

## **CHAPTER 4 | BASE ZONING DISTRICTS**

### **Table of Contents**

ART. 4.1	GENERAL .....	4-1
ART. 4.2	MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS .....	4-2
ART. 4.3	RM, RESOURCE MANAGEMENT DISTRICT .....	4-8
ART. 4.4	AG-15, AGRICULTURAL PRESERVATION DISTRICT .....	4-9
ART. 4.5	AG-10, AGRICULTURAL PRESERVATION DISTRICT .....	4-10
ART. 4.6	AG-8, AGRICULTURAL PRESERVATION DISTRICT .....	4-11
ART. 4.7	AGR, AGRICULTURAL/RESIDENTIAL DISTRICT .....	4-12
ART. 4.8	RR-3, RURAL RESIDENTIAL DISTRICT.....	4-14
ART. 4.9	S-3, SPECIAL MANAGEMENT 3 DISTRICT .....	4-15
ART. 4.10	R-4, SINGLE FAMILY RESIDENTIAL 4 DISTRICT .....	4-16
ART. 4.11	M-8, MIXED STYLE RESIDENTIAL 8 DISTRICT .....	4-17
ART. 4.12	M-12, MIXED STYLE RESIDENTIAL 12 DISTRICT .....	4-18
ART. 4.13	MHS, LOW DENSITY MANUFACTURED HOUSING SUBDIVISION DISTRICT .....	4-19
ART. 4.14	MHP, MANUFACTURED HOUSING PARK DISTRICT.....	4-20
ART. 4.15	OR, RESIDENTIAL OFFICE DISTRICT.....	4-22
ART. 4.16	OG, GENERAL OFFICE DISTRICT .....	4-24
ART. 4.17	CN, NEIGHBORHOOD COMMERCIAL DISTRICT .....	4-25
ART. 4.18	CT, COMMERCIAL TRANSITION DISTRICT.....	4-26
ART. 4.19	CR, RURAL COMMERCIAL DISTRICT.....	4-27
ART. 4.20	CC, COMMUNITY COMMERCIAL DISTRICT .....	4-28
ART. 4.21	I, INDUSTRIAL DISTRICT.....	4-29
ART. 4.22	WATERFRONT DEVELOPMENT STANDARDS.....	4-30
ART. 4.23	PD, PLANNED DEVELOPMENT ZONING DISTRICT .....	4-32

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## CHAPTER 4 | BASE ZONING DISTRICTS

### ARTICLE 4.1 GENERAL

#### §4.1.1 ESTABLISHMENT OF ZONING DISTRICTS

The following base zoning districts are hereby established:

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

#### §4.1.2 ZONING DISTRICT REFERENCES

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

[Commentary—RM, Resource Management District, AGR, Agricultural/Residential District and RR-3, Rural Residential District are agricultural zoning districts.]

#### §4.1.3 ZONING DISTRICT HIERARCHY

Under the hierarchy established by this Ordinance, the RM district is the most restrictive base zoning district, while the I district is the least restrictive base zoning district. The table of Section 4.1.1 presents the districts in order, from most to least restrictive. The Planned Development, Overlay and Special Purpose zoning districts are not included in the zoning district hierarchy.

#### §4.1.4 EXISTING AND PROPOSED PARCELS CONTAINING SPLIT ZONING DISTRICTS

- A. Existing Lots of Record with Split Zoning Districts  
Uses and development standards for existing lots of record with split zoning districts shall be limited to the most restrictive zoning district within the parcel per Article 1.9, Conflicting Provisions, and Article 4.1.3, Zoning District Hierarchy.
- B. No new parcels with split zoning districts shall be created. A property boundary line may be created to eliminate the existing split zoning districts, provided the proposed parcels meet the minimum lot area requirements for the zoning district each parcel is to be located.
- C. This Section does not apply to mixed use developments such as parcels zoned M-8, M-12 or PD or the Overlay and Special Purpose zoning districts.

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

### ARTICLE 4.2 MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS

#### §4.2.1 DENSITY

Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of highland (including freshwater wetlands) of the site on which the dwelling units are located. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Ordinance shall be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity or dimensional standards of this Ordinance.

#### §4.2.2 LOT AREA

- A. **Measurement**  
Lot area refers to the horizontal land area within lot lines, including freshwater wetlands.
- B. **Exceptions**  
No zoning permit, building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this Ordinance except in the following cases:
  1. Nonconforming lots may be used in accordance with the provisions contained in Chapter 10 of this Ordinance.
  2. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.
- C. **Absence of Sewer or Water**  
In the absence of public water or public sewer, no zoning permit or building permit shall be issued until the lot meets all applicable requirements of this

Ordinance and the South Carolina Department of Health and Environmental Control (DHEC).

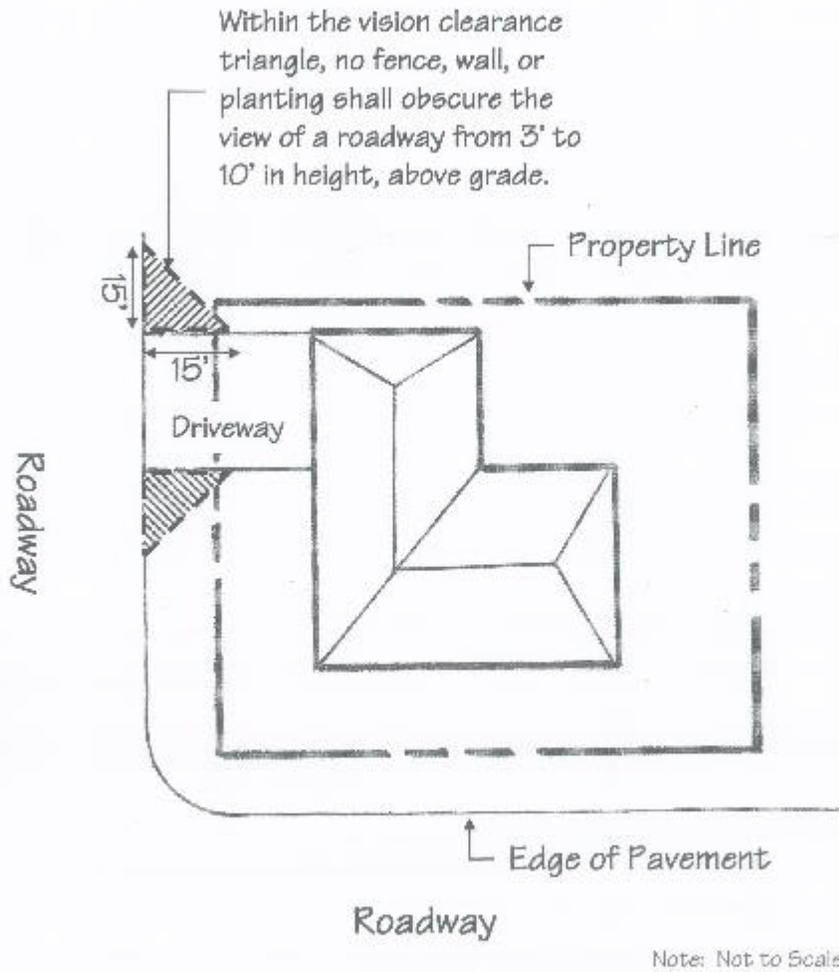
### **§4.2.3 SETBACKS**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section.

#### **A. Exceptions to Setbacks**

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

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



**FIGURE 4.1 - VISION CLEARANCE TRIANGLE**  
Illustration for Section 4.2.3

4. Driveways may be located in front and street side setbacks.
5. Sidewalks may be located within any required setback.
6. Utility lines, wires and associated structures, such as power poles, may be located within any required setback.
7. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required front, rear or street side setback.
8. Openwork fire balconies and fire escapes may extend up to five feet into any required side setback.
9. Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.
10. Chimneys and flues may extend up to two feet into any required setback.
11. Satellite dish antennas may be placed in required rear setbacks.
12. Mechanical equipment, including Heating Ventilation and Air Conditioning (HVAC) equipment, may be extended up to five feet into required side or rear setbacks in all zoning districts.

**B. Contextual Setbacks**

Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.

**C. Setback Reductions**

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

**D. Front Setbacks on Narrow Streets**

Where a lot abuts a dedicated street (that has been accepted for street maintenance) with a right-of-way width of less than 50 feet, the required front setback shall be measured from the centerline of the right-of-way, provided all building code and fire/safety requirements are met.

**E. Front Setbacks on Narrow Ingress/Egress Easements**

Where a lot abuts an ingress egress easement (that has not been accepted for street maintenance) with a width of less than fifty (50) feet, and is used as a primary access point to the lot as indicated on an approved plat recorded prior to April 21, 1999 (with dashed or solid lines), the required front setback shall be

measured from the centerline of the easement, provided all building code and fire/safety requirements are met. There shall be a minimum twenty-five (25) foot setback between the edge of the easement to the front of any structure.

**F. Setbacks on Corner and Double-Frontage Lots**

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

**G. Reduction for Public Purpose**

When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this Ordinance.

**H. One Time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed if each lot resulting from the subdivision meets the minimum lot area of the zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the side setback required for the zoning district. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

**§4.2.4 BUILDING HEIGHT**

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



**A. Fences or Walls**

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

**B. Exceptions to Height Limits**

Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:

1. Farm buildings in any Agricultural zoning (A) district;
2. Electrical power transmission lines;
3. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

4. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

#### **§4.2.5 BUILDING COVERAGE**

Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than fire escapes, canopies and the first two feet of a roof overhang. Swimming pools (excluding the pool decking) shall be included in building coverage.

<b>ARTICLE 4.3 RM, RESOURCE MANAGEMENT DISTRICT</b>
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**§4.3.1 PURPOSE AND INTENT**

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

**§4.3.2 USE REGULATIONS**

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

**§4.3.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

<b>RM DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b> [1]	1 dwelling unit per 25 acres
<b>MINIMUM LOT AREA</b>	1 acre
<b>MINIMUM LOT WIDTH</b>	135 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] On tracts of 100 or more acres, where lots ranging from one to three acres are created, a bonus of one dwelling shall be allowed on the residual area of the parent tract.

**§4.3.4 OTHER REGULATIONS**

Development in the RM district shall comply with all other applicable regulations of this ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

**§4.3.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the RM Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

## ARTICLE 4.4 AG-15, AGRICULTURAL PRESERVATION DISTRICT

### §4.4.1 PURPOSE AND INTENT

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

### §4.4.2 USE REGULATIONS

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

### §4.4.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

#### A. Density/Intensity and Dimensional Standards Table

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

<b>AG-15 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per 15 acres
<b>MINIMUM LOT AREA</b>	3 acres
<b>MINIMUM LOT WIDTH</b>	135 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

#### B. Development Along Critical Line

The area of a parcel in the AG-15 district within 1,000 feet of the OCRM Critical Line has a Maximum Density of one dwelling unit per three acres with a minimum lot area of three acres. The remaining acreage of the parcel (more than 1,000 feet from the OCRM Critical Line) maintains a density of one dwelling unit per 15 acres.

### §4.4.4 OTHER REGULATIONS

Development in the AG-15 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

### §4.4.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-15 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

<b>ARTICLE 4.5 AG-10, AGRICULTURAL PRESERVATION DISTRICT</b>
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**§4.5.1 PURPOSE AND INTENT**

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

**§4.5.2 USE REGULATIONS**

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

**§4.5.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.5.4 OTHER REGULATIONS**

Development in the AG-10 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

**§4.5.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR to APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-10 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

## ARTICLE 4.6 AG-8, AGRICULTURAL PRESERVATION DISTRICT

### §4.6.1 PURPOSE AND INTENT

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

### §4.6.2 USE REGULATIONS

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

### §4.6.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

### §4.6.4 OTHER REGULATIONS

Development in the AG-8 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

### §4.6.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-8 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

## ARTICLE 4.7 AGR, AGRICULTURAL/RESIDENTIAL DISTRICT

### §4.7.1 PURPOSE AND INTENT

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

### §4.7.2 USE REGULATIONS

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

### §4.7.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

### §4.7.4 OTHER REGULATIONS

Development in the AGR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

### §4.7.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AGR Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

### §4.7.6 SETTLEMENT AREAS

Settlement areas include small older crossroads communities, family lands, typical suburban-style subdivisions, frontage lots along local roads, waterfront developments, and vacant land that has been subdivided for residential use but not yet built upon. The criteria for additional parcels to qualify for inclusion into a "Settlement Area" are as follows:

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

## ARTICLE 4.8 RR-3, RURAL RESIDENTIAL DISTRICT

### §4.8.1 PURPOSE AND INTENT

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

### §4.8.2 USE REGULATIONS

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

### §4.8.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

### §4.8.4 OTHER REGULATIONS

Development in the RR-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

### §4.8.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the RR-3 zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

## ARTICLE 4.9 S-3, SPECIAL MANAGEMENT 3 DISTRICT

### §4.9.1 PURPOSE AND INTENT

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

### §4.9.2 USE REGULATIONS

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

### §4.9.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

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

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

### §4.9.4 OTHER REGULATIONS

Development in the S-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

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

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the S-3 zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

<b>ARTICLE 4.10 R-4, SINGLE FAMILY RESIDENTIAL 4 DISTRICT</b>
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**§4.10.1 PURPOSE AND INTENT**

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

**§4.10.2 USE REGULATIONS**

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

**§4.10.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.10.4 OTHER REGULATIONS**

Development in the R-4 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 of this Chapter. Existing lots of record on the waterfront shall be subject to the provisions of Wetlands, Waterways and OCRM Critical Line contained in Article 9.7.

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

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the R-4 zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

## ARTICLE 4.11 M-8, MIXED STYLE RESIDENTIAL 8 DISTRICT

### §4.11.1 PURPOSE AND INTENT

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

### §4.11.2 USE REGULATIONS

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

### §4.11.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

[1] Zero lot line homes may be built with no setback on one side of the property, but must have at least 10 feet of separation between buildings.

### §4.11.4 OTHER REGULATIONS

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

## ARTICLE 4.12 M-12, MIXED STYLE RESIDENTIAL 12 DISTRICT

### §4.12.1 PURPOSE AND INTENT

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

### §4.12.2 USE REGULATIONS

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

### §4.12.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

[1] Zero lot line homes may be built with no setback on one side of the property, but must have at least 10 feet of separation between buildings.

### §4.12.4 OTHER REGULATIONS

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

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

**§4.13.1 PURPOSE AND INTENT**

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

**§4.13.2 USE REGULATIONS**

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

**§4.13.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

**§4.13.4 OTHER REGULATIONS**

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

- A.** Where a current lot of record (existing prior to April 21, 1999) zoned MHS has resulted from the combination of two (2) previously platted and recorded lots, the current lot of record may be subdivided into the configuration of the originally platted lots as shown on the corresponding approved, recorded plat of record. The subdivision resulting in the original configuration of the previously recorded lots may occur even if the originally platted lots do not meet the minimum lot width requirement of this Section and/or the minimum lot area, minimum lot width and minimum lot width average requirements of Article 4.26, Waterfront Development Standards, provided that the subdivision meets all other requirements of this Ordinance.

**§4.13.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the MHS zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

## ARTICLE 4.14 MHP, MANUFACTURED HOUSING PARK DISTRICT

### §4.14.1 PURPOSE AND INTENT

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

### §4.14.2 USE REGULATIONS

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

### §4.14.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

### §4.14.4 OTHER REGULATIONS

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

### §4.14.5 SUPPLEMENTAL DISTRICT STANDARDS

In addition to all other applicable provisions of this ordinance, manufactured housing parks within the MHP district shall be subject to the following standards.

- A. Area per Manufactured Housing Unit Space**  
There shall be no less than 4,000 square feet of zoning lot area per manufactured housing unit space.
- B. Separation of Service Buildings**  
Every service building in a manufactured housing park shall be at least 25 feet from the boundary of any other property in any residential or office zoning district. When a property line is on a natural waterway, a property line setback shall not be required.
- C. Access Road**  
Each manufactured housing unit space shall abut an access road that is constructed under the Charleston County Road Construction Standards and is not less than 20 feet wide.

**D. Drainage Plan**

A drainage plan shall be approved by the Public Works Department prior to the processing of a manufactured housing park development.

**E. Temporary, Accessory Manufactured Housing Park**

A temporary, accessory manufactured housing park shall be established only in connection with a construction project and shall be discontinued within 60 days after such project is completed. Written approval from the South Carolina Department of Health and Environmental Control (DHEC) shall be obtained prior to the issuance of a Zoning Permit.

## ARTICLE 4.15 OR, RESIDENTIAL OFFICE DISTRICT

### §4.15.1 PURPOSE AND INTENT

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

### §4.15.2 USE REGULATIONS

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

### §4.15.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

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

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

### §4.15.4 OTHER REGULATIONS

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

### §4.15.5 SUPPLEMENTAL DISTRICT STANDARDS

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

#### A. Architectural Character

Structures in the OR district shall be compatible with the established architectural character of the neighborhood in which they are located by using a design that is complementary in terms of:

1. Consistency of roof lines, roof materials and roof colors;
2. Use of similar proportions in building mass and outdoor spaces;
3. Similar relationships to the street;
4. Similar window and door patterns; and
5. Similar streetscapes including landscaping, light fixtures and other site amenities.

**B. Building Orientation**

Primary facades and entries shall face the adjacent street.

**C. Building Materials**

Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form architectural detailing, and color and texture shall be utilized to ensure that enough similarity exists for the building to be compatible despite the differences in materials.

**D. Building Colors**

Color shades shall be used to facilitate blending into the neighborhood and unifying the development with its surroundings. The color shades of building materials shall draw from the range of color shades found in structures in the immediate area.

**§4.15.6 RESIDENTIAL USES**

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

<b>ARTICLE 4.16 OG, GENERAL OFFICE DISTRICT</b>
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**§4.16.1 PURPOSE AND INTENT**

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

**§4.16.2 USE REGULATIONS**

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

**§4.16.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.16.4 OTHER REGULATIONS**

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

<b>ARTICLE 4.17 CN, NEIGHBORHOOD COMMERCIAL DISTRICT</b>
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**§4.17.1 PURPOSE AND INTENT**

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

**§4.17.2 USE REGULATIONS**

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

**§4.17.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.17.4 OTHER REGULATIONS**

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

**§4.17.5 SUPPLEMENTAL DISTRICT STANDARDS**

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

**A. Floor Area**

All structures, including accessory structures, shall be limited to a maximum of 5,000 square feet gross floor area, provided that structures between 5,000 and 10,000 square feet gross floor area may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the total, combined gross floor area of all principal and accessory structures exceed 10,000 square feet.

**B. Enclosed Buildings**

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

**C. Gasoline Pump Nozzles**

Accessory gasoline pumps shall be limited to a maximum of four nozzles, provided that five to eight nozzles may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the number of

gasoline nozzles exceed eight.

#### **ARTICLE 4.18 CT, COMMERCIAL TRANSITION DISTRICT**

##### **§4.18.1 PURPOSE AND INTENT**

The CT, Commercial Transition district implements the Commercial (Urban/Suburban Area) policies of the *Comprehensive Plan*.

##### **§4.18.2 USE REGULATIONS**

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

##### **§4.18.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

##### **§4.18.4 SIGNS**

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

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

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

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

##### **§4.18.5 OPERATING HOURS**

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

##### **§4.18.6 RESIDENTIAL USES**

Residential uses in the CT district shall be subject to the density/intensity and dimensional standards of the R-4 district (Article 4.10).

<b>ARTICLE 4.19 CR, RURAL COMMERCIAL DISTRICT</b>
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**§4.19.1 PURPOSE AND INTENT**

The CR, Rural Commercial district implements the Commercial (Rural Area) policies of the *Comprehensive Plan*.

**§4.19.2 USE REGULATIONS**

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

**§4.19.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.19.4 OTHER REGULATIONS**

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

<b>ARTICLE 4.20 CC, COMMUNITY COMMERCIAL DISTRICT</b>
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**§4.20.1 PURPOSE AND INTENT**

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

**§4.20.2 USE REGULATIONS**

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

**§4.20.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.20.4 OTHER REGULATIONS**

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

**§4.20.5 RESIDENTIAL USES**

Residential uses in the CC district shall be subject to the density/intensity and dimensional standards of the M-12 district (Article 4.12).

<b>ARTICLE 4.21 I, INDUSTRIAL DISTRICT</b>
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**§4.21.1 PURPOSE AND INTENT**

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

**§4.21.2 USE REGULATIONS**

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

**§4.21.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

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

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

**§4.21.4 OTHER REGULATIONS**

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

## ARTICLE 4.22 WATERFRONT DEVELOPMENT STANDARDS

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

Standard [1]	RM	AG-15	AG-10	AG-8	AGR	RR-3	S-3	R-4
Min. Lot Area	1 Ac	3 Acs	1 Ac	1 Ac	1 Ac	1 Ac	½ Ac	12,000 sq ft
Min. Lot Width (ft)	200	200	175	175	125	125	100	90
Min Lot Width Average (ft)	250	250	200	200	150	135	125	100
<b>Minimum Buffers/Setbacks (ft)</b>								
OCRM Critical Line Buffer (ft)	35	35	35	35	35	35	15	15
Building Setback from OCRM Critical Line (ft)	50	50	50	50	50	50	35	35

Notes:

Ac=Acre

Min=Minimum

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

### §4.22.1 MINIMUM LOT WIDTH (FT)

The minimum lot width (ft) is measured and maintained from the front lot line through the entire parcel to the OCRM Critical Line. All lots within a subdivision must meet the minimum lot width average. (Exception: Flag lots and lots served by cul-de-sacs). Lots fronting on cul-de-sacs shall meet the minimum lot width at the required minimum front setback. Flag lots are designed with a “flag pole” area with a minimum width of 20’. The flag pole area is not required to meet the minimum lot width nor does this area count towards the minimum lot size or area. Flag lots must meet the minimum lot width at the end of the flag pole area/base of lot. All lots within a subdivision must meet the required minimum lot width average for the zoning district within Article 4.26, Waterfront Development Standards.

- A. Reductions from minimum lot width average requirements for parcels which contain or abut an OCRM Critical Line may be permitted if the Planning Director determines that one of the following criteria has been met:
1. No more than three (3) waterfront lots are being created from the original parcel and that a reduction of no more than ten percent (10%) of lot width average is required for any resulting lot; or
  2. Where two lots of record (lots existing prior to April 21, 1999) have been combined, the resulting lot may be subdivided into the original configuration shown on the previously approved, recorded plat of record, even if the original lots do not meet the minimum lot width requirement of this Section, provided that the subdivision meets all other requirements of this Ordinance.

### §4.22.2 MINIMUM LOT STANDARDS FOR ACCESSORY DWELLING UNITS ON PARCELS WHICH CONTAIN OR ABUT AN OCRM CRITICAL LINE

In order to establish an accessory dwelling unit on a parcel that contains or abuts an OCRM Critical Line the following standards shall apply:

- A. When an accessory dwelling unit is to be located in front of the principal dwelling unit (between the street and the front of principal dwelling unit) the minimum lot area shall be 50% larger than the minimum lot area requirement of the zoning district.
- B. When the accessory dwelling unit is to be located to the side or rear of the principal dwelling unit (between the OCRM critical line and the principal dwelling unit) the minimum lot width shall be two times the minimum lot width required for the applicable zoning district contained in Article 4.26 Waterfront Development Standards, of this Ordinance.
- C. The accessory dwelling unit shall meet the minimum setbacks of the zoning district where it will be located, and:
  - 1. The distance between the accessory dwelling unit and the principal dwelling unit shall not be less than the sum of the minimum setbacks as required for the zoning district.
- D. The zoning lot and accessory dwelling unit shall comply with all other requirements of this Ordinance, including but not limited to the requirements of Section 6.5.7, Accessory Dwelling Units.

#### **§4.22.3 MINIMUM LOT STANDARDS FOR DWELLING GROUPS ON PARCELS WHICH CONTAIN OR ABUT AN OCRM CRITICAL LINE**

The number of dwelling units shall not exceed the maximum number permitted by the density, intensity and dimensional standards of the underlying base zoning district. In addition, the Dwelling Groups shall comply with the requirements of Article 4.26, Waterfront Development Standards, of this Ordinance, including the minimum lot area and lot width requirements.

**ARTICLE 4.23 PD, PLANNED DEVELOPMENT ZONING DISTRICT****§4.23.1 AUTHORITY**

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

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

**§4.23.2 PURPOSE AND INTENT**

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

- A. Implement a farm and forest land and open space protection program (Objective FFL1);
- B. Provide families and youth with access to parks, recreation areas and facilities (Objective CD5);
- C. Encourage site design that will maintain as much of the development site as possible in natural open space where new development is proposed in rural and agricultural areas outside of existing settlements (Objective WR3, Policy 1);
- D. Implement a system of incentives that will encourage environmentally sensitive site planning that is responsive to the natural characteristics of the land. New development should be encouraged that will retain buffers along rural and urban waterways, retain natural open space, and reduce impervious surfaces (Objective WR4, Policy 1);
- E. Promote a sufficient supply of a variety of housing units with access to facilities and services (Objective H1);
- F. Increase ownership of affordable housing through new construction, acquisition, and/or rehabilitation (Objective H5);

- G. Increase the housing alternatives for low and moderate income households (Objective H6); and
- H. Increase and preserve affordable housing development and reduce the number of households below the poverty level (Objective CD10).

#### **§4.23.3 DEFINITIONS**

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

- A. Studio Unit: A dwelling unit that:
  - 1. Has only one combined living and sleeping room; or
  - 2. A living and sleeping room, along with a separate room that contains only kitchen facilities and also a separate room that contains only sanitary facilities.

#### **§4.23.4 INTENT AND RESULTS**

The PD, Planned Development, zoning district regulations of this Article are intended to encourage achievement of the goals of the Charleston County *Comprehensive Plan* and to allow flexibility in development of property that proposes a single or multiple use(s) that will result in improved design, character, and quality of new or redesigned developments and preserve natural and scenic features of open spaces. The following objectives may be attained through the use of the planned development process:

- A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the standards of this Ordinance that were designated primarily for development on individual lots;
- B. A greater freedom in selecting the means to provide access, light, open space and design amenities;
- C. Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;
- D. A development pattern in harmony with the applicable goals and strategies of the *Comprehensive Plan*;
- E. The permanent preservation of common open space, recreation areas and facilities;
- F. An efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities;
- G. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities; and
- H. A development pattern that incorporates adequate public safety and

transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site.

#### **§4.23.5 APPLICABILITY**

There shall be no minimum site area requirement for a Planned Development as long as the Planned Development meets all requirements of Article 4.23 of this Ordinance.

#### **§4.23.6 DEVELOPMENT STANDARDS**

Development standards of the underlying zoning district pertaining to density, lot size, location, and arrangement of buildings and structures, lot dimensions, and landscaping may be altered in Planned Developments. The underlying standards of the zoning district may be altered only if the development will serve an overriding public interest and/or public safety concern. If the proposed development is zoned R-4, does not comply with the provisions of Section 4.23.6(A)(2) through 4.23.6(A)(5) below, and would exceed the maximum density of the Residential Low Density Future Land Use Designation in the *Comprehensive Plan*, a *Comprehensive Plan* Amendment must be approved concurrently with a Planned Development application (see Article 3.2, *Comprehensive Plan* Amendment). The development standards listed below, those in the approved Planned Development Stipulations and any in the approved Planned Development Sketch Plan(s) shall apply.

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

The maximum allowed density increase in a planned development may not exceed the maximum density as stated in Table 3.1.1 of the Charleston County *Comprehensive Plan*, except as provided for in Chapter 3.1.7(C) of the *Comprehensive Plan*, as amended, and this Article. Density and lot area calculations shall comply with the requirements contained in Article 4.2, Measurements, Computations and Exceptions. In order to achieve the maximum density, the following minimum amounts of common open space, as defined in this Ordinance, shall apply where applicable:

1. Provide 0.2 acres of common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is required for parcels located in the Rural and Agricultural Areas. The maximum density permitted in the Agricultural Preservation Future Land Use Designation on Edisto Island, as identified in the *Comprehensive Plan*, shall not exceed one dwelling unit per ten acres;
2. If the parcel is located in the Suburban Area, the following standards shall apply:
  - a. Where the underlying zoning district is Single Family Residential (R-4) and all requirements of this Ordinance are met, a maximum density of not more than two times the maximum allowable density in the underlying zoning district may be permitted when 0.05 acres of common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is provided; and
  - b. Where the underlying zoning district is Mixed Style Residential (M-8 or M-12) and all requirements of this Ordinance are met, a maximum density of not more than two times the maximum allowable density in the underlying zoning district may be permitted when 0.05 acres of

common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is provided.

3. The maximum densities listed in sub-sections “a” and “b” below may be permitted in planned developments that include at least fifty percent (50%) permanently protected Common Open Space and comply with all other requirements of this Ordinance. These density bonuses shall not be applicable to areas in (1) the Conservation Management and Resource Management Future Land Use designations, as identified in the *Comprehensive Plan*; and (2) the Agricultural Preservation Future Land Use designation on Edisto Island, as identified in the *Comprehensive Plan*.
  - a. An increase of up to 20% more than the number of dwelling units permitted under the maximum density identified in the *Comprehensive Plan* for the Rural Residential and Agricultural Residential Future Land Use designations (example calculation: number of dwelling units permitted under the maximum density times 1.2). The following table illustrates a detailed example of this calculation.

<b>Parcel Size</b>	10 acres
<b>Future Land Use Designation</b>	Agricultural Residential
<b>Maximum Density of the Future Land Use Designation</b>	1 dwelling unit / acre
<b># of Dwelling Units Permitted (Maximum Density)</b>	10 dwelling units
<b># of Dwelling Units Permitted with 50% Permanently Protected Common Open Space: [# of Dwelling Units Permitted Under Maximum Density x 20%]</b>	[10 dwelling units X 1.2] = 12 dwelling units

- b. An increase of up to 220% more than the number of dwelling units permitted under the base density of the Future Land Use designation identified in the *Comprehensive Plan* for all other applicable *Comprehensive Plan* Future Land Use designations (excludes (1) “a” above; (2) the Conservation Management and Resource Management Future Land Use designations; and (3) the Agricultural Preservation Future Land Use designation on Edisto Island) (example calculation: number of dwelling units permitted under the base density times 2.2). The following table illustrates a detailed example of this calculation:

<b>Parcel Size</b>	80 acres
<b>Future Land Use Designation</b>	Rural Agriculture
<b>Base Density of the Future Land Use Designation</b>	1 dwelling unit / 8 acres
<b># of Dwelling Units Permitted (Base Density)</b>	[80 acres / 8] = 10 dwelling units
<b># of Dwelling Units Permitted (PD Maximum Density)</b>	[80 acres / 4] = 20 dwelling units
<b># of Dwelling Units Permitted with 50% Permanently Protected Common Open Space: [#of Dwelling Units Permitted Under Base Density x 220%]</b>	[10 dwelling units x 2.2] = 22 dwelling units

4. Density bonuses beyond the maximum density of the *Comprehensive Plan*

Future Land Use designation may be approved when affordable dwelling units are included, provided that the planned development complies with all other requirements of this ordinance and all affordable dwelling units comply with Section 4.23.8, Affordable Dwelling Units, and Chapter 12, Definitions. The maximum density permitted in the Agricultural Preservation Future Land Use Designation on Edisto Island, as identified in the *Comprehensive Plan*, shall not exceed one dwelling unit per ten acres;

5. Planned developments that include a parcel or parcels of land that have varying future land use designations and/or varying zoning classifications may be deemed consistent with the *Comprehensive Plan* if the total density proposed does not exceed the maximum combined density permitted in the future land use designations and/or zoning districts.

**B. Dimensional Standards**

1. The Waterfront Development Standards of the base zoning district, as set forth in Article 4.22 of this Ordinance, shall be applied to all waterfront lots within the planned development.
2. Each lot located on the perimeter of the planned development shall maintain the rear yard setback requirements and any buffer requirements of the adjacent zoning district.

**C. Architectural Standards**

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

**D. Lots to Abut Upon Common Open Space**

Residential parcels shall maximize orientation towards common open space or similar areas.

**E. Access**

1. Streets within planned developments should connect to adjoining neighborhoods/developments. Cul-de-sacs, T-turnarounds, and dead-end streets are discouraged.
2. Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
3. Primary vehicular access to office, commercial, or industrial development shall be through limited access roads.

**F. Commercial Areas**

1. Commercial areas and adjacent residential, office, and industrial areas shall be directly connected through paved sidewalks, trails, or other

pedestrian infrastructure.

2. Commercial areas shall be planned as groups having common parking areas and common ingress and egress points.

**G. Industrial Areas**

1. A minimum vegetated buffer of forty (40) feet shall be required where industrial uses abut residential uses.
2. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

**H. Areas Designated for Future Use**

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

**I. Signs**

Specifications of size, type, height, setback, location, design, illumination, and number of signs shall be included in the planned development guidelines. Specifications shall be as restrictive, or more restrictive than the standards set forth in this Ordinance; provided, however, that the minimum distance from a Billboard/Digital Billboard proposed as part of a planned development to the nearest on-premises sign(s) may be less restrictive than the standards set forth in this Ordinance.

**J. Parking**

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

**K. Resource Areas**

1. Planned developments shall protect any resources determined significant by the Planning Director including, but not limited to: agricultural soils and active farmland, buffer areas between active farmland and existing/planned future non-farm development, wetlands, mature trees, land adjacent to preserved farmland on neighboring properties, scenic views, water access and shoreline buffers, and habitat of species designated as of federal, state and local concern.
2. Planned developments shall comply with all provisions of Article 9.4, Tree Protection and Preservation, of this Ordinance.

**§4.23.7 COMMON OPEN SPACE**

- A. Common open space area shall be located to preserve any significant

resources. Where common open space is designated, the following standards shall apply:

1. The common open space area shall be detailed on each Sketch Plan and recorded with the Final Plat (as approved under Article 8.5 of this Ordinance) or separate instrument.
2. The proposed common open space shall be usable and appropriate to the size of the development and to the new residents of the planned development. The purpose of common open space is to permit areas, which could otherwise be developed into buildable lots or otherwise sold individually, to provide a significant amenity to the residents who will interact with the open space on a daily basis. It is not the purpose of common open space to permit open space for land that is otherwise unusable on a daily basis by residents. Common open space may include unimproved land, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to recreational uses, as well as freshwater wetland areas and water surfaces, all located within the development. Natural landscapes, such as wetlands, may also be considered as open space if preserved and meet the requirements of subsection C below. "Usable" means that the open space includes uses or facilities that are adaptable to recreational or leisure use and are accessible to the residents of the proposed development or the general public, such as seating areas, picnic shelter, community garden, pedestrian and bicycle trail access to a designated greenway, public square, swimming pools, playing fields, or a new playground. The use or facility must be approved by County Council in accordance with the approval and conveyance procedures below.
3. The total combined acreage of freshwater wetlands, detention ponds, and buffers to be used as open space shall not comprise more than forty percent (40%) of the open space requirement as stated in this Section.
4. Land designated as common open space shall not be occupied by streets, drives, parking areas, or structures, other than recreational structures.
5. All property owners in the planned development shall have access to the open space by means of a public or private street or walkway in an easement a minimum of 20 feet in width.
6. Common open space shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase.
7. The common open space shall be conveyed prior to recording the final plat, in accordance with one of the methods listed below. The applicant must have proof of commitment from the entity that will be responsible for the common open space prior to the Planning Commission Meeting for which the case is scheduled.
  - a. By dedication to the County as publicly-owned open space. Parks, open space, and recreation facilities proposed for dedication to the

County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or

- b. By leasing, conveying, or retaining title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the area to open space/recreational uses.

#### **§4.23.8 AFFORDABLE DWELLING UNITS**

- A. Pursuant to Chapter 3.1.7(C) of the Charleston County *Comprehensive Plan*, as amended, County Council may approve a density bonus above the maximum allowable density provided for in Section 4.23.6(A) of this Ordinance and Table 3.1.1, Future Land Use Residential Densities, of the Charleston County *Comprehensive Plan*, as amended, as an incentive to provide affordable dwelling units in planned developments. This density bonus is only applicable to planned developments that include affordable dwelling units that meet the definition of "Affordable Housing", as contained in Chapter 12 of this Ordinance.
- B. Zoning permit fees for affordable dwelling units shall be reimbursed upon the request of the developer and certification that the dwelling units are affordable, as required by this Section.
- C. Development Requirements:
  - 1. The planned development must contain residential uses, of which at least thirty percent (30%) of the total number of dwelling units shall qualify as affordable dwelling units pursuant to this Ordinance. A mixture of housing types as well as uses is encouraged, though not required.
  - 2. Affordable dwelling units must be of the same type as the market-rate units in the development. In the case of a development with two or more housing types, the type of affordable dwelling units must be in the same proportion as the market-rate units.
  - 3. Affordable dwelling units shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase;
  - 4. Affordable dwelling units shall be integrated throughout the development and not located in a single area of the development;
  - 5. Any studio dwelling unit provided under this Section must be a minimum of 500 square feet in floor area; and
  - 6. In no instance shall more than fifty percent (50%) of the affordable dwelling units be provided in the form of studio units.

7. The permitted uses and development standards must be specifically enumerated in the planned development application.
8. The planned development application shall include the following information:
  - a. A general description of the development, including whether the development will contain owner-occupied or rental units, or both.
  - b. The total number and type of market-rate units and affordable dwelling units in the development.
9. Prior to the issuance of building permits for any portion of the development, an affordable dwelling unit plan must be submitted to the County that contains, at a minimum, the following information:
  - a. The number of bedrooms in each market-rate unit and each affordable dwelling unit.
  - b. The square footage of each market-rate unit and each affordable dwelling unit.
  - c. The location of each affordable dwelling unit within any multi-family residential structure and any single-family (attached and/or detached) residential development. The location of each affordable and market-rate dwelling unit above any non-residential use shall also be identified.
10. The Planned Development must comply with the Common Open Space requirements set forth in Section 4.23.6(A) and 4.23.7 of this Ordinance, provided however, that not less than five percent (5%) of the total land area of the Planned Development must be reserved for Common Open Space.
11. To the extent not specifically modified by the Planned Development ordinance, all other provisions of this Ordinance shall apply to the development and use of the property.

D. Design Requirements

1. In terms of exterior appearance, affordable dwelling units shall be indistinguishable from market-rate units. External building materials and finishes for affordable dwelling units shall be the same in type and quality as the market-rate units.
2. Interior features of affordable dwelling units shall be functionally equivalent to the market-rate units, though the finishes and materials need not be identical.
3. Affordable dwelling units shall be comparable to the market-rate units in terms of improvements related to energy efficiency, which include but are not limited to mechanical equipment and plumbing, insulation, windows,

and heating and cooling systems.

E. Owner-Occupied Affordable Dwelling Units

1. Eligibility Determination Process

Prospective buyers of new affordable dwelling units shall be screened and determined eligible by the developer, or his/her designee, prior to occupancy. Prior to closing on a new affordable dwelling unit, the developer shall submit the following to the County:

- a. An affidavit that sets forth the sale price and verifies the unit will be occupied by persons qualified pursuant to the requirements of this Ordinance; and
- b. A copy of the current owner's Form 4506 (or other acceptable documentation of income) for the current tax year.

This affidavit and copies of the current owner's Form 4506 (or other acceptable documentation of income) shall also be submitted to the County on an annual basis and upon resale of the affordable dwelling unit.

2. Term of Affordability

Resale of affordable dwelling units shall be limited by deed restriction to the original sales price, adjusted for inflation, and to a purchaser eligible, as described in this Article, for a period of not less than ten (10) years after issuance of the certificate of occupancy. Funding sources and other factors may require a longer term of affordability. The increase permitted for inflation shall be based upon the increase in the Consumer Price Index (CPI).

- a. A copy of such executed deed restrictions shall be submitted to the County for approval prior to issuance of a certificate of occupancy for any portion of the development.
- b. The deed restrictions shall require notice to the County of any conveyance of the affordable dwelling unit, and verification that the purchaser is qualified pursuant to the requirements of this Ordinance.

3. If, while occupying an affordable dwelling unit, a household's income increases to an amount beyond that permitted in the definition of "Affordable Housing" as contained in this Ordinance, the household shall not be required to vacate the unit. Upon vacating the premises, the unit shall be sold to a qualifying household pursuant to the requirements of this Ordinance for the period the unit is deed restricted as an affordable dwelling unit.

F. Renter-Occupied Affordable Dwelling Units

1. Eligibility Determination Process

Prospective renters of affordable dwelling units shall be screened and determined eligible by the developer, or his/her designee, prior to occupancy. All of the following requirements are applicable and subject to final approval by the County:

- a. Upon initial occupancy, the owner shall submit to the County a copy of the current tenant's Form (or other acceptable documentation of income) for the current tax year and an affidavit stating that the current tenant meets the necessary qualifications. This affidavit and copies of the current tenant's Form (or other acceptable documentation of income) shall also be submitted to the County on an annual basis and anytime the lease is renewed or a new tenant occupies an affordable dwelling unit.
  - b. Any time a new tenant occupies an affordable dwelling unit, the owner must provide an affidavit to the County assuring compliance with Fair Market Rents, as described below.
  - c. The owner shall annually provide affidavits to the County assuring compliance with Fair Market Rents, as described below.
2. Rent Levels/Fair Market Rents
    - a. The maximum rent level for affordable dwelling units shall be based on the schedule of Fair Market Rents for the Charleston-North Charleston MSA, as published annually by the U.S. Department of Housing and Urban Development. Fair Market Rents include a utility allowance for electricity, gas, water, and sewer, based on a schedule published by the Charleston County Housing and Redevelopment Authority.
3. Lease Terms

A minimum lease term of six (6) months is required for all affordable dwelling units so as to avoid short-term (i.e., weekly) rentals.
4. Term of Affordability

Rental affordable dwelling units shall be limited by deed restriction to remain affordable, as defined in this Article, for a period of not less than ten (10) years after the issuance of the certificate of occupancy. Funding sources and other factors may require a longer term of affordability.

    - a. A copy of such executed deed restrictions shall be submitted to the County for approval prior to issuance of a certificate of occupancy for any portion of the development.
    - b. The deed restrictions shall require notice to the County of any lease renewal or new rental contract for the affordable dwelling unit, and verification in the form of an affidavit that the tenant is qualified pursuant to the requirements of this Ordinance.
5. If, while occupying an affordable dwelling unit, a household's income increases to an amount beyond that permitted in the definition of "Affordable Housing" as contained in this Ordinance, the household shall not be required to vacate the unit. Upon vacating the premises, the unit shall be rented to a qualifying household pursuant to the requirements of this Ordinance for the period the unit is deed restricted as an affordable dwelling unit.

G. Deed Restrictions Required

1. Standard deed restrictions for all affordable dwelling units produced pursuant to the requirements of this Ordinance are required and subject to approval by the County.
2. Such restrictions shall include, at a minimum, the following elements:
  - a. Duration;
  - b. Occupancy requirements and restrictions against leasing/sub-leasing;
  - c. Restriction on resale;
  - d. Requirement to notify the County in the case of conveyance (for owner-occupied units), lease renewal (for rental units), or establishment of a new rental contract (for rental units);
  - e. Right of first refusal, if applicable;
  - f. Distribution of gross sales proceeds, if applicable; and
  - g. Procedure in the case of foreclosure (for owner-occupied units only).

H. Violations

Any sale or rental of affordable dwelling units during the term of affordability to persons that do not meet the eligibility requirements described in this Ordinance shall constitute a violation and the provisions of Chapter 11, Violations, Penalties, and Enforcement shall apply.

#### **§4.23.9 PLANNED DEVELOPMENT PROCEDURE**

The procedure and criteria for Planned Development applications is outlined below. Planned Development applications are comprised of Planned Development Stipulations and Sketch Plans, referred to herein as the PD Development Plan. All Sketch Plan(s) shall be drawn to scale.

**A. Pre-Application Conference**

Before submitting a PD Development Plan for a Planned Development, the applicant shall confer with the Planning Director and any other officials designated by the Planning Director. The purpose of this pre-application conference is to discuss the proposal and the applicable development review and approval procedures.

**B. Conceptual PD Development Plan Presentation**

1. At least one time prior to submitting a formal application, Planned Development applicants shall present their Conceptual PD Development Plan to the Charleston County Planning Commission at a Planning

Commission workshop. This presentation shall be for discussion and feedback purposes only and no action shall be taken on the Conceptual PD Development Plan at the workshop.

2. This requirement applies to Planned Developments that contain 50 or more dwelling units or 5 or more acres of nonresidential development.
3. The Planning Commission or Planning Director may require applicants for Planned Developments that do not meet sub-section 2, above, to present the proposed development at a Planning Commission workshop prior to submitting a formal application.

**C. Community Workshop**

After the pre-application conference, it is recommended that the applicant hold one (1) or more community workshops. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with the development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.

**D. Draft PD Development Plan Submittal**

After the required pre-application conference and prior to submitting a formal application, the applicant shall submit at least five (5) copies of a draft of the requested PD Development Plan for staff review. The draft PD Development Plan must comply with all requirements of this Ordinance and all other applicable regulations. Additionally, the Article 4.23 PD Checklist, available in the Planning Department, must be filled out and turned in with the draft PD Development Plan.

**E. PD Development Plan Application**

Complete applications for Planned Developments (PD Development Plans) may be submitted on forms available in the Planning Department once the Planning Director has determined that the requested PD Development Plan complies with the requirements of this Ordinance and all other applicable regulations.

1. No application for a PD Development Plan shall be accepted as complete unless it includes the one (1) required paper copy and one (1) digital copy of the PD Development Plan, the required fee, and the following information:
  - a. One completed Zoning Map Amendment application signed by the current property owner(s);
  - b. One copy of a legible approved and recorded plat showing the current property lines of the property/properties to be included in the planned development;
  - c. One copy of the current, recorded deed;
  - d. One Restrictive Covenants Affidavit(s) signed by the applicant or

- current property owner(s) in compliance with state law;
- e. One copy of the completed Article 4.23 PD Checklist;
  - f. Documentation of any community workshops held regarding the proposed PD Development Plan application;
  - g. A digital version of all text, charts, tables, exhibits and graphics used in the PD;
  - h. A current aerial overlaid with the proposed Sketch Plan; and
  - i. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
2. Applications for PD Development Plans shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
  3. County Council may waive the fees at their discretion.
  4. The following shall be included in the requested Planned Development Stipulations:
    - a. The following shall be included in the requested Planned Development Stipulations:
      - i. The name of the planned development, not duplicating the name of any other planned development or subdivision, the final plat of which has been recorded in Charleston County, South Carolina;
      - ii. A statement of objectives of the proposed development;
      - iii. A description of how the proposed development meets the objectives contained in Section 4.23.4, Intent and Results, addressing each objective separately;
      - iv. The total acreage of the planned development, broken down into total acreage, total highland acreage, total freshwater wetland acreage, and total Critical Line wetland, or marsh, acreage;
      - v. A table of proposed land uses including:
        - a. A table of proposed maximum and average residential densities for each residential use (The applicant may refer to the density ranges listed in the Charleston County *Comprehensive Plan* for residential densities);
        - b. The maximum total acreage of each residential use, including affordable dwelling units, if applicable;

- c. The maximum allowable number of each type of residential unit requested, including affordable dwelling units, if applicable;
  - d. The maximum proposed floor area ratios (% of lot in relation to building floor area), and the maximum building/lot coverage for each non-residential use; and
  - e. All dimensional and lot standards requested, for each land use type designated.
- vi. All information required for Planned Developments that include affordable dwelling units, as contained in Section 4.23.8 of this Ordinance.
  - vii. An analysis of the impact of the proposed development on existing public facilities and services (e.g. roads and streets, water, sewer, etc.). Any proposed future improvements to these facilities and services to be made as part of the planned development shall also be included;
  - viii. A traffic study that meets the requirements of Article 9.9 of this Ordinance for planned developments that contain (1) 50 or more dwelling units or (2) 5 or more acres of nonresidential development;
  - ix. A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of dwelling units, total acreage of each residential use, total gross floor area of each non-residential use, percentage and acreage of common open space to be included in each phase, and percentage, number and acreage of affordable dwelling units to be included in each phase (if applicable);
  - x. A statement indicating how any common open space/recreation areas will be owned or managed;
  - xi. A statement indicating how all roads and alleys will be owned and maintained;
  - xii. A statement of inclusion and compliance with processes included in the Charleston County Zoning and Land Development Regulations that are not mentioned in the planned development stipulations;
  - xiii. A statement of agreement to proceed with proposed development in accordance with the provisions of these zoning regulations, applicable provisions of the Charleston County *Comprehensive Plan*, and with such conditions as may be attached to any rezoning to the applicable PD district;
  - xiv. A statement that the provisions of Article 3.10, Variances, of

this Ordinance shall not apply to the planned development and that all major changes to the planned development must be approved by County Council. Tree variances may be granted in accordance with this Article and all other sections of this Ordinance;

- xv. A description of how the proposed development complies with the approval criteria contained in Section 4.23.9(E)(9), addressing each criterion separately;
  - xvi. A historic and archaeological survey identifying all historic and cultural sites, structures and landscapes on the subject property, consistent with Article 9.8, Historic Preservation, of this Ordinance. Any require on-site mitigation must be detailed in the Planned Development Stipulations and proof of coordination with OCRM and/or the South Carolina State Historic Preservation Office must be included;
  - xvii. Letters of coordination from all agencies from which the applicant must either (1) obtain permits or (2) obtain services and/or facilities; and
  - xviii. Any other information that the Planning Director determines is necessary to determine whether or not an application complies with the standards established in this Article.
- b. The following shall be included on the requested Sketch Plan. Multiple Sketch Plans may be submitted. Sketch Plans shall be drawn to scale.
- i. The general location and amount of land proposed for each land use including single family residential, multi-family residential, institutional, office, commercial, industrial, common open space/recreation, street use, etc.;
  - ii. Conceptual lot lines;
  - iii. Pedestrian and motor traffic circulation;
  - iv. Location, acreage, and type (freshwater or Critical Line/marsh) of all wetlands as they exist prior to development. The location and acreage of all freshwater wetlands to be developed upon shall be indicated;
  - v. A tree survey to include all Grand trees (24 inches or greater) on residential lots of one acre or less and in road rights-of-way and easements. Significant trees shall be shown on residential lots greater than one acre. Tree surveys for non-residential uses shall conform with the standards of Section 9.4.3 of this Ordinance;
  - vi. Architectural elevations for each type of residential and

nonresidential unit;

- vii. The general location, size, and capacity of all existing and proposed water and sewer lines;
- viii. Areas to be included in each phase of development, including the location of all common open space areas and/or affordable housing units to be included in each phase;
- ix. The location of all construction entrances;
- x. A Landscaping Sketch Plan including the location and composition of all screening and buffering materials;
- xi. A Utility Sketch Plan with the location of any on-site natural areas, buffers, trees and sidewalks that may be impacted by utility facilities including existing and proposed location of any easements or rights-of-way; and
- xii. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.

**5. Public Hearing Notice**

Newspaper, Neighbor, Parties in Interest, and Posted notice of the County Council's public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Ordinance.

**6. Planning Director Review and Report**

Once an application is deemed complete and to contain all information required herein by the Planning Director, the application will be scheduled for a Planning Commission meeting and the applicant and other interested parties will be notified in accordance with this Ordinance. The Planning Director shall prepare a staff report that reviews the PD Development Plan application.

**7. Planning Commission Review and Recommendation**

The Planning Commission shall review the proposed PD Development Plan and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve, approve with conditions or deny the proposed development plan. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 4.23.9.E.9. The Planning Commission shall submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the PD Development Plan was introduced.

At any time prior to action by the Planning Commission, the applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings and the Planning Director shall represent the Planning Staff. A majority vote of the entire Planning Commission membership in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive

the standards of this Ordinance. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.

## 8. County Council Hearing and Decision

After receiving the recommendation of the Planning Commission, the County Council shall take action to approve, approve with conditions, or deny the proposed PD Development Plan based on the Approval Criteria of Section 4.23.9.C.6. County Council shall hold a public hearing prior to giving second reading to Planned Development/zoning map amendment applications. If the County Council takes action to approve the PD Development Plan, it may require time-frames for development of the entire Planned Development and its individual phases, if any. Within ten (10) working days of approval by County Council of a planned development, the applicant shall submit one (1) paper copy and one (1) digital copy of the approved Planned Development Guidelines and Sketch Plan to the Planning Department. This plan shall contain all changes and conditions approved by Council. The approval of a planned development shall deem it to be a new zoning district with its own zoning designation.

## 9. Approval Criteria

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

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

### §4.23.10 IDENTIFICATION OF ZONING MAPS

Approved PDs shall be indicated on the official zoning map.

### §4.23.11 COMPLIANCE WITH OTHER REGULATIONS

Unless expressly stated in this Section or approved at the time of a Planned Development approval, all applicable standards of this Ordinance and other law shall apply to development within a Planned Development. Planned Developments may provide for variations from this Ordinance or other ordinances and the regulations of established zoning districts concerning use, setbacks, lot area, density, bulk and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. All development, other than single family residential, shall comply with the Site Plan Review Requirements of this Ordinance.

### §4.23.12 SUBDIVISION OF LAND LOCATED WITHIN APPROVED PLANNED DEVELOPMENTS

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