIRE PROTECTION | |
| TEMPORARY FENCING | |
| PERMANENT FENCING | |
| MILKING | |
| EROSION CONTROL BLANKET OR TURF REINFORCEMENT MAT | |
| WATERLOGGED AREAS | |
| SHRUBS | |
| SMALL TREES | |
| SOIL | |
| ROCK | |
| CONCRETE | |
| ASPHALT | |
| PAVEMENT | |
| GRAVEL | |
| CLAY | |

