
PLANNED DEVELOPMENT GUIDELINES

The Frattone Property PD

Charleston County, South Carolina
Lot A-1, TMS#256-00-00-046
February 27, 2018



Applicant/Owner: Paul Frattone

Prepared By: Seamon, Whiteside & Associates, Inc.
501 Wando Park Boulevard, Suite 200
Mt. Pleasant, SC 29464
(843) 884-1667
SW+ Project No. 7260

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***PLANNED DEVELOPMENT ZONING DISTRICT
MASTER PLAN REQUIREMENT
CHARLESTON COUNTY***

***RELATIONSHIP TO THE CHARLESTON COUNTY ZONING AND
LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR)***

The Planned Development Guidelines and Land Use Standards for The Frattone Property Planned Development (PD), attached hereto and made a part hereof, are part of the PD rezoning application submitted in accordance with the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) (Chapters 4, 6, 8, 9, and 12) are incorporated herein by reference, except as amended herein these Planned Development Guidelines.

No person shall erect or alter any building, structure, or sign on any tract of land or use any tract of land within The Frattone Property PD except in conformance with these guidelines and regulations. Unless modified herein, definitions of terms used in The Frattone Property Planned Development Guidelines shall follow definitions listed in the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), as amended from time to time. Administration and enforcement of the adopted The Frattone Property Planned Development Guidelines shall follow the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). Items not specifically addressed within this Planned Development Guidelines shall comply with the Charleston County Zoning and Land Development Regulations (ZLDR).

The Frattone Property Planned Development Guidelines were approved by Charleston County on

_____, Ordinance Number _____.

I. Statement of Objectives

The Frattone Property Planned Development is intended to meet the criteria listed in Chapter 4, Article 4.23, of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). The objectives of these PD Guidelines are to create flexibility within the existing zoning, Rashford Property Planned Development, by allowing additional land uses that would promote economic opportunity by serving the surrounding residential population and agricultural/commercial uses, and maintain the natural aesthetic and character for the scenic Bohicket Road corridor and Johns Island. This Planned Development is guided by the ***Charleston County Comprehensive Plan*** and will promote beneficial economic development impacts desirable to both Johns Island residents and commercial businesses.

II. Intent and Results

Originally adopted in 1999, The Rashford Property PD allowed the subject lot to have a primary use of a Convenience/General Store with Fuel Service Islands as well as accessory use which will be an Eating Area (no on premise consumption of alcohol) and a Store Manager's Office. Since the adoption of the previous Planned Development, Charleston County has revised their Comprehensive Plan and Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). The Frattone Property PD is intended to establish a modest expansion to the existing Rashford Property PD through selected land uses, as outlined in these Planned Development Guidelines, while complying with the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). For matters not addressed by these PD guidelines, the Charleston County Zoning and Land Development Regulations Ordinance standards in effect at the time of application submittal (Chapters 4, 6, 8, 9, and 12 are included as an appendix) shall apply. By maintaining the existing grand trees on site, the future development of The Frattone Property PD shall be constructed with quality design and be environmental sensitive to the natural character of the parcel and the scenic road corridor along Bohicket Road. The result of these Planned Development Guidelines is to plan a resourceful, economical, and innovative future development in this area of Johns Island that would benefit the residential community while being environmentally aware of the natural character of Johns Island.

III. Site Information

The PD parcel can be found on the Charleston County Tax Map, identified as TMS# 256-00-00-046, located within Charleston County at 2729 Bohicket Road on Johns Island, South Carolina 29455 and approximately 4 miles from the intersection of Maybank Highway and Bohicket Road. The existing lot consists of a total of 1.99 acres, all upland land, with no wetlands or water features existing on site. The parcel is currently owned by Paul Frattone. Bohicket Road bounds the north side with Partnership Lane along the west perimeter of the site. To the east and south sides of the parcel are Agricultural Residential uses.

The property currently includes the vacant Island Grocery (approximately 4,000 square feet), a former gasoline service station and convenient/general store. The existing buildings will be removed as they are not intended to be reused or renovation for any future development. The gas tanks have been removed from the site with proper permits and approvals.

A. Survey

A recorded tree survey and boundary survey plat is included in the appendices of this document and matches the property boundaries as they currently exists. The tree survey was completed on January 20, 2016. The boundary survey, dated October 13, 1997, will need to be updated prior to any future Preliminary Plat submittal.

IV. Selected Land Uses

The following land uses shall be considered Conditional (C) Land Use Designations, unless otherwise noted as Allowable (A) or Special Exception (S), within these Planned Development Guidelines and must comply with those conditions written in the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR).

<i>Land Use Designations</i>	<i>PD Designation</i>	<i>Conditions *</i>
Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services	C	Sec. 6.435
Professional Office, including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services	C	Sec. 6.4.35
Single Family Detached Residential	C	

*Note, the following conditions, in addition to those noted in the table, apply to all permitted land uses:

1. Operational hours 8am-6pm (business hours).
2. Building(s) maximum of 4,500 sq.ft. (maximum 2 buildings).
3. Building(s) maximum height of 25' with sloped or mansard roofs.
4. No adult themed retail facilities or services.
5. No tractor trailers, heavy equipment or vehicles (any type) pulling trailers: stored or frequenting businesses.
6. No outside storage of materials or machinery.
7. No outside construction or maintenance yards.
8. Single Family Detached shall comply with the requirements of the Agriculture/Residential (AGR) Zoning District.

V. *Impact Assessment/Analysis*

Potable water shall be coordinated and serviced by St. John's Water Company, Inc. as reference in the Letters of Coordination found in Appendix H of these guidelines. Wastewater disposal shall be coordinated with South Carolina Department of Health and Environmental Control (SDHEC) and be serviced through a septic system shall be approval by SDHEC. Electrical utilities shall be serviced by Berkeley Electric. Bohicket Road will continue to be owned and maintained by South Carolina Department of Transportation. Partnership Lane was approved for a second access curb cut in 1999 Rashford Property PD (PD-72), under the ownership of Allan Rashford (See Appendix F). Partnership Lane will continue to be maintained by the owner, during any future development on the subject parcel. The parcel is currently under the jurisdiction of the Charleston County Sheriff's Office, the St. John's Fire District, and Charleston County Emergency Services. Please refer to the Appendix H, Letters of Coordination, regarding all necessary utility and infrastructure connection coordination and additional services needed for the PD parcel.

The maximums for daily trips per day to access the site shall be found in Appendix F, ITE Trip Generation Manual. The maximum trip generated numbers are preliminary and highlight the highest and best uses for the site, an office complex and a convenience store as the two subject buildings. Future traffic studies will be completed in compliance with Chapter 9 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR).

VI. *Development Standards*

A. *Access*

Bohicket Road shall continue to be owned and maintained by the South Carolina Department of Transportation (SCDOT Road # S-20). The location and type of access required along Bohicket Road shall be based on the proposed uses and be coordinated and approved by SCDOT. A SCDOT encroachment permit shall be required for any curb cut or improvement affecting Bohicket Road right-of-way. For general pedestrian circulation and to meet ADA requirements, an ADA-compliant path shall be constructed from the right-of-way along Bohicket Road to the buildings and along the property frontage. Partnership Lane is a private right-of-way and owned by Allan Rashford. If Partnership Lane is used for access to the site, Partnership Lane shall be improved to a County standard determined by Charleston County Public Works Director based on the proposed use at the time of subsequent land development application submittal. See Appendix F for legal documentation for the curb cut for Partnership Lane and Appendix H for SCDOT Letter of

Coordination.

B. Compliance with the ZLDR

Any matters not addressed throughout these Planned Development Guidelines shall reference the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) regulations (Chapters 4, 6, 8, 9, and 12) in effect at the time of subsequent application submittal. The provisions of Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) Article 3.10, Variances, shall not apply to the planned development. 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.

These Planned Development Guidelines are consistent with the Charleston County Comprehensive Plan and are intended to provide economic and natural opportunities for the Charleston County and Johns Island areas. The range of proposed allowable land uses shall create economical needs to the surrounding residential community while adding to the natural character of one of Johns Island roadway corridors. Services that are provided by County and/or other agencies will be able to provide necessary public services to serve the proposed planned development as found in Appendix H, Letters of Coordination.

C. Dimensional Standards

I. Building Height, Coverage, Lot Area, Lot Width, Setbacks & Buffers

The following density/intensity and dimensional standards for the future development on this PD parcel are as follows:

<i>Density/Intensity and Dimensional Standards</i>	
<i>Minimum Setbacks</i>	<i>Required</i>
Front (along Bohicket Road)	75 feet
Rear Yard (southern property line)	30 feet
Side Yard (eastern property line)	25 feet
Side Yard (western property line)	20' feet
<i>OCRM Critical Line</i>	50 feet
<i>Minimum Lot Area</i>	40,000 square feet
<i>Minimum Lot Width</i>	125 feet
<i>Maximum Building Cover</i>	40% of lot
<i>Maximum Height</i>	25 feet

Utilities may encroach if approved through the site plan review process. Fences may be installed within the setbacks and shall be measured from ground level on the higher side of the fence or wall and must comply with the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). Refer to the Conceptual Sketch Plan PD Site Plan, found on Appendix E, in the back of these guidelines.

The maximum building height for any future building shall be 25-foot height. The total building coverage shall be a maximum of 40% of the entire site (34,500 gross square feet total), allowing a maximum number of two buildings, with one or more stories, and a maximum cumulative building coverage of 40%. All landscaping, screening, and buffer requirements shall comply with Article 9.5 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR).

D. Architectural Standards

Any development shall comply with Section 9.6 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). With regards to the Building Orientation, buildings may be located away from the front corner.

E. Areas Designated for Future Use

All areas designated for future development on this parcel shall remain in a natural state until such time as development permits are approved. Future land uses on the development are conceptually designed as illustrated on the Conceptual PD Sketch Plan, as found in Appendix E of this document.

F. Parking

Parking standards shall meet the minimum requirements found in Article 9.3 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). However, the majority of the parking may be located in the front of the buildings due to site constraints and preserving existing grand trees on site.

G. Signs

One free standing monument style sign shall be allowed along Bohicket Road and shall not exceed (10) feet in height and fifty (50) square feet of sign area. Only directional signage shall be allowed on Partnership Lane. All other sign requirements, including requirements for wall signs, shall comply with the requirements contained in Article 9.11 of the ZLDR. The following requirements apply to all sign illumination:

- Illumination shall be external only and from a steady stationary light source, shielded and directed solely at the sign. Light sources to illuminate signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties. The intensity of light shall not exceed twenty (20) footcandles at any point on the sign face. The color of light sources to illuminate signs shall be white. Signs shall not have light-reflecting backgrounds or letters.
- Illuminated signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas. Footcandles shall be reduced by one-half the allowable footcandle after hours of operation.
- Internal illumination shall be prohibited.

Any sign-related items not addressed in these PD Guidelines shall meet the requirements as outlined in Article 9.11 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR).

H. Resource Area

Tree protection, preservation, and replacement shall comply with Article 9.4 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR).

I. Site Lighting

All site lighting shall comply with Article 9.6.4.C. of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR).

VII. Drainage, Sewer, & Garbage Disposal

A. Storm Drainage

The planned development shall comply with all Charleston County Stormwater Ordinances and South Carolina Department of Health and Environmental Control (SCDHEC) regulatory requirements. For site locations within sensitive drainage basins prone to flooding, additional stormwater design and construction requirements may be required by the Director of Public Works prior to Stormwater permit approval and issuance. Where possible and allowed by permit, the proposed site may connect its stormwater system with existing conveyances as long as the adjacent property owners are in agreement, and a 100 year – 24 hour rain event has been studied downstream to where the site contributes 10% of the watershed. Best Management Practices (BMP's) shall be utilized, installed, and maintained in compliance with applicable approved permits throughout all phases including, but not limited to, site development, construction, and post construction. The Applicant must comply with Charleston County Stormwater Ordinance and

SCDHEC regulatory requirements for pre- and post- construction water quality and quantity. Stormwater design, construction, and maintenance shall be in compliance with applicable approved Charleston County Stormwater Permits. Utilization of approved and permitted Low Impact Design (LID) elements is encouraged within a comprehensive site Master Drainage Plan. Storm drainage shall be in conformance with all Charleston County Stormwater Ordinances. Refer to Appendix H, Letters of Coordination, found in the back of these guidelines.

B. Sanitary Sewer

The property currently uses an underground septic tank system and septic field. Public sewerage facilities are currently not in the vicinity of this tract. Coordination with the South Carolina Department of Health and Environmental Control (SCDHEC) is required to ensure safe, permitted on-site wastewater disposal. Additional coordination will be needed on septic system approval. Refer to Appendix H, Letters of Coordination, found in the back of these guidelines.

C. Garbage Disposal

No public garbage collection is currently available. The property will utilize private contract waste disposal.

VIII. Cultural Resources

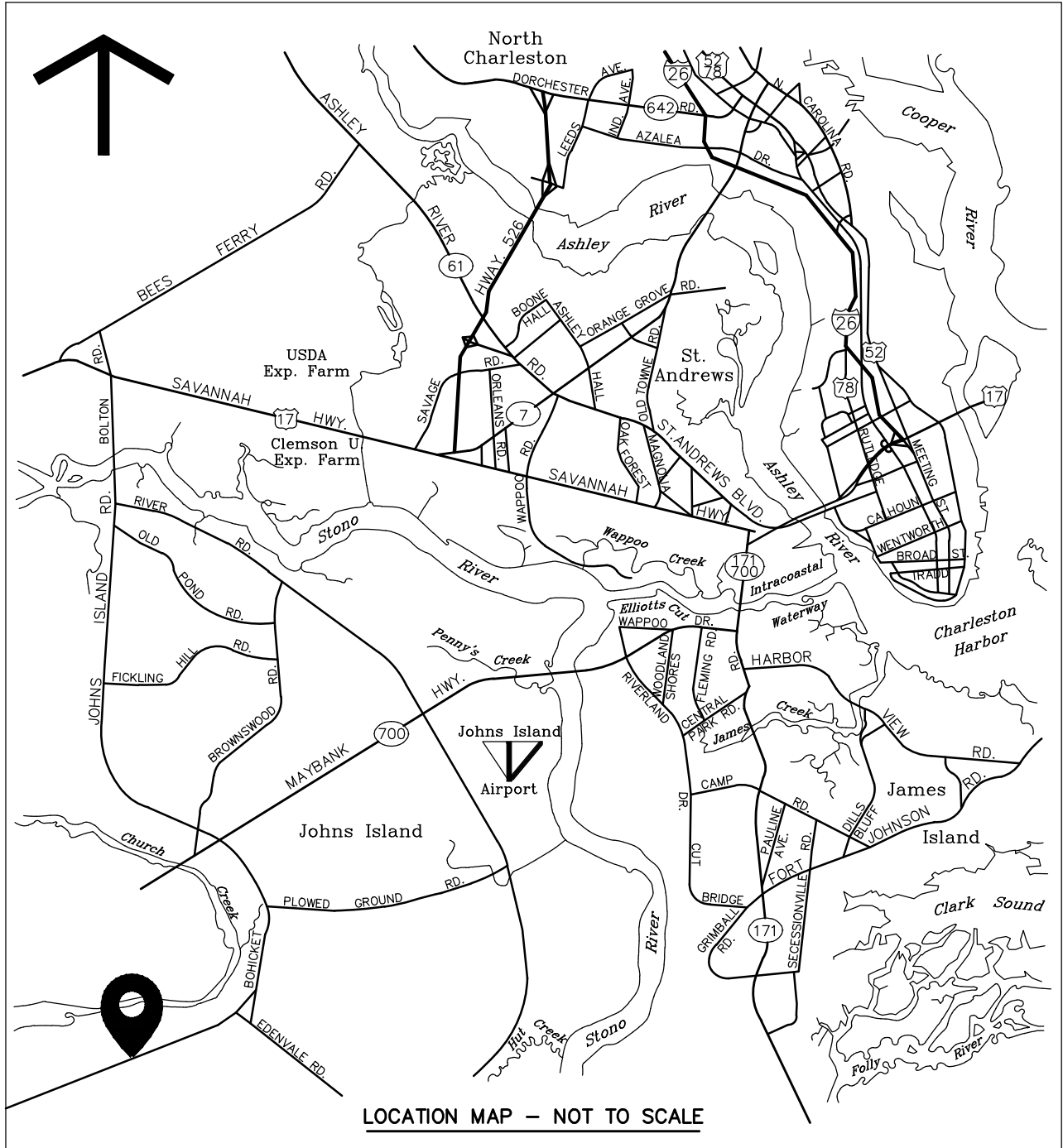
Please refer to Appendix G, Historical and Architectural Survey, found in the back of this document.

VIX. Appendices

APPENDIX A

Site Location Map & Current Aerial

SITE LOCATION MAP





CURRENT AERIAL LOCATION MAP OF PROPOSED PLANNED DEVELOPMENT SITE



EXISTING ISLAND GROCERY ON PARCEL

APPENDIX B

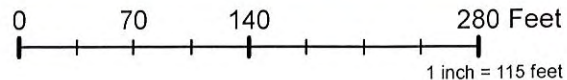
Tax Maps, Existing & Future Land Use Maps



Charleston County SC

Parcel ID: 2560000046
Owner1: FRANTTONE PAUL TRUST
Prop St Number: 2729
Prop St Name: BOHICKET
Prop Type: RD
Acreage: 2.00
Class Code: 952 - VAC-COMM-LOT

Plat Book Page: CG-150
Deed Book Page: 0123-962
Jurisdiction: COUNTY OF CHARLESTON



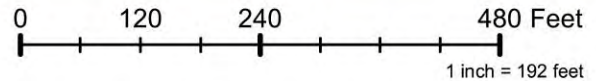
Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC
 Date: 6/14/2016



Charleston County SC

CURRENT LAND USE ZONING



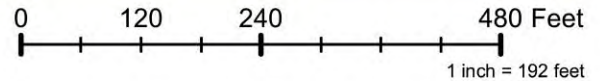
Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC
Date: 8/4/2016



Charleston County SC

FUTURE LAND USE ZONING



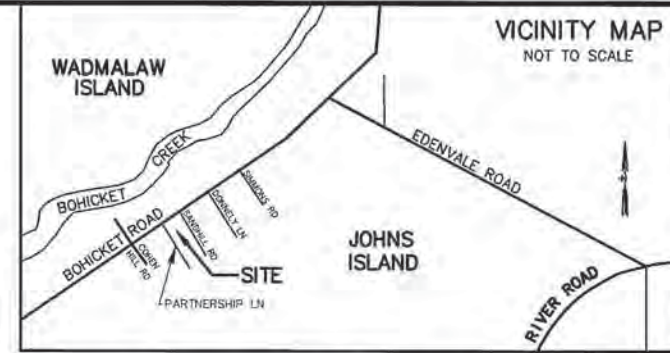
Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Author: Charleston County SC
Date: 8/4/2016

APPENDIX C
Boundary and Tree Surveys

EX 113106284



TMS 257-00-00-044
A B JENKINS

TMS 257-00-00-046
JOHN RAMAZANT

TMS 257-00-00-047
WILLIAM SIMMONS, JR

LOT A-1
FORMERLY 0.999 ACRES
NOW 1.999 ACRES
TMS 256-00-00-046
DR ALLAN RASHFORD

LOT A-2
FORMERLY 4.002 ACRES
NOW 3.002 ACRES
TMS 256-00-00-118
DR ALLAN RASHFORD

LOT B
+/- 69.0 ACRES
TMS 256-00-00-104
DR ALLAN RASHFORD

Charleston, South Carolina
Office of Register of Deeds
Plat recorded this 16 day of Sept 1998 at
11:18 a.m. in Plat Book EC page 742 and tracing cloth
copied in file No. 327 Drawer Folder 13, Drawing
No. 32 Original plat (a loose print) delivered
to Forsberg Eng & Surveying
Chas C. Luard
Plat of Home Conveyance

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	100.00	19.62	9.84	19.59	N11°23'46"W	11°14'39"
C2	15.00	20.93	12.58	19.28	N34°12'20"E	79°57'33"

TMS 256-00-00-045
REV GOODWIN

50' RIGHT-OF-WAY
PARTNERSHIP LANE

PREVIOUSLY APPROVED REFER TO
CHAS CO PLANNING BOARD #14565

THESE LOTS *SHOULD* MEET
HEALTH DEPARTMENT STANDARDS
FOR A MODIFIED CONVENTIONAL
SUB-SURFACE DISPOSAL SYSTEM ONLY

REFERENCE PLAT BY JAMES G. PENINGTON DATED
JUNE 6, 1991, REVISED DECEMBER 17, 1991 AND
RECORDED IN THE CHAS. CO. RMC OFFICE IN PLAT
BOOK CG PAGE 150

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN

James Kelly Davis 8/6/98
JAMES KELLY DAVIS R.L.S. No. 9758




APPROVED PLAT
James Kelly Davis
DATE: 10/13/98

BOUNDARY LINE ADJUSTMENT
& TOPOGRAPHIC SURVEY OF
LOT A-1 (TMS 256-00-00-046)
JOHN'S ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
SCALE 1" = 30' DATE OCTOBER 13, 1997

FORSBERG ENGINEERING
& SURVEYING, INC
P O Box 30575
Charleston, South Carolina 29417
803/571-2622
No. C00343



JOB NO. 2395



KNIGHT SURVEYING & MAPPING, LLC
Professional Land Surveying Services
P.O. Box 13885
Charleston, SC 29422
843.789.0850
803.385.8698
www.knightsurveying.com

PROJECT: 16106.00

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD BEARING
C1	20.92	15.00	N19°26'24"E
			CHORD
			19.27



NOTES:
1. BOUNDARY INFORMATION AND ACRES BASED ON "BOUNDARY LINE ADJUSTMENT & TOPOGRAPHIC SURVEY" BY FORSBERG ENGINEERING & SURVEYING, INC. DATED OCTOBER 13, 1997 (JOB NO. 2395). NO BOUNDARY SURVEY BY ME THIS DATE.
2. BEARING RECKONED TO SC GRID NORTH.
3. NO UNDERGROUND UTILITIES LOCATED OR SHOWN

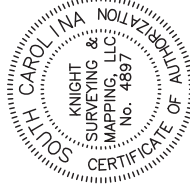
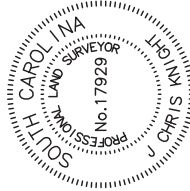
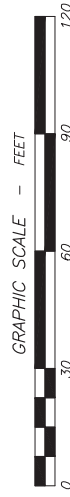
LEGEND
8" PINE ○ — EXISTING TREE
○ — PROPERTY CORNER (CALCULATED)
RBF — REBAR FOUND



TREE SURVEY OF 2729 BOHICKET ROAD,
LOT A-1, TMS # 256-00-00-046, JOHNS ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

JANUARY 20, 2016
SCALE: 1"=30'

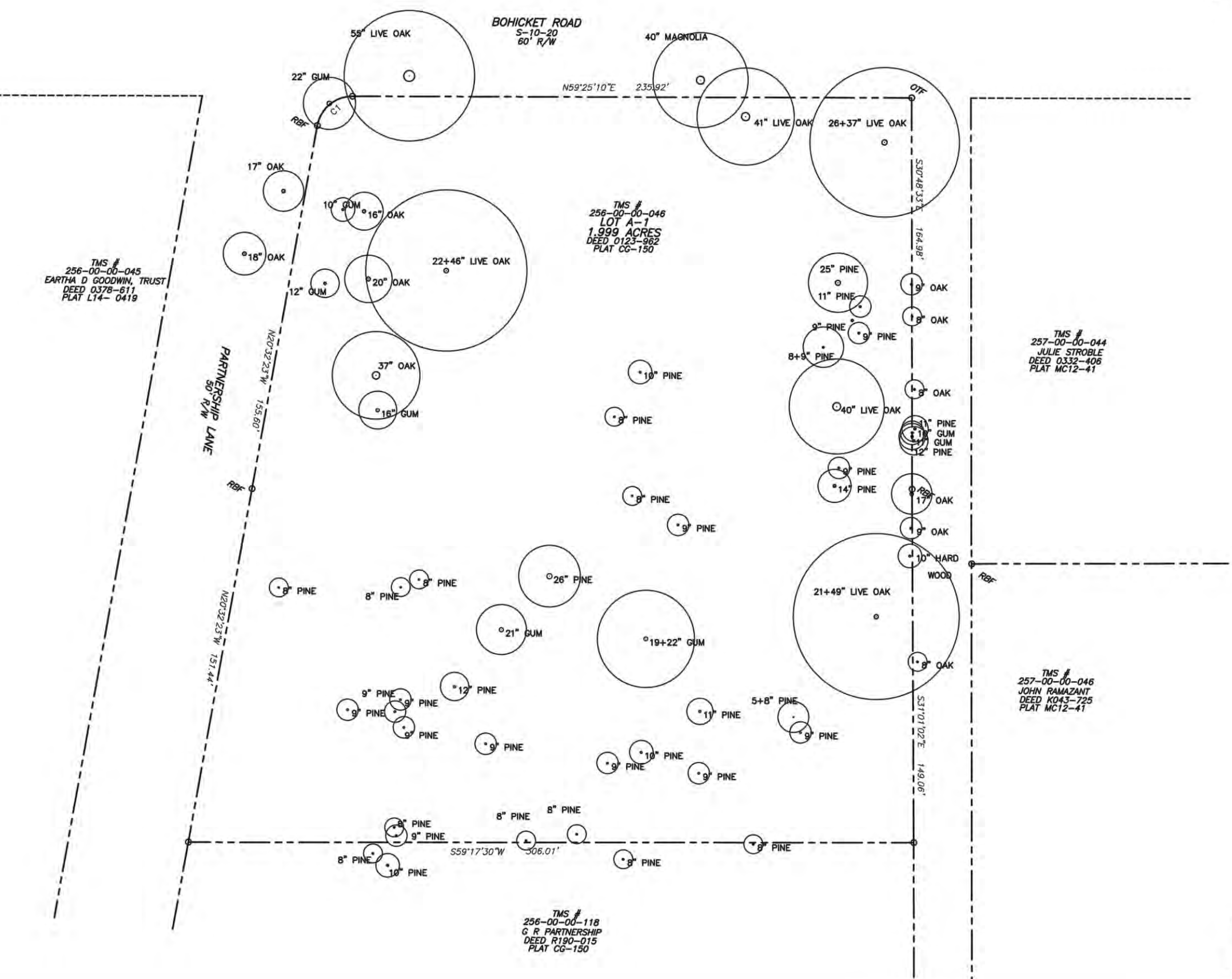
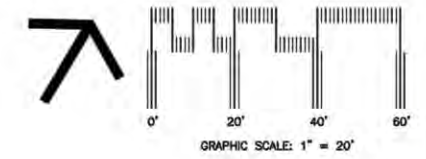
THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF J. CHRIS KNIGHT, PLS AND WAS COMPLETED ON THE DATE SHOWN. THE SURVEY MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SET FORTH IN THE SOUTH CAROLINA SURVEYING ACT. THE AREA OF THE PROPERTY SHOWN WAS DETERMINED BY THE COORDINATE METHOD. THE PROPERTY IS NOT SUBJECT TO ANY ENCROACHMENTS OR PROJECTIONS UNLESS OTHERWISE NOTED.



REVISED - JUNE 13, 2016
ADD PLAT REFERENCE EC-742 AT REQUEST OF ENGINEER

THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.

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TMS #
256-00-00-045
EARTHA D GOODWIN, TRUST
DEED 0378-611
PLAT L14-0419

TMS #
256-00-00-046
LOT A-1
1.999 ACRES
DEED 0123-962
PLAT CG-150

TMS #
257-00-00-044
JULIE STROBLE
DEED 0332-406
PLAT MC12-41

TMS #
257-00-00-046
JOHN RAMAZANT
DEED K043-725
PLAT MC12-41

TMS #
256-00-00-118
G R PARTNERSHIP
DEED R190-015
PLAT CG-150

SW SEAMONWHITESIDE
607 Pendleton Street, Suite 100
Greenville, SC 29601-3319
864.298.0534 (F) 864.298.8018



**THE FRATTON PROPERTY
PD SKETCH PLAN**
CHARLESTON COUNTY
2779 BOHICKET ROAD | JOHNS ISLAND, SC 29455

**NOT FOR
CONSTRUCTION**

DRAWN BY: MZC
CHECKED BY: GC

PROJECT: 7280
DATE: 8/4/2016

NO.	DATE	REVISION NOTES
1	8.4.16	PD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES



**TREE
SURVEY**

APPENDIX D

Wetland Letter and Coordination with CORPS Engineers



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69 A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403

OCT 27 2016

Regulatory Division

Mr. William Wilson
Sabine and Waters, Inc.
P. O. Box 1072
Summerville, South Carolina 29484

Dear Mr. Wilson:

This letter is in response to your request for an Approved Jurisdictional Determination (SAC-2016-01437) received in our office on September 29, 2016, for a 2.3 acre site located at 2729 Bohicket Road on Johns Island, Charleston County, South Carolina (Latitude: 32.6804 °N, Longitude: -80.0917 °W). The site in question is depicted on the sketch prepared by Sabine and Waters, Inc. entitled "Wetland Exhibit Map (Page 1 of 2) Prepared for Mr. Paul Frattone Project Name Bohicket Rd Tract Charleston County, SC" and dated October 17, 2016, last revised on October 17, 2016.

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

Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This Approved Jurisdictional Determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This delineation/determination has been conducted to identify the limits of Corps of Engineers Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to file number SAC-2016-01437. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact David Chamberlain at 843-329-8025.

Sincerely,

Courtney M. Stevens
Watershed Manager

Enclosures:
Approved Jurisdictional Determination Form
Notification of Appeal Options

Copies Furnished:

Mr. Paul Frattone
3 Hillside Drive
Las Flores, California 92688

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

THE APPROXIMATE WETLAND BOUNDARIES DEPICTED ON THIS MAP ARE NOT FINAL AND ARE SUBJECT TO CHANGE BY THE U.S. ARMY CORPS OF ENGINEERS.

NO WETLANDS WERE OBSERVED WITHIN THE PROPERTY BOUNDARY.

DP,UP,1

Partnership Ln

Bohicket Rd

EXTERNAL SOURCES: NAIP 2015 TRUE COLOR AERIAL, U.S. CENSUS ROADS, CHARLESTON COUNTY GIS PARCEL

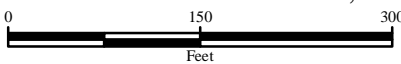
Created By: Stephen Bennett
 Date Created: September 26, 2016
 Copyright 2016 Sabine & Waters, Inc.
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 mapping\source\pack\approx_wet.mxd

Sabine & Waters, Inc.
 Environmental Land Management Consultants
 P.O. Box 1072 Summerville, SC 29484
 843.871.5383 (phone) 843.871.2050 (fax)
<http://www.sabinc.net>

Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Sabine & Waters, Inc. disclaims all responsibility and liability for the use of this map.

REVISED: 9/27/2016

**APPROXIMATE WETLANDS
 BOHICKET RD TRACT
 CHARLESTON COUNTY, SC**



LEGEND

- PROPERTY BOUNDARY: +/- 2.3 AC
- DATA POINTS
- PHOTO DIRECTION
- ROADS



EXTERNAL SOURCES: NAIP 2015 TRUE COLOR AERIAL, U.S. CENSUS ROADS, CHARLESTON COUNTY GIS PARCEL, U.S. FISH AND WILDLIFE NWI

Created By: Stephen Bennett
 Date Created: September 26, 2016
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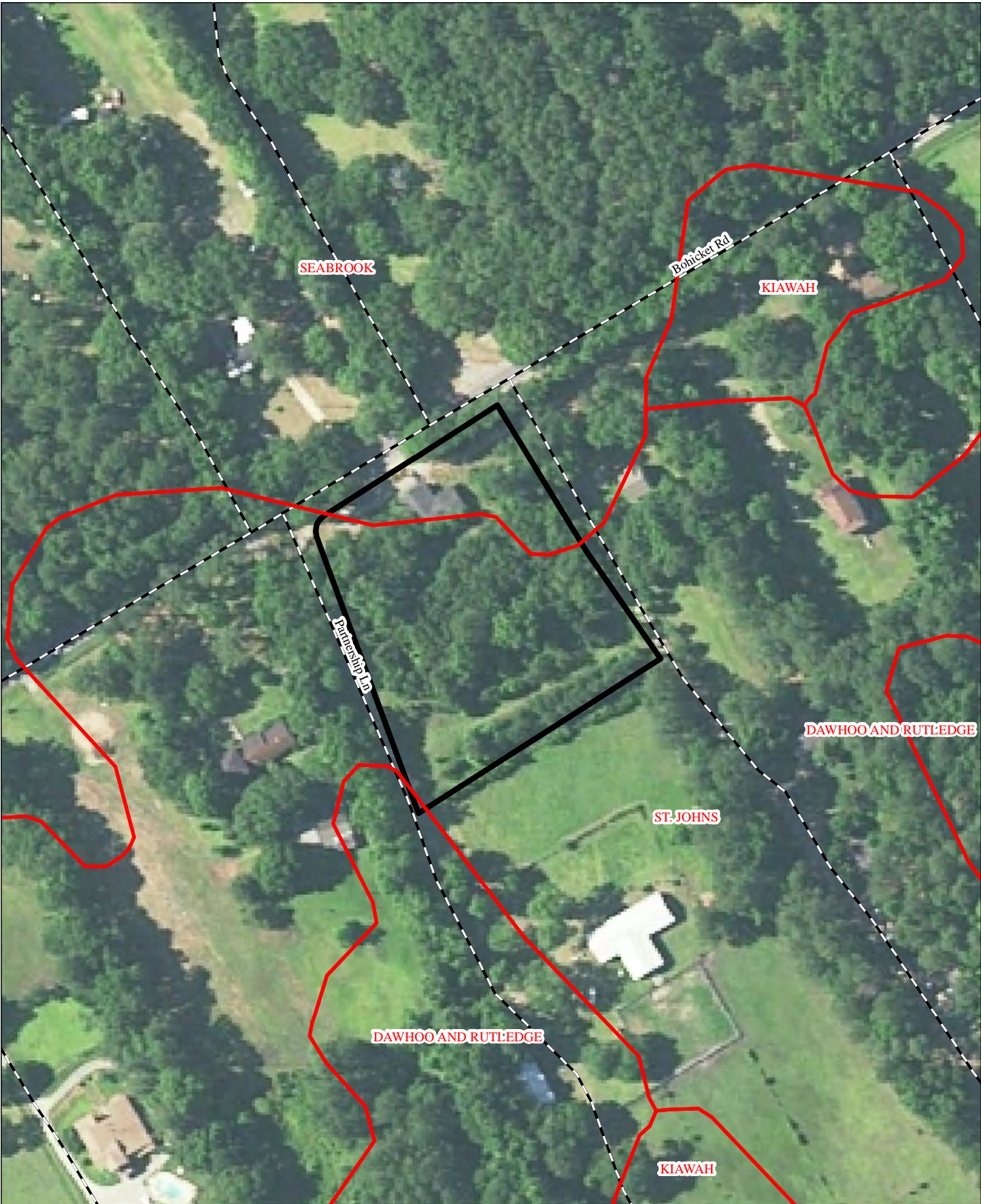
REVISED: 9/27/2016

NWI
BOHICKET RD TRACT
CHARLESTON COUNTY, SC

0 150 300
 ───────────────────┬──────────────────┬──────────────────
 Feet

LEGEND

 PROPERTY BOUNDARY: +/- 2.3 AC
 NWI
 ROADS



EXTERNAL SOURCES: NAIP 2015 TRUE COLOR AERIAL, U.S. CENSUS ROADS, CHARLESTON COUNTY GIS PARCEL, NRCS SOIL SURVEY

Created By: Stephen Bennett
 Date Created: September 26, 2016
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 mapping\soil\pack\soils.mxd

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REVISED: 9/27/2016

SOILS
BOHICKET RD TRACT
CHARLESTON COUNTY, SC

0 150 300
 Feet



LEGEND

	PROPERTY BOUNDARY: +/- 2.3 AC
	SOILS
	ROADS



DP UP 1

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: _____ City/County: _____ Sampling Date: _____
 Applicant/Owner: _____ State: _____ Sampling Point: _____
 Investigator(s): _____ Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR or MLRA): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No _____ Hydric Soil Present? Yes _____ No _____ Wetland Hydrology Present? Yes _____ No _____	Is the Sampled Area within a Wetland? Yes _____ No _____
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ___ Surface Water (A1) ___ Aquatic Fauna (B13) ___ High Water Table (A2) ___ Marl Deposits (B15) (LRR U) ___ Saturation (A3) ___ Hydrogen Sulfide Odor (C1) ___ Water Marks (B1) ___ Oxidized Rhizospheres along Living Roots (C3) ___ Sediment Deposits (B2) ___ Presence of Reduced Iron (C4) ___ Drift Deposits (B3) ___ Recent Iron Reduction in Tilled Soils (C6) ___ Algal Mat or Crust (B4) ___ Thin Muck Surface (C7) ___ Iron Deposits (B5) ___ Other (Explain in Remarks) ___ Inundation Visible on Aerial Imagery (B7) ___ Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> ___ Surface Soil Cracks (B6) ___ Sparsely Vegetated Concave Surface (B8) ___ Drainage Patterns (B10) ___ Moss Trim Lines (B16) ___ Dry-Season Water Table (C2) ___ Crayfish Burrows (C8) ___ Saturation Visible on Aerial Imagery (C9) ___ Geomorphic Position (D2) ___ Shallow Aquitard (D3) ___ FAC-Neutral Test (D5) ___ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes _____ No _____ Depth (inches): _____ Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

VEGETATION (Five Strata) – Use scientific names of plants.

Sampling Point: _____

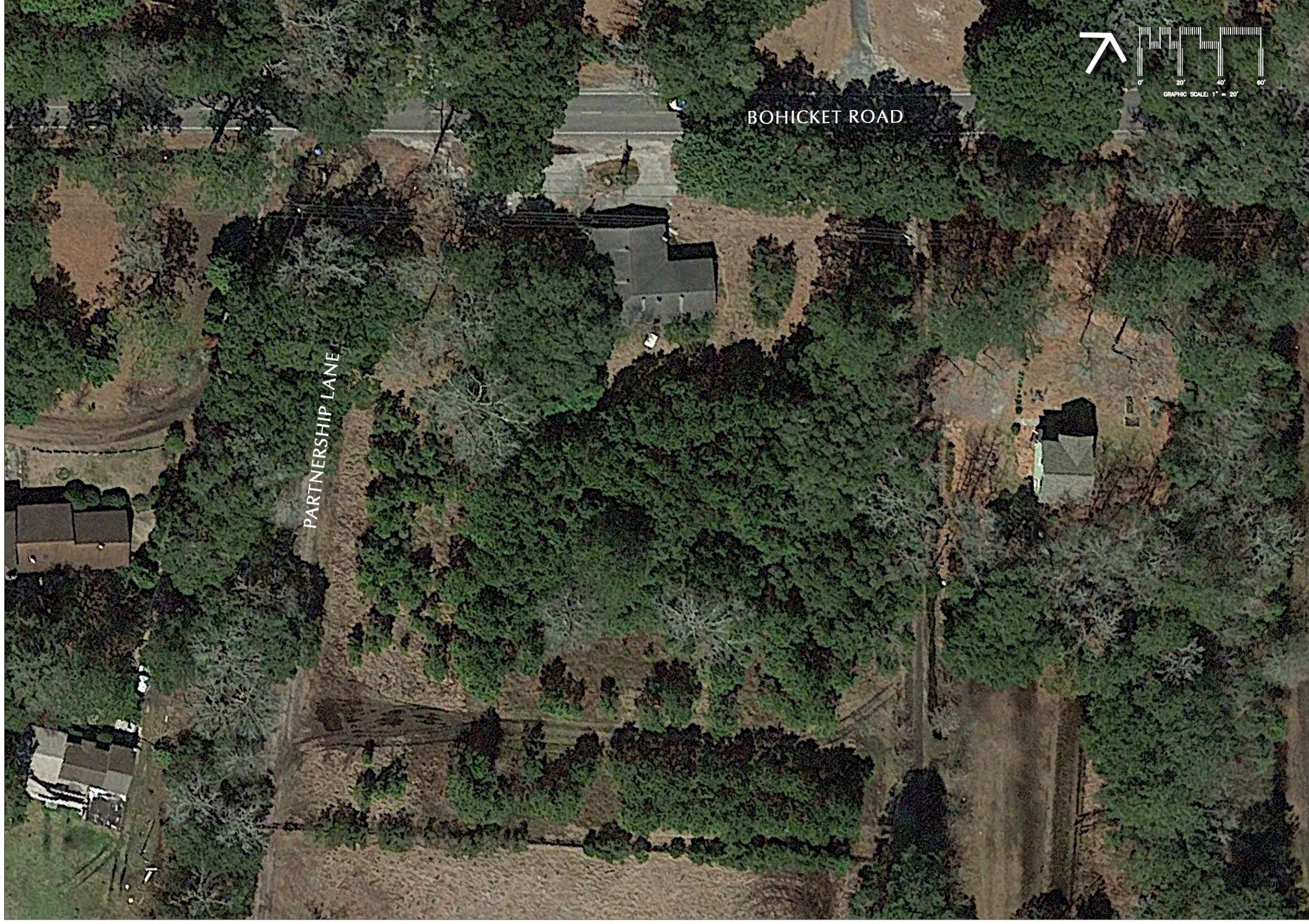
<u>Tree Stratum</u> (Plot size: _____)	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: _____ (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet: _____ Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
<u>Sapling Stratum</u> (Plot size: _____)				
1. _____	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% ___ 3 - Prevalence Index is $\leq 3.0^1$ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
<u>Shrub Stratum</u> (Plot size: _____)				
1. _____	_____	_____	_____	Definitions of Five Vegetation Strata: Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH). Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH. Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height. Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size, <u>and</u> woody plants, except woody vines, less than approximately 3 ft (1 m) in height. Woody vine – All woody vines, regardless of height.
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
<u>Herb Stratum</u> (Plot size: _____)				
1. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes _____ No _____
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
<u>Woody Vine Stratum</u> (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				
50% of total cover: _____ 20% of total cover: _____				
Remarks: (If observed, list morphological adaptations below).				

APPENDIX E

Conceptual PD Sketch Plans & Aerial Overlay

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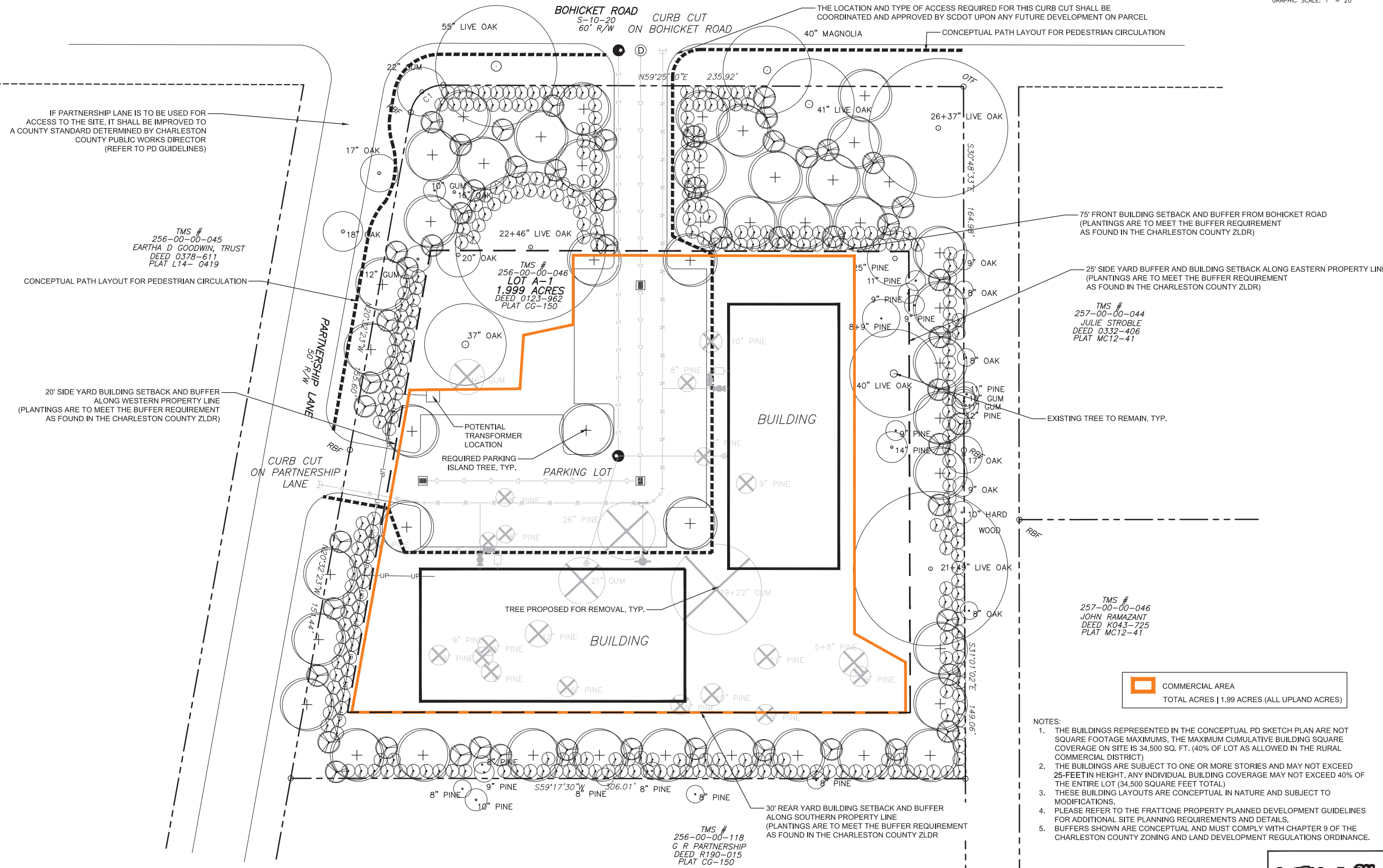
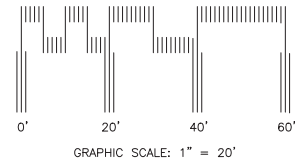
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AERIAL	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="font-size: 8px;">NO.</th> <th style="font-size: 8px;">DATE</th> <th style="font-size: 8px;">REVISION NOTES</th> <th style="font-size: 8px;">BY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">8.4.16</td> <td style="font-size: 8px;">PD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES</td> <td style="text-align: center;">MZC</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISION NOTES	BY	1	8.4.16	PD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES	MZC													<p style="font-size: 8px;">DRAWN BY: MZC CHECKED BY: GC</p> <p style="font-size: 8px;">PROJECT: 7260 DATE: 8/4/2016</p>		<p style="font-weight: bold; font-size: 12px;">THE FRATTONI PROPERTY PD SKETCH PLAN</p> <p style="font-size: 10px;">CHARLESTON COUNTY</p> <p style="font-size: 8px;">2779 BOHICKET ROAD ; JOHNS ISLAND, SC 29455</p>
NO.	DATE	REVISION NOTES	BY																					
1	8.4.16	PD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES	MZC																					
<p style="font-weight: bold; font-size: 10px;">SEAMON WHITESIDE</p>				<p style="font-size: 8px;">607 Pendleton Street, Suite 100 Greenville, SC 29601-3319 864.298.0534 (F) 864.298.8018</p>																				

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TMS # 256-00-00-045
EARTHA D GOODWIN, TRUST
DEED 0378-611
PLAT L14-0419

CONCEPTUAL PATH LAYOUT FOR PEDESTRIAN CIRCULATION

20' SIDE YARD BUILDING SETBACK AND BUFFER ALONG WESTERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

CURB CUT ON PARTNERSHIP LANE

POTENTIAL TRANSFORMER LOCATION
REQUIRED PARKING ISLAND TREE, TYP.

PARKING LOT

TREE PROPOSED FOR REMOVAL, TYP.

BUILDING

BUILDING

30' REAR YARD BUILDING SETBACK AND BUFFER ALONG SOUTHERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

TMS # 256-00-00-118
G R PARTNERSHIP
DEED R190-015
PLAT CG-150

THE LOCATION AND TYPE OF ACCESS REQUIRED FOR THIS CURB CUT SHALL BE COORDINATED AND APPROVED BY SCDOT UPON ANY FUTURE DEVELOPMENT ON PARCEL

CONCEPTUAL PATH LAYOUT FOR PEDESTRIAN CIRCULATION

75' FRONT BUILDING SETBACK AND BUFFER FROM BOHICKET ROAD (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

25' SIDE YARD BUFFER AND BUILDING SETBACK ALONG EASTERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

TMS # 257-00-00-044
JULIE STROBLE
DEED 0332-406
PLAT MC12-41

EXISTING TREE TO REMAIN, TYP.

TMS # 257-00-00-046
JOHN RAMAZANT
DEED K043-725
PLAT MC12-41

COMMERCIAL AREA
TOTAL ACRES | 1.99 ACRES (ALL UPLAND ACRES)

NOTES:

1. THE BUILDINGS REPRESENTED IN THE CONCEPTUAL PD SKETCH PLAN ARE NOT SQUARE FOOTAGE MAXIMUMS. THE MAXIMUM CUMULATIVE BUILDING SQUARE COVERAGE ON SITE IS 34,500 SQ. FT. (40% OF LOT AS ALLOWED IN THE RURAL COMMERCIAL DISTRICT)
2. THE BUILDINGS ARE SUBJECT TO ONE OR MORE STORIES AND MAY NOT EXCEED 25-FEET IN HEIGHT. ANY INDIVIDUAL BUILDING COVERAGE MAY NOT EXCEED 40% OF THE ENTIRE LOT (34,500 SQUARE FEET TOTAL)
3. THESE BUILDING LAYOUTS ARE CONCEPTUAL IN NATURE AND SUBJECT TO MODIFICATIONS.
4. PLEASE REFER TO THE FRATTONE PROPERTY PLANNED DEVELOPMENT GUIDELINES FOR ADDITIONAL SITE PLANNING REQUIREMENTS AND DETAILS.
5. BUFFERS SHOWN ARE CONCEPTUAL AND MUST COMPLY WITH CHAPTER 9 OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE.



THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO ANY MODIFICATION.

SW SEAMONWHITESIDE
607 Pendleton Street, Suite 100
Greenville, SC 29603-3319
864.298.0534 (T) 864.298.8218



THE FRATTONE PROPERTY
PD SKETCH PLAN
CHARLESTON COUNTY
2729 BOHICKET ROAD | JOHNS ISLAND, SC 29455

NOT FOR CONSTRUCTION

DRAWN BY: MZC
CHECKED BY: GC

PROJECT: 7260
DATE: 8/4/2016

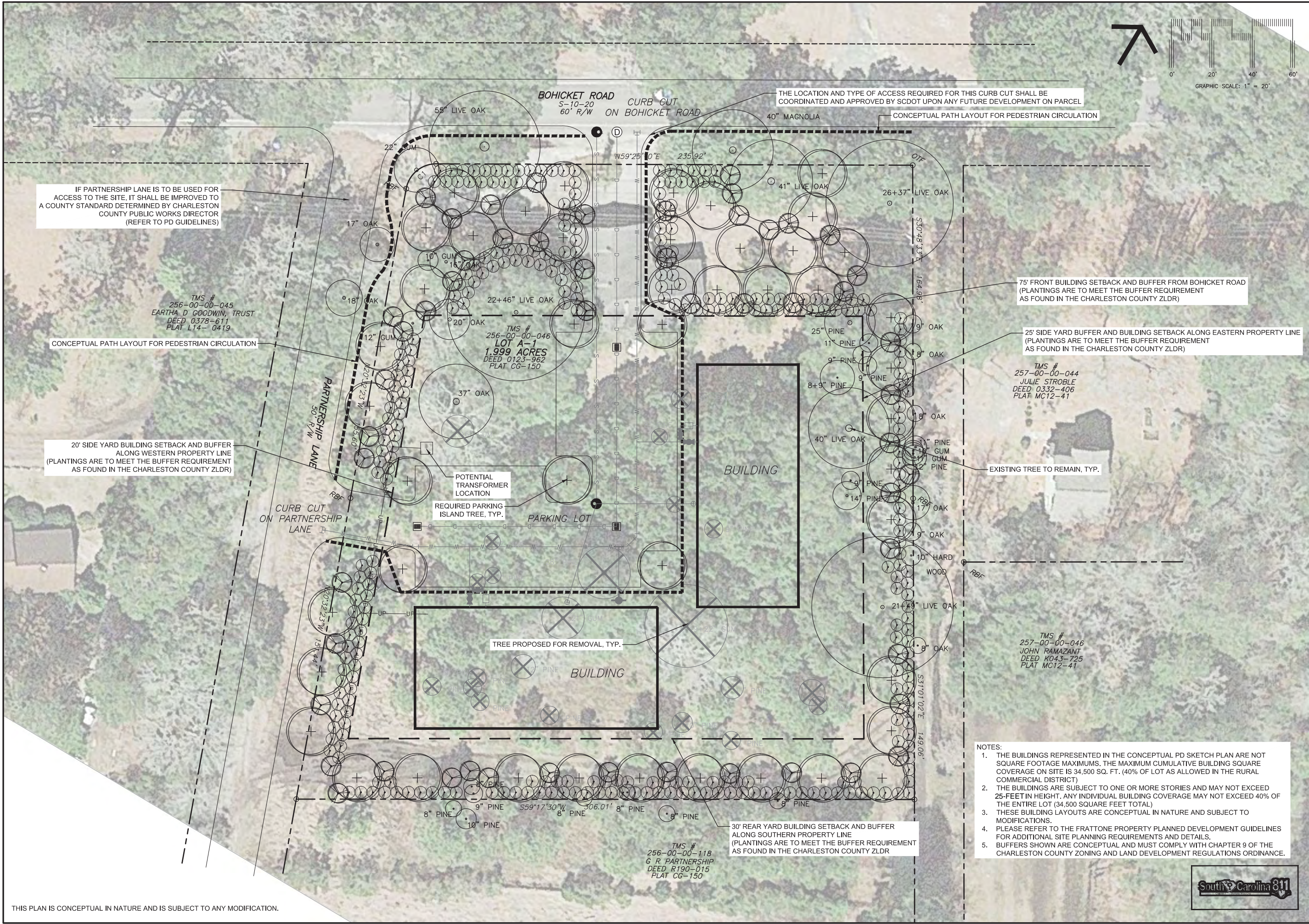
NO.	DATE	REVISION NOTES
1	12-29-16	PPD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES
2	4-21-17	PPD SKETCH PLAN SUBMITTAL WITH REV PD GUIDELINES

CONCEPTUAL PD SKETCH PLAN

L-1.0

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TMS # 256-00-00-045
EARTHA D GOODWIN, TRUST
DEED 0378-611
PLAT L14-0419

CONCEPTUAL PATH LAYOUT FOR PEDESTRIAN CIRCULATION

20' SIDE YARD BUILDING SETBACK AND BUFFER ALONG WESTERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

CURB CUT ON PARTNERSHIP LANE

POTENTIAL TRANSFORMER LOCATION

REQUIRED PARKING ISLAND TREE, TYP.

PARKING LOT

TREE PROPOSED FOR REMOVAL, TYP.

TMS # 256-00-00-118
G R PARTNERSHIP
DEED R190-015
PLAT CG-150

30' REAR YARD BUILDING SETBACK AND BUFFER ALONG SOUTHERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

THE LOCATION AND TYPE OF ACCESS REQUIRED FOR THIS CURB CUT SHALL BE COORDINATED AND APPROVED BY SCDOT UPON ANY FUTURE DEVELOPMENT ON PARCEL

CONCEPTUAL PATH LAYOUT FOR PEDESTRIAN CIRCULATION

75' FRONT BUILDING SETBACK AND BUFFER FROM BOHICKET ROAD (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

25' SIDE YARD BUFFER AND BUILDING SETBACK ALONG EASTERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

TMS # 257-00-00-044
JULIE STROBLE
DEED 0332-406
PLAT MC12-41

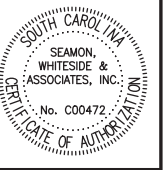
EXISTING TREE TO REMAIN, TYP.

TMS # 257-00-00-046
JOHN RAMAZANT
DEED K043-725
PLAT MC12-41

- NOTES:
1. THE BUILDINGS REPRESENTED IN THE CONCEPTUAL PD SKETCH PLAN ARE NOT SQUARE FOOTAGE MAXIMUMS. THE MAXIMUM CUMULATIVE BUILDING SQUARE COVERAGE ON SITE IS 34,500 SQ. FT. (40% OF LOT AS ALLOWED IN THE RURAL COMMERCIAL DISTRICT)
 2. THE BUILDINGS ARE SUBJECT TO ONE OR MORE STORIES AND MAY NOT EXCEED 25-FEET IN HEIGHT. ANY INDIVIDUAL BUILDING COVERAGE MAY NOT EXCEED 40% OF THE ENTIRE LOT (34,500 SQUARE FEET TOTAL)
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 4. PLEASE REFER TO THE FRATTONE PROPERTY PLANNED DEVELOPMENT GUIDELINES FOR ADDITIONAL SITE PLANNING REQUIREMENTS AND DETAILS.
 5. BUFFERS SHOWN ARE CONCEPTUAL AND MUST COMPLY WITH CHAPTER 9 OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE.



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THE FRATTONE PROPERTY
PD SKETCH PLAN
CHARLESTON COUNTY
2729 BOHICKET ROAD | JOHNS ISLAND, SC 29455

NOT FOR
CONSTRUCTION

DRAWN BY: MZC
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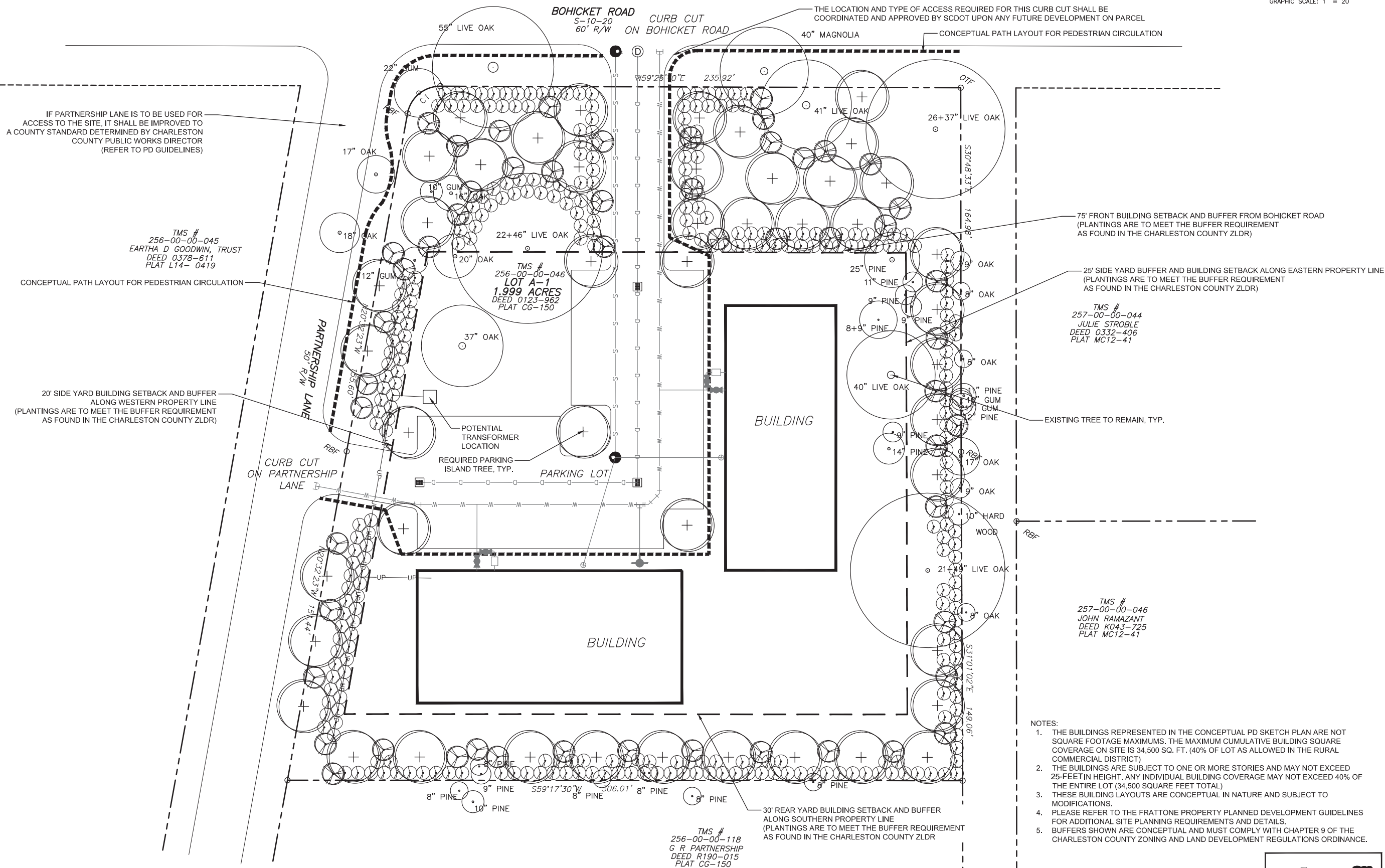
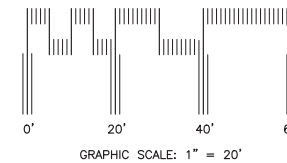
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DATE: 8/4/2016

NO.	DATE	REVISION NOTES
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2	4-21-17	PPD SKETCH PLAN SUBMITTAL WITH REV PD GUIDELINES

AERIAL
OVERLAY
PLAN

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NOTES:

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SW SEAMONWHITESIDE

607 Pendleton Street, Suite 100
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864.298.0534 (T) 864.298.8218

501 Wando Park Blvd., Suite 200
Mount Pleasant, SC 29464-7819
843.881.1667 (T) 843.881.6944



THE FRATTONE PROPERTY PD SKETCH PLAN

CHARLESTON COUNTY

2729 BOHICKET ROAD | JOHNS ISLAND, SC 29455

NOT FOR CONSTRUCTION

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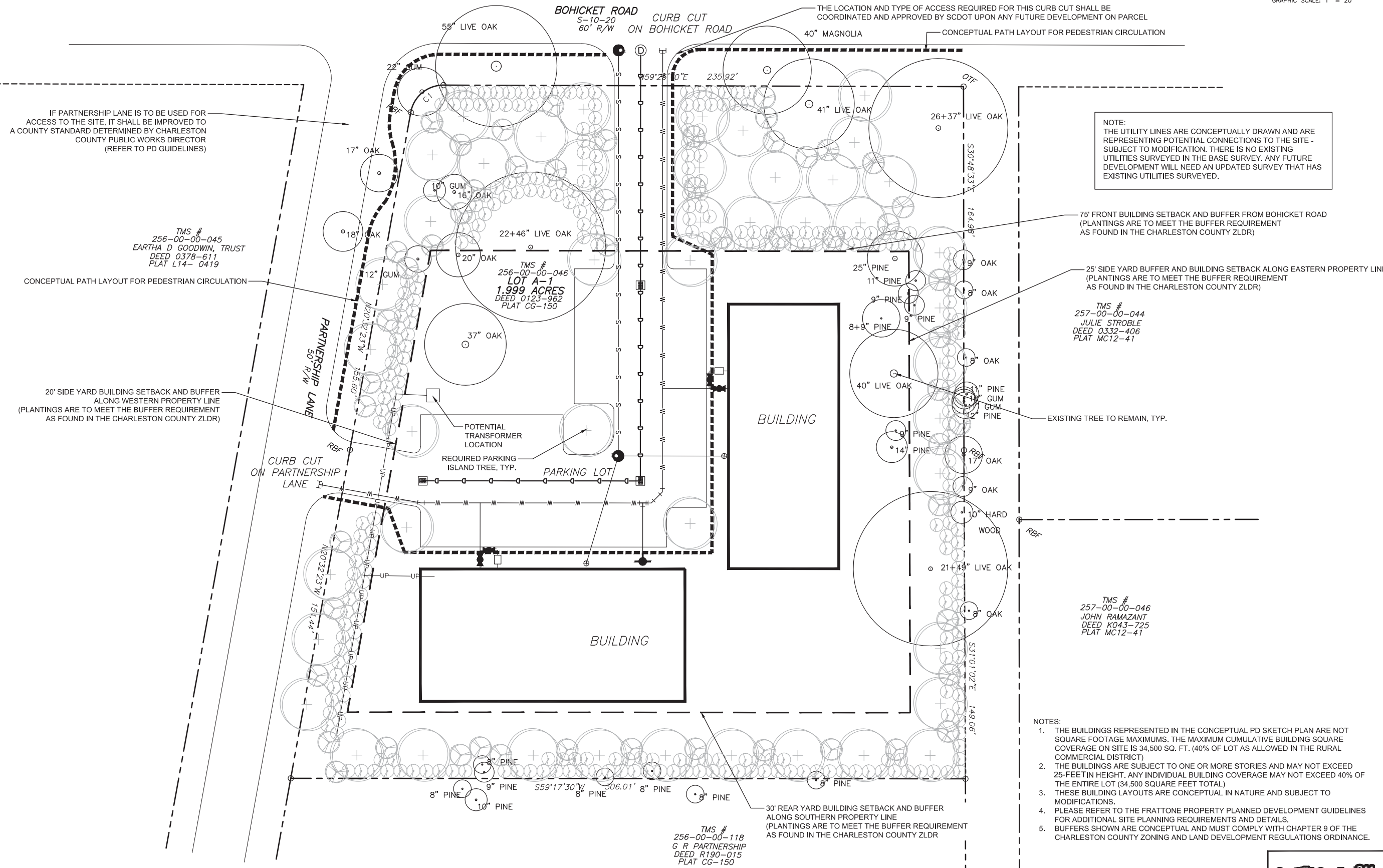
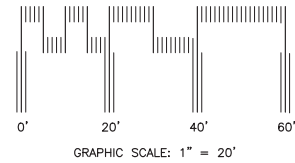
PROJECT: 7260
DATE: 8/4/2016

NO.	DATE	REVISION NOTES
1	12-29-16	PPD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES
2	4-21-17	PPD SKETCH PLAN SUBMITTAL WITH REV PD GUIDELINES

CONCEPTUAL LANDSCAPE PLAN

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NOTE:
THE UTILITY LINES ARE CONCEPTUALLY DRAWN AND ARE REPRESENTING POTENTIAL CONNECTIONS TO THE SITE - SUBJECT TO MODIFICATION. THERE IS NO EXISTING UTILITIES SURVEYED IN THE BASE SURVEY. ANY FUTURE DEVELOPMENT WILL NEED AN UPDATED SURVEY THAT HAS EXISTING UTILITIES SURVEYED.

75' FRONT BUILDING SETBACK AND BUFFER FROM BOHICKET ROAD (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

25' SIDE YARD BUFFER AND BUILDING SETBACK ALONG EASTERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

TMS #
257-00-00-044
JULIE STROBLE
DEED 0332-406
PLAT MC12-41

EXISTING TREE TO REMAIN, TYP.

TMS #
257-00-00-046
JOHN RAMAZANT
DEED K043-725
PLAT MC12-41

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 5. BUFFERS SHOWN ARE CONCEPTUAL AND MUST COMPLY WITH CHAPTER 9 OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE.

IF PARTNERSHIP LANE IS TO BE USED FOR ACCESS TO THE SITE, IT SHALL BE IMPROVED TO A COUNTY STANDARD DETERMINED BY CHARLESTON COUNTY PUBLIC WORKS DIRECTOR (REFER TO PD GUIDELINES)

TMS #
256-00-00-045
EARTHA D GOODWIN, TRUST
DEED 0378-611
PLAT L14-0419

CONCEPTUAL PATH LAYOUT FOR PEDESTRIAN CIRCULATION

20' SIDE YARD BUILDING SETBACK AND BUFFER ALONG WESTERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)

POTENTIAL TRANSFORMER LOCATION
REQUIRED PARKING ISLAND TREE, TYP.

TMS #
256-00-00-118
G R PARTNERSHIP
DEED R190-015
PLAT CG-150

30' REAR YARD BUILDING SETBACK AND BUFFER ALONG SOUTHERN PROPERTY LINE (PLANTINGS ARE TO MEET THE BUFFER REQUIREMENT AS FOUND IN THE CHARLESTON COUNTY ZLDR)



NOT FOR CONSTRUCTION

DRAWN BY: MZC
CHECKED BY: GC

PROJECT: 7260
DATE: 8/4/2016

NO.	DATE	REVISION NOTES
1	12-29-16	PPD SKETCH PLAN SUBMITTAL WITH PD GUIDELINES
2	4-21-17	PPD SKETCH PLAN SUBMITTAL WITH REV PD GUIDELINES

CONCEPTUAL UTILITY PLAN



APPENDIX F

Preliminary ITE Trip Generation Manual &
Curb Cut Legal Documentation



To: Michael Cain, SWA
 From: Jennifer T. Bihl, PE, PTOE
 Date: November 9, 2016
 Re: Trip Generation Calculation – The Frattone Property development

The Frattone Property parcel located on Johns Island, SC is proposed for rezoning. The trip generation presented in this memo is based on an estimated development plan for the purposes of determining the potential trip generation for the site. For the purposes of the memo, it was assumed that the proposed development will include 6,000 square feet (sf) of convenience store and 7,200 sf of office space based on discussions with the design team. It is expected that this trip generation would be updated at the time of site plan development based on the development plan being constructed. Furthermore, the updated trip generation would determine whether further study was warranted to identify any potential impacts that would need to be addressed.

The traffic generation potential of the proposed development was determined using trip generation rates published in Institute of Transportation Engineers (ITE) *Trip Generation* handbook (Institute of Transportation Engineers, Ninth Edition). Pass-by trips are those trips currently on the roadway network that enter and exit the development then resume their trip. The pass-by trips were calculated using ITE standards. Internal capture trips are trips that stay within the development and travel between development land uses. **Table 1** shows the projected trip generation for the site.

Land Use and Intensity	ITE Land Use Code	Gross Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
6,000 sf Convenience Market (Open 15-16 hours) ¹	852	2,919	186	93	93	207	101	106
7,200 sf Office	710	79	23	20	3	11	2	9
Internal Capture			0	0	0	-6	-3	-3
Driveway Trips			209	113	96	212	100	112
Pass-by Trips ²			-42	-22	-20	-104	-50	-54
New Trips			167	91	76	108	50	58

1. LU Code 852, Convenience Market (Open 15-16 hours), does not provide Weekday daily trip generation data, therefore LU Code 851, Convenience Market (Open 24 hours), was used to estimate the Weekday daily trip generation with adjustments due to the number of trips when open.
2. ITE does not provide pass-by rate information for LU Code 852 data for LU Code 851 was used for the PM peak hour. No AM pass-by rate was listed, however, based on projected operations during the AM peak hour, 20% pass-by was assumed.



As shown in **Table 1**, the planned development is projected to generate 167 new trips during the AM peak hour (91 entering and 76 exiting) and 108 new trips during the PM peak hour (50 entering and 58 exiting).

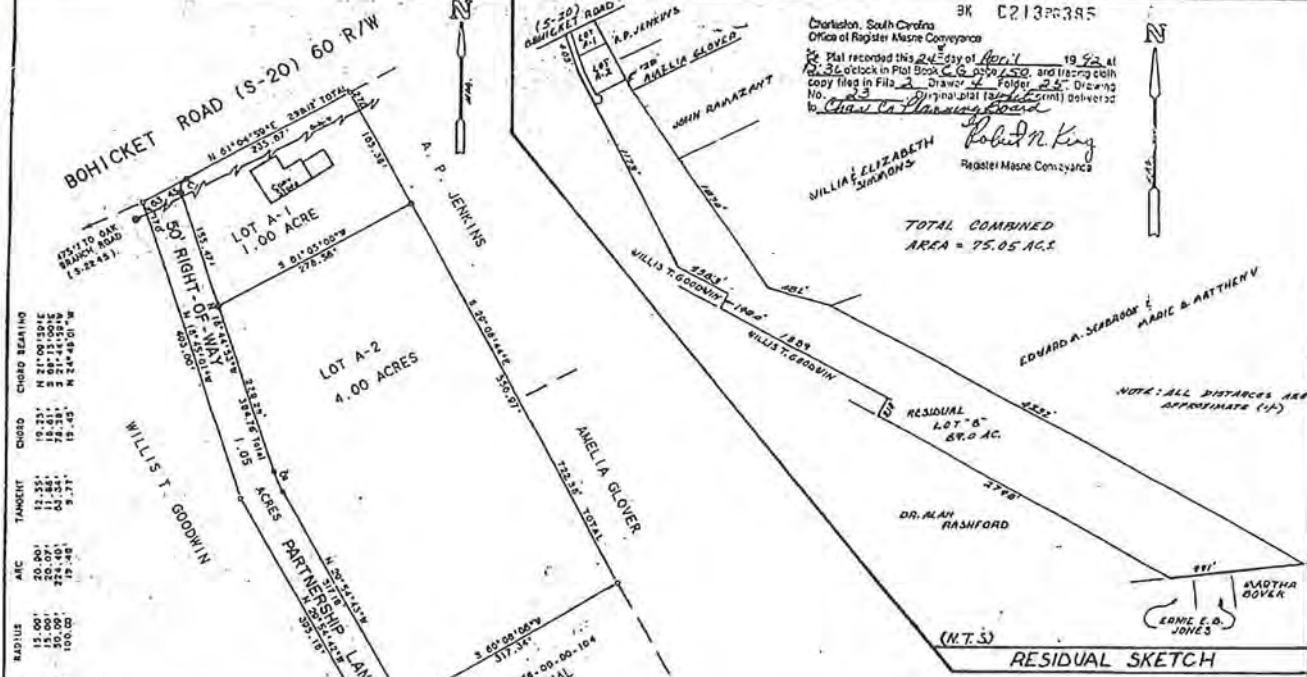
3K C2136385

Charleston, South Carolina
 Office of Register Mease Comptroller

This Plat recorded this 24th day of April 1992 at 10:52 AM in Book C.G. 256-00-046, and the original copy filed in File 2, Drawer 2, Folder 256-046-001, Drawing No. 256-046-001 (original) delivered to Charleston Planning Board.

Robert N. King
 Register Mease Comptroller

William F. Elizabeth
 Surveyor



CURVE BEARING	CHORD	TANGENT	ARC	RADIUS	CURVE DELTA ANGLES
N 21°00'15" E	19.35'	11.35'	20.00'	15.00'	78°50'00"
S 81°12'00" E	78.31'	41.31'	294.00'	20.00'	256°50'35"
S 24°48'01" W	19.45'	9.71'	19.45'	100.00'	118°08'30"

I hereby dedicate the 50' road right-of-way to the use of the property owners. The owners of these lots and their heirs or assigns guarantee its maintenance.

Allen A. Rashford

NOTE: TOTAL COMBINED AREA = 6.05 ACRES

THESE LOTS A-1 & A-2 MEET HEALTH DEPARTMENT STANDARDS FOR A MODIFIED CONVENTIONAL SUBSURFACE DISPOSAL SYSTEM ONLY.

APPROVED FINAL PLAT

James H. Moore
 CLERK CHARLESTON COUNTY COUNCIL

James H. Moore
 DIRECTOR OF PLANNING
 CHARLESTON COUNTY PLANNING BOARD

DATE: MARCH 17, 1992
 PB# 14565



PLAT TO SUBDIVIDE TRACT "A", LANDS OF E.R. PARTNERSHIP AND TO SHOW A 50' RIGHT-OF-WAY, LANDS OF DR. ALLAN RASHFORD

LOCATED JOHNS ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA
 DATE: JUNE 6, 1991
 REV. DEC. 17, 1991

LEGEND:
 ○ IRON OLD
 ● IRON NEW
 --- POWER POLE W/ OVERHEAD WIRES

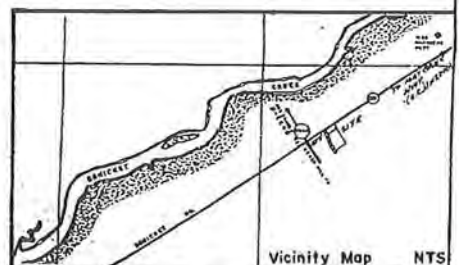
THE APPROVAL IN NO WAY obligates the County of Charleston to maintain this right-of-way until it has been constructed to County standards.

"I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Wisconsin Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class C survey as specified therein."

James H. Moore
 James H. Moore, S.L.S. No. 12281
 James H. Moore Engineering, Inc., P.O. Box 21017
 Charleston, S.C. 29417 375-5191



- NOTES:
- REFERENCE T.M.S. 256-00-00-046
 - REFERENCE DEED BOOK 3201, PAGE 583
 - REFERENCE PLAT BOOK DT, PAGE 52
 - AREA DETERMINED BY THE COORDINATE METHOD OF CALCULATION
 - THERE ARE NO SIGNIFICANT TILES 24" DIA OR GREATER IN R/W.



APPENDIX G

Historical & Architectural Survey



Legend Search Layers

SC ArchSite Public Web Map

Zip Code, city, etc.

Hybrid

Legend

National Register Points

- ▲

National Register Polygons

- ▭

Historic Structures

- Not Eligible or Requires Evaluation
- ▲ Eligible

Historic Areas

- ▭ Not Eligible or Requires Evaluation
- ▭ Significant Resource/Requires Evaluation

Contact Us

SCIAA
1321 Pendleton Street
Columbia, SC 29208
Attn: Tamara Wilson

ArchSite Office: 803-777-9720
Direct Line: 803-576-6583
Fax: 803-254-1338

Email the ArchSite administrator

SC ArchSite
© 2004 – 2015
Maintained by the **South Carolina Institute of Archaeology and Anthropology**

APPENDIX H
Letters of Coordination

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

June 7, 2016

Kellie Tillman
Seamon Whiteside
501 Wando Park Blvd., Ste. 200
Mt. Pleasant, SC 29464

Re: Service Availability for Telephone

To: Kellie Tillman

This is to confirm that AT&T will be able to provide telephone service to the property of and around Charleston County Tax Map #256-00-00-046 in the Johns Island area. The property will be for the rezoning located Bohicket Rd and Partnership Ln intersection. Service is contingent upon our receiving detailed plans of the development with utility easements granted, proper lead-time to install these services (16 months), and the correct 911 street addresses. One 10'x10' easements would have to be provided to AT&T for equipment (if needed). This tract of land would be served with fiber cable to provide TV, Internet, and phone services. The placement of the fiber cable would be at no cost to the land owner. The cost of the 30" insert boxes would be at owners' expense (if apartments). Plans should be submitted to Alan Squires (tel.# 843-522-4067) at the following address 3246 Fortune Drive North Charleston, SC 29418-3422 or email to js0590@att.com
CAD files need to be sent in 04 version. Build time is about 12 to 14 months in most cases for orders to flow in all systems.

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

Sincerely,

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

Alan Squires
Designer-AT&T



**Berkeley Electric
Cooperative, Inc.**

Your Touchstone Energy Cooperative 

June 6, 2016

Seamon Whiteside & Associates
C/o: Kellie Tillman
501 Wando Park Blvd., Suite 200
Mount Pleasant, SC 29464

**Re: Power Availability for 2729 Bohicket Road, Johns Island
Charleston County, SC
TMS 256-00-00-046**

Dear Kellie:

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

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

Sincerely,

John Hall
Manager of Construction and Design

JH/ts

Cc: Tim Mobley, V.P. of Engineering and Operations
Kevin Varner, Supervisor of Distribution Design
Jace Johnston, Johns Island District Service Planner
File

Berkeley Electric Cooperative, Inc. is an equal opportunity provider and employer.

Post Office Box 1234
Moncks Corner, SC 29461
(843) 761-8200
Fax (843) 572-1280

Post Office Box 128
Johns Island, SC 29457
(843) 559-2458
Fax (843) 559-3876

Post Office Box 1549
Goose Creek, SC 29445
(843) 553-5020
Fax (843) 553-6761

Post Office Box 340
Awendaw, SC 29429
(843) 884-7525
Fax (843) 884-3044

www.berkeleyelectric.coop



RE: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Jeff Burns

to:

Anna S Lewis

12/19/2016 03:17 PM

Cc:

"cmillican@charlestoncounty.org"

Hide Details

From: Jeff Burns <jburns@ridecarta.com>

To: Anna S Lewis <alewis@seamonwhiteside.com>,

Cc: "cmillican@charlestoncounty.org" <cmillican@charlestoncounty.org>

Anna,

Thank you for the opportunity to coordinate public infrastructure with new development. The site is currently served by the rural transit system – Tri-County Link. Based on the proposed use, it is not necessary to provide any transit-specific infrastructure. For general circulation and to meet the ADA requirements, it is encouraged that an accessible path be constructed from the ROW to the buildings and sidewalk be provided along the property frontage.

Thank you again for the opportunity to review plans for the Frattone Property. Please feel free to contact me with any questions.

Sincerely,

Jeff

Jeffrey Burns, AICP

Senior Planner

Berkeley-Charleston-Dorchester Council of Governments

BCDCOG

1362 McMillan Ave., Suite 100

North Charleston, SC 29405

843.529.2128

www.bdcog.com

www.ridecarta.com

From: Anna S Lewis [<mailto:alewis@seamonwhiteside.com>]

Sent: Monday, December 19, 2016 11:00 AM

To: Jeff Burns

Cc: cmillican@charlestoncounty.org

Subject: RE: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Good morning Jeff,

You can click on the link below to download the DRAFT PD that outlines the proposed uses. I do not know if the DOT or County will require a deceleration lane, sidewalk or curbing at this time.

Please let me know if this answers your questions or if you need anything else.

<https://swasc.sharefile.com/d-sf5cbee187714351b>

Have a great day!



Anna Lewis
Entitlements Manager
 501 Wando Park Boulevard, Suite 200
 Mount Pleasant, South Carolina 29464
 (843) 884-1667 x 247
ALewis@SeamonWhiteside.com
www.seamonwhiteside.com

▼ Jeff Burns ---12/19/2016 10:49:40 AM---Hi Anna, Could you outline the proposed uses of the buildings real quick? Do you anticipate SCDOT o

From: Jeff Burns <jburns@ridecarta.com>
 To: Anna S Lewis <alewis@seamonwhiteside.com>, "cmillican@charlestoncounty.org" <cmillican@charlestoncounty.org>,
 Date: 12/19/2016 10:49 AM
 Subject: RE: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Hi Anna,
 Could you outline the proposed uses of the buildings real quick? Do you anticipate SCDOT or the County requiring a deceleration lane, sidewalk, or curbing?

Thanks,
 Jeff

Jeffrey Burns, AICP
 Senior Planner
 Berkeley-Charleston-Dorchester Council of Governments
 BCDCOG
 1362 McMillan Ave., Suite 100
 North Charleston, SC 29405
 843.529.2128
www.bdcog.com
www.ridecarta.com

From: Anna S Lewis [<mailto:alewis@seamonwhiteside.com>]
Sent: Sunday, December 18, 2016 12:11 PM
To: c.kelly@stjfd.org; cmillican@charlestoncounty.org; Jeff Burns; Matthew J. Fountain; EAdams@charlestoncounty.org; SThigpen@charlestoncounty.org
Subject: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Good afternoon,

I will be submitting to Charleston County to amend the PD for the above-referenced project and as part of the PD Guidelines, Charleston County Planning has requested that we obtain a Proof of Coordination letter from you.

I have attached a copy of the proposed sketch plan for this site for your use. Please let me know if you need any additional information. Our deadline to submit is December 30, 2016, but if you can provide your proof of coordination letter to me by 12/21/16, it would be greatly appreciated!

Thanks for your assistance and have a great week! Merry Christmas!

(See attached file: L-1.0 PD Sketch Plan.pdf)



Anna Lewis
Entitlements Manager
501 Wando Park Boulevard, Suite 200
Mount Pleasant, South Carolina 29464
(843) 884-1667 x 247
ALewis@SeamonWhiteside.com
www.seamonwhiteside.com



RE: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Matthew J. Fountain

to:

'Anna S Lewis'

12/21/2016 03:03 PM

Cc:

Andrea Harris-Long

Hide Details

From: "Matthew J. Fountain" <MFountain@charlestoncounty.org>

To: "'Anna S Lewis'" <alewis@seamonwhiteside.com>,

Cc: Andrea Harris-Long <AHarris@charlestoncounty.org>

History: This message has been replied to.

Ms. Lewis,

This email acknowledges that you have notified Charleston County Public Works regarding your intent to amend a PD at TMS 256-00-00-046. The Public Works Department is prepared to review your plans. Please continue to submit documentation directly to the County Zoning and Planning Department other than specific encroachment permit applications for County right-of-way and drainage easements. These encroachment applications should be copied to the Public Works Department to the attention of Mr. Herbert Nimz at the address in my signature below.

Matthew Fountain, PE, PG

Engineering Manager

Charleston County Public Works

4045 Bridge View Drive, Suite A301

N. Charleston, SC 29405

Office: 843.202.7600

Fax: 843.202.7601

From: Anna S Lewis [<mailto:alewis@seamonwhiteside.com>]

Sent: Sunday, December 18, 2016 12:11 PM

To: c.kelly@stjfd.org; Charles L. Millican; Jeff Burns; Matthew J. Fountain; Ellen Adams; Steve L. Thigpen

Subject: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Good afternoon,

I will be submitting to Charleston County to amend the PD for the above-referenced project and as part of the PD Guidelines, Charleston County Planning has requested that we obtain a Proof of Coordination letter from you.

I have attached a copy of the proposed sketch plan for this site for your use. Please let me know if you need any additional information. Our deadline to submit is December 30, 2016, but if you can provide your proof of coordination letter to me by 12/21/16, it would be greatly appreciated!

Thanks for your assistance and have a great week! Merry Christmas!

(See attached file: L-1.0 PD Sketch Plan.pdf)



Anna Lewis

Entitlements Manager

501 Wando Park Boulevard, Suite 200

Mount Pleasant, South Carolina 29464

(843) 884-1667 x 247

ALewis@SeamonWhiteside.com

www.seamonwhiteside.com



James R. Neal
Director

Public Works Department

November 14, 2016

843.202.7600
Fax 843.202.7601
jneal@charlestoncounty.org
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive, Suite A301
North Charleston, SC 29405-7464

Mr. Michael Z. Cain
Seamon, Whiteside & Associates, Inc.
501 Wando Park Boulevard, Suite 200
Mount Pleasant, SC 29464

RE: FRATTONE PROPERTY PD ; TMS No. 256-00-00-046

Dear Mr. Cain,

We have reviewed the draft Frattone Property Planned Development Guidelines, dated November 10, 2016, for a convenience/general store, fuel service islands, manager's office and on-site eating area located at 2729 Bohicket Road. At present, this letter represents sufficient coordination with the Public Works Stormwater Division in order to continue the revised planned development rezoning process for the property.

The proposed development being located at 2729 Bohicket Road will be permissible provided the project is in compliance with Charleston County Stormwater Program Permitting Standards and Procedures Manual. Additional review, coordination, and approval by the Public Works Department will be required during the County Stormwater Permitting review and permitting process.

Sincerely,

Frank Pandullo, P.E., PWLF

Stormwater Utility Manager & Technical Manager

cc: Charleston County Planning Department (Andrea Harris-Long, AICP)
Charleston County Public Works Department (Frank Pandullo P.E., PWLF)
File



American Public Works Association

www.charlestoncounty.org



RE: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

Eric Adams

to:

Andrea Harris-Long

12/21/2016 10:20 AM

Cc:

"Anna S Lewis", "James D. Armstrong", "Steve L. Thigpen", Devri Detoma, Andrea Pietras

Hide Details

From: Eric Adams <EJAdams@charlestoncounty.org> Sort List...

To: Andrea Harris-Long <AHarris@charlestoncounty.org>,

Cc: "Anna S Lewis" <alewis@seamonwhiteside.com>, "James D. Armstrong"

<JDArmstrong@charlestoncounty.org>, "Steve L. Thigpen"

<SThigpen@charlestoncounty.org>, Devri Detoma <DDetoma@charlestoncounty.org>,

Andrea Pietras <APietras@charlestoncounty.org>

History: This message has been forwarded.

1 Attachment



Signed Ordinance 08192016.pdf

Andrea,

County Council approved the attached ordinance to impose a one-half of one percent sales tax which was subject to a referendum which passed in November. A project included within the ordinance of regional significance is "US 17 at Main Road flyover and widening Main Road from Bees Ferry to Betsey Kerrison with Parkway type section at Bohicket".

A solicitation is being prepared to hire a consultant to begin the National Environmental Policy Act (NEPA) process for the project.

Thank you,

Eric Adams, P.E.

Pre-Construction Program Manager

Charleston County Transportation Development

4045 Bridge View Drive, Suite C204

North Charleston, SC 29405-7464

(843) 202-6149

From: Anna S Lewis [<mailto:alewis@seamonwhiteside.com>]

Sent: Tuesday, December 20, 2016 6:03 PM

To: James D. Armstrong

Cc: Eric Adams

Subject: Re: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

We are submitting to Charleston County Planning to rezone this property from the current PD to a new PD with some additional uses. Andrea Harris Long from Planning stated we needed to have a Proof of Coordination letter from both Charleston County Public Works (Matt Fountain) and Charleston County Transportation (Steve Thigpen) as well as SCDOT.

You can click on the link below to download the DRAFT PD that outlines the proposed uses. I have also attached SCDOT's Proof of Coordination letter for your use.

AN ORDINANCE

TO LEVY AND IMPOSE A ONE-HALF (1/2) OF ONE PERCENT SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN CHARLESTON COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ENACTED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Recitals and Legislative Findings. As an incident to the enactment of this Ordinance, the County Council of Charleston County, South Carolina (the "County Council") has made the following findings:

1.1 The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (the "Act"), pursuant to which the county governing body may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.

1.2 Pursuant to the terms of Section 4-37-10 of the Code of Laws of South Carolina 1976, as amended, the South Carolina General Assembly has authorized county government to finance the costs of highways, roads, streets, bridges and other transportation related projects either alone or in partnership with other governmental entities. As a means to furthering the powers granted to the County under the provisions of Section 4-9-30 and Sections 6-21-10, *et seq.* of the Code of Laws of South Carolina 1976 as amended, the County Council is authorized to form a transportation authority or to enter into a partnership, consortium, or other contractual arrangement with one or more other governmental entities pursuant to Title 4, Chapter 37 of the Code of Laws of the South Carolina 1976, as amended. The County Council has decided to provide funding for highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects, *inter alia*, without the complexity of a transportation authority or entering into a partnership, consortium, or other contractual arrangements with one or more other

governmental entities at this time; provided that nothing herein shall preclude County Council from entering into partnerships, consortiums, or other contractual arrangements in the future. County Council may utilize such provisions in the future as necessary or convenient to promote the public purposes served by funding highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects as provided in this Ordinance.

1.3 The County Council finds that a one-half of one percent sales and use tax should be levied and imposed within Charleston County, for the following projects and purpose:

- (i) For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Charleston County or jointly operated by the County and other governmental entities.
- (ii) For financing the costs of greenbelts.

(the above herein referred to as the “projects”).

For a period not to exceed 25 years from the date of imposition of such tax, to fund the projects at a maximum cost not to exceed \$2,100,000,000 to be funded from the net proceeds of a sales and use tax imposed in Charleston County pursuant to provisions of the Act, subject to approval of the qualified electors of Charleston County in referendum to be held on November 8, 2016. The imposition of the sales and use tax and the use of sales and use tax revenue, if approved in the referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of sales and use tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, sales and use tax revenues shall be used for the costs of the projects established in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the projects. All spending shall be subject to an annual independent audit to be made available to the public.

1.4 County Council finds that the imposition of a sales and use tax in Charleston County for the projects and purposes defined in this Ordinance for a limited time not to exceed 25 years to collect a limited amount of money will serve a public purpose, provide funding for highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects as provided in this Ordinance to facilitate economic development, promote public safety, provide needed infrastructure, promote desirable living conditions, enhance the quality of life in Charleston County, and promote public health and safety in the event of fire, emergency, panic, and other dangers, and prepare Charleston County to meet present and future needs of Charleston County and its citizens.

Section 2. Approval of Sales and Use Tax Subject to Referendum.

2.1 A sales and use tax (the “Sales and Use Tax”), as authorized by the Act, is hereby imposed in Charleston County, South Carolina, subject to a favorable vote of a majority of the qualified electors voting in a referendum on the imposition of the tax to be held in Charleston County, South Carolina on November 8, 2016.

2.2 The Sales and Use Tax shall be imposed for a period not to exceed 25 years from the date of imposition.

2.3 The maximum cost of the projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of \$2,100,000,000, and the maximum amount of net proceeds to be raised by the tax shall not exceed \$2,100,000,000, which includes administrative costs and debt service on bonds issued to pay for the projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the projects and to be paid by a portion of the Sales and Use Tax is \$200,000,000.

2.4 The Sales and Use Tax shall be expended for the costs of the following projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such projects, for the following purposes:

- (i) For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Charleston County or jointly operated by the County and other governmental entities, which may include, but not limited to:

Projects of regional significance: Airport Area Roads Improvements, Dorchester Road Widening, Michaux Parkway to County line, US 17 at Main Road flyover and widening Main Road from Bees Ferry to Betsy Kerrison with Parkway type section at Bohicket

Projects of local significance: Annual Allocation continuation: Resurfacing, Bike/Pedestrian Facilities, Local Paving and Intersection Improvements, Glenn McConnell Parkway Widening, James Island Intersection and Pedestrian Improvements, Northside Drive Realignment at Ashley Phosphate Road, Rural Road Improvements, Savannah Highway/Ashley River Bridges/Crosstown Congestion Infrastructure Improvements, Savannah Highway Capacity and Intersection Improvements, SC 41 Improvements / US 17 to Wando Bridge, US 78 Improvements from US 52 to County line

The amount of the maximum total funds to be collected which shall be expended for these projects and purposes shall be no more than \$1,890,000,000;

(ii) For financing the costs of greenbelts. The amount of the maximum total funds to be collected which shall be expended for these projects and purposes shall be no more than \$210,000,000.

2.5 If the Sales and Use Tax is approved by a majority of the qualified electors voting in a referendum to be held in Charleston County on November 8, 2016, the tax is to be imposed on the first day of May, 2017, provided the Board of Elections and Voter Registration of Charleston County shall certify the results not later than November 30, 2016, to Charleston County Council and the South Carolina Department of Revenue. Included in the certification must be the maximum cost of the projects to be funded in whole or in part from the proceeds of the tax, the maximum time specified for the imposition of the tax, and the principal amount of initial authorization of bonds, if any, to be supported by a portion of the tax.

2.6 The Sales and Use Tax, if approved in the referendum conducted on November 8, 2016 shall terminate on the earlier of:

- (1) on April 30, 2042; or
- (2) the end of the calendar month during which the Department of Revenue determines that the tax has raised revenues sufficient to provide the greater of either the costs of the projects as approved in the referendum or the cost to amortize all debts related to the approved projects.

2.7 Amounts of Sales and Use Tax collected in excess of the required proceeds must first be applied, if necessary, to complete each project for which the tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of Charleston County on transportation infrastructure debts only.

2.8 The Sales and Use Tax must be administered and collected by the South Carolina Department of Revenue in the same manner that other sales and use taxes are collected. The Department may prescribe amounts that may be added to the sales price because of the tax.

2.9 The Sales and Use Tax is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended, and the enforcement provisions of Chapter 54 of Title 12 of the Code of Laws of South Carolina 1976, as amended. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended, are exempt from the tax imposed by this Ordinance. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture Food Stamps are exempt from the tax imposed by this Ordinance. The tax imposed by this Ordinance also applies to tangible property subject to the use tax in Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended.

2.10 Taxpayers required to remit taxes under Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended, must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

2.11 Utilities are required to report sales in the county in which the consumption of the tangible personal property occurs.

2.12 A taxpayer subject to the tax imposed by Section 12-36-920 of the Code of Laws of South Carolina 1976, as amended, who owns or manages rental units in more than one county must report separately in his sales tax return the total gross proceeds from business done in each county.

2.13 The gross proceeds of sales of tangible personal property delivered after the imposition date of the Sales and Use Tax, either under the terms of a construction contract executed before the imposition date, or written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this ordinance if a verified copy of the contract is filed with Department of Revenue within six months after the imposition date of the sales and use tax provided for in this Ordinance.

2.14 Notwithstanding the imposition date of the Sales and Use Tax with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this ordinance is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Section 3. Remission of Sales and Use Tax; Segregation of Funds; Administration of Funds; Distribution to Counties: Confidentially.

3.1 The revenues of the Sales and Use Tax collected under this Ordinance must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of such revenues, the State Treasurer shall distribute the revenues quarterly to the Charleston County Treasurer and the revenues must be used only for the purposes stated herein. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these distributions must be made in the same fiscal year as the misallocation. However, allocations made as a result of city or county code errors must be corrected prospectively.

3.2 (a) Any outside agencies, political subdivisions or organizations designated to receive funding from the Sales and Use Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales and Use Tax and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(b) County Council shall adopt annually and prior to the beginning of fiscal year a budget for expenditures of Sales and Use Tax revenues. County Council may make supplemental appropriations for the Sales and Use Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales and Use Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(c) Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales and Use Tax must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

3.3 The Department of Revenue shall furnish data to the State Treasurer and to the Charleston County Treasurer for the purpose of calculating distributions and estimating revenues. The information which must be supplied to the County upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of S.C. Code Ann. Section 12-54-240. Any person violating the provisions of this section shall be subject to the penalties provided in S.C. Code Ann. Section 12-54-240.

Section 4. Sales and Use Tax Referendum; Ballot Question.

4.1 The Board of Elections and Voter Registration of Charleston County shall conduct a referendum on the question of imposing the Sales and Use Tax in the area of Charleston County on Tuesday, November 8, 2016, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, mutatis mutandis. The Board of Elections and Voter Registration of Charleston County shall publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and purposes as set forth herein, and the cost of projects, and shall publish such election and other notices as are required by law.

4.2 The referendum question to be on the ballot of the referendum to be held in Charleston County on November 8, 2016, must read substantially as follows:

CHARLESTON COUNTY SPECIAL SALES AND USE TAX

QUESTION 1

I approve a special sales and use tax in the amount of one-half ($\frac{1}{2}$) of one percent to be imposed in Charleston County for not more than twenty-five (25) years, or until a total of \$2,100,000,000

in resulting revenue has been collected, whichever occurs first. The sales tax proceeds will be used to fund the following projects:

Project (1) For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Charleston County or jointly operated by the County and other governmental entities. \$1,890,000,000.

Project (2) For financing the costs of greenbelts. \$210,000,000.

YES _____
NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote "YES;" and

All qualified electors opposed to levying the special sales and use tax shall vote "NO."

QUESTION 2

I approve the issuance of not exceeding \$200,000,000 of general obligation bonds of Charleston County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed twenty-five (25) years, to fund completion of projects from among the categories described in Question 1 above.

YES _____
NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "YES;" and

All qualified electors opposed to the issuance of bonds for the stated purposes shall vote "NO."

4.3 In the referendum on the imposition of a special sales and use tax in Charleston County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote "yes" and all qualified electors opposed to levying the tax shall vote "no". If a majority of the electors voting in the referendum shall vote in favor of imposing the tax, then the tax is imposed as provided in the Act and this Ordinance. Expenses of the referendum must be paid by Charleston County government.

4.4 In the referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purpose shall vote "yes" and all qualified electors

opposed to the issuance of bonds shall vote “no”. If a majority of the electors voting in the referendum shall vote in favor of the issuance of bonds, then the issuance of bonds shall be authorized in accordance with S.C. Constitution Article X, Section 14, Paragraph (6). Expenses of the referendum must be paid by Charleston County government.

Section 5. Imposition of Tax Subject to Referendum.

The imposition of the Sales and Use Tax in Charleston County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in a referendum on the question of imposing a sales and use tax in the area of Charleston County in a referendum to be conducted by the Board of Elections and Voter Registration of Charleston County on November 8, 2016, and the favorable vote of a majority of the qualified electors voting in such referendum shall be a condition precedent to the imposition of a sales and use tax pursuant to the provisions of this Ordinance.

Section 6. Miscellaneous.

6.1 If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever; provided, however, that the Sales and Use Tax may not be imposed without the favorable results of the referendum to be held on November 8, 2016.

6.2 This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in this State.

6.3 The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this ordinance.

6.4 This Ordinance shall take effect immediately upon approval following third reading.

6.5 All previous ordinances regarding the same subject matter as this Ordinance are hereby repealed.

Enacted this 9th day of August, 2016.



CHARLESTON COUNTY, SOUTH CAROLINA

J. Elliott Summey
By: J. Elliott Summey

Its: Chairman of Charleston County Council

ATTEST:

K. Walisburg
Clerk of Charleston County Council
Charleston County, South Carolina

First Reading: 7/19/16

Public Hearing: 7/21/16

Second Reading: 7/27/16

Third Reading: 8/9/16

August 2, 2016

Kellie Tillman
Construction Administration Coordinator - Seamon Whiteside
501 Wando Park Blvd.
Mt. Pleasant, SC 29464
(843) 884-1667

Operations

RE: 2729 Bohicket Road Johns Island, SC 29455

Gerrita Postlewait
Superintendent of Schools

Dear Ms. Tillman,

Jeff Borowy, P.E.
Chief Operating Officer

Please accept this letter as "Proof of Coordination" for the 2.0 acre development located at 2729 Bohicket Road on Johns Island in Charleston County (TMS #: 256-00-00-046).

Sean Hughes
Director of Operational Planning

To determine an estimation of additional students any development will create, the following formula is used: on an average of .4 students per single-family unit and .2 students per multi family unit which is then divided by the number of kindergarten through twelve grade levels (which is a total of 13 levels) to get a grade level average. That average is multiplied by the number of grade levels per school level and rounded to the nearest whole number.

The locations you supplied will involve three (3) different school zones. The expected impacts to enrollments are as follows:

- Elementary School, 1 student
- Middle School, 1 student
- High School, 1 student

We are supplying you the names of the schools that fall within the attendance area where your development will take place. These are subject to change. The information is as follows:

Elementary School: Angel Oak Elementary School
Middle School: Haut Gap Middle School
High School: St. Johns High School

Please contact me if there are additional questions or needs.

Sincerely,

Sean

Sean C. Hughes, LEED AP
Director of Operational Planning
Operations
Charleston County School District
Phone: (843) 566-8190

Office of the Sheriff



County of Charleston

Sheriff J. Al Cannon, Jr.

August 2, 2016

Seamon, Whiteside and Associates, Inc.
Attn: Kellie Tillman
501 Wando Park Blvd.
Suite 200
Mt. Pleasant, SC 29464

Re: Letter of Coordination

Ms. Tillman,

The Charleston County Sheriff's Office acknowledges your intention to develop property located in the area of 2729 Bohicket Road, Johns Island, South Carolina. This location is currently under the jurisdiction of this agency.

Please understand that *all* law enforcement matters will need to be reported to this agency. This can be accomplished by calling the **Charleston County Consolidated Dispatch Center** at **843-743-7200** or dial **911 for emergencies**. Additional information can be accessed on our agency website at www.ccsso.charlestoncounty.org

If there are any additional questions, feel free to contact this office via telephone or by email.

Regards,

Lt. Rita Zelinsky
Off Duty Coordinator
Charleston County Sheriff's Office

Administrative Office

3691 Leeds Avenue
N. Charleston, SC 29405
~ Sheriff ~
Voice (843) 554-2230
Fax (843) 554-2243

Law Enforcement Division

3691 Leeds Avenue
N. Charleston, SC 29405
~ Patrol ~
Voice (843) 202-1700
Fax (843) 554-2234

Al Cannon Detention Center

3841 Leeds Avenue
N. Charleston, SC 29405
Voice (843) 529-7300
Fax (843) 529-7406

Judicial Center

100 Broad Street, Suite 381
Charleston, SC 29401
Voice (843) 958-2100
Fax (843) 958-2128



PO Box B
Charleston, SC 29402
103 St. Philip Street (29403)

(843) 727-6800
www.charlestonwater.com

Board of Commissioners
Thomas B. Pritchard, Chairman
David E. Rivers, Vice Chairman
William E. Koopman, Jr., Commissioner
Mayor John J. Tecklenburg (Ex-Officio)
Councilmember Perry K. Waring (Ex-Officio)

Officers
Kin Hill, P.E., Chief Executive Officer
Dorothy Harrison, Chief Administrative Officer
Wesley Ropp, CMA, Chief Financial Officer
Andy Fairey, Chief Operating Officer
Mark Cline, P.E., Capital Projects Officer

6/8/2016

Ms. Kellie Tillman
Seamon, Whiteside & Associates, Inc.
501 Wando Park Boulevard, Ste 200
Mount Pleasant, SC 29464

Re: Sewer Non-Availability to TMS #256-00-00-046 to serve one industrial unit

Dear Ms. Tillman,

This letter is to certify our inability to provide wastewater collection service to the above referenced site in Charleston County, South Carolina. The above referenced parcel is not within the Urban Growth Boundary of Charleston Water System.

Please contact St. John's Water Company with water service issues. Please contact Charleston County with sewer service issues.

This letter is not to be construed as a letter of acceptance for operation and maintenance from the Department of Health and Environmental Control.

If there are any questions pertaining to this letter, please do not hesitate to call on me at (843) 727-6870.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Boyle".

Cheryl L. Boyle
Engineering Assistant
Charleston Water System

cc: file



Emergency Medical Services

CHARLES MILLICAN
Deputy Chief

843.202.6702
Fax: 843.202.6712
cmillican@charlestoncounty.org
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive, Suite B309
North Charleston, SC 29405-7464

December 22, 2016

Ms. Anna Lewis, Entitlements Manager
Seamon, Whiteside & Associates, Inc.
501 Wando Park Boulevard, Suite 200
Mount Pleasant, SC 29464

RE: FRATTONE PROPERTY PD; TMS No. 256-00-00-046

Dear Ms. Lewis,

A review has been completed of the draft Frattone Property Planned Development Guidelines, dated December 19, 2016; and the Frattone Property PD Sketch Plan, dated August 4, 2016, for a convenience/general store, fuel service islands, manager's office and on-site eating area located at 2729 Bohicket Road.

The Charleston County Emergency Medical Services (EMS) Department acknowledges your intention to develop the above referenced property. Charleston County EMS is the advanced life support paramedic first response and transport agency for this location – and all medical and trauma related incidents will need to be reported to this agency. This can be accomplished through the Charleston County Consolidated Dispatch Center by dialing 911.

During your scheduled Site Plan Review with Charleston County Planning Staff – EMS staff will attend in order to participate in any further review and coordination of the development design.

Sincerely,

Deputy Chief C. Millican



RE: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter
Fleming, Juleigh B.
to:
Anna S Lewis
12/20/2016 01:14 PM
Cc:
"Grooms, Robert W."
Hide Details
From: "Fleming, Juleigh B." <FlemingJB@scdot.org>
To: Anna S Lewis <alewis@seamonwhiteside.com>,
Cc: "Grooms, Robert W." <GroomsRW@scdot.org>
History: This message has been replied to.

1 Attachment



L-1.0 PD Sketch Plan.pdf

Good afternoon Anna!

Thank you for the early coordination concerning the subject proposed development.

After reviewing the attached drawings our office has no objection to the proposed project. We do have concerns with the placement of the driveway on Bohicket Road as it does not meet spacing requirements outlined in our Access and Roadside Management Standards manual. Since the property has access to Partnership Lane, we recommend that the development have it's access there rather than on Bohicket Road.

This email does not constituent encroachment approval. Final approval is issued through our online EPPS system.

Please let me know if you have any questions.

Thank you!

JuLeigh B Fleming
District Permit Engineer



6355 Fain Street
North Charleston, SC 29406

Desk: 843-746-6722

From: Anna S Lewis [<mailto:alewis@seamonwhiteside.com>]
Sent: Sunday, December 18, 2016 11:51 AM
To: Fleming, Juleigh B.
Subject: The Frattone Property PD (TMS 256-00-00-046) - Proof of Coordination Letter

ST. JOHN'S FIRE DISTRICT

COMMISSIONERS:
JOHN CONNOLLY, Chair
THOMAS KULICK, Vice-Chair
H. ALBERT THOMPSON
LEROY BLAKE
JOHN OLSON
SAMUEL BROWNLEE
ERIC P. BRITTON

P.O. BOX 56
1148 Main Road
JOHNS ISLAND, S.C. 29455
PHONE: (843) 559-9194
FAX: (843) 737-0058



COLLEEN WALZ, Fire Chief

December 21, 2016

Anna Lewis
Seamon Whiteside
501 Wando Park Blvd, Suite 200
Mt. Pleasant, SC 29464

Re: Letter of Coordination

Ms. Lewis,

The St. John's Fire District is in receipt of your request and acknowledges you will be submitting to amend the planned development zoning classification for 2729 Bohicket Rd, SC 29455.

This "Letter of Coordination" signifies that the property is located within the jurisdictional limits of St. Johns Fire District and will be able to provide fire protection for the property.

The St. John's Fire District utilizes the 2015 International Codes and applicable National Fire Protection Association (NFPA) codes as indicated by laws and standards recognized by the Office of the State Fire Marshal and Charleston County to ensure the safety of businesses and events located in the St. John's Fire District. This "Letter of Coordination" does not remove the requirements of the International Codes as amended and adopted by the State of South Carolina. All construction documents will be submitted and approved prior to construction on the site.

Please contact me directly at 843-864-4384 or at c.kelly@stjfd.org with any further questions. Please notify me immediately of any changes to the submitted plans or change to the rain plan.

Regards,

Captain Chad A. Kelly
Fire Marshal Division
St. Johns Fire District
843-864-4384

ST. JOHN'S WATER COMPANY, INC.
"This institution is an equal opportunity employer and provider"
Post Office Box 629
John's Island, South Carolina 29457-0629
Phone (843) 559-0186
Fax (843) 559-0371

Board Members
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Thomas Legare, Jr., Vice Chair
Robert M. Lee, Sec/Treas
Cheryl Glover
Isaac Robinson
Becky J. Dennis
Cindy M. Floyd
Tommy West
Richard Thomas

June 6, 2016

Ms. Kellie Tillman
Seamon Whiteside
501 Wando Park Blvd., Suite 200
Mt. Pleasant, SC 29464

Re: TMS number 256-00-00-046 at 2729 Bohicket Road
Water Availability and Willingness to Serve Letter
Proof of Coordination

Dear Ms. Tillman:

This letter is to confirm that TMS number 256-00-00-046 at 2729 Bohicket Road on Johns Island is within the water service area of the St. John's Water Company, Inc. (SJWC). SJWC does have water available from an existing 16-inch water line located on Bohicket Road for water service to TMS number 256-00-00-046 at 2729 Bohicket Road. The water line on Bohicket Road is within 50-feet of the property line for TMS number 256-00-00-046 at 2729 Bohicket Road. Our system is SC DHEC approved and we have the capacity and willingness to provide potable water service to TMS number 256-00-00-046 at 2729 Bohicket Road.

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

Sincerely,



Colleen Schild
Assistant Manager/Engineer

APPENDIX I

Examples of Building Architecture



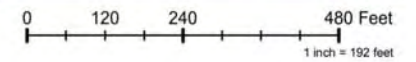
EXISTING CONDITIONS ON SITE - ABANDONED BUILDING, OVERGROWN VEGETATION, ETC.



ARCHITECTURAL INSPIRATIONS



Charleston County SC



FUTURE LAND USE ZONING

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Author: Charleston County SC
Date: 8/4/2016



ARCHITECTURAL INSPIRATIONS



ARCHITECTURAL INSPIRATIONS



APPENDIX J

Charleston County ZLDR Chapters 4, 6, 8, 9, and 12

CHAPTER 4 | BASE ZONING DISTRICTS

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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.

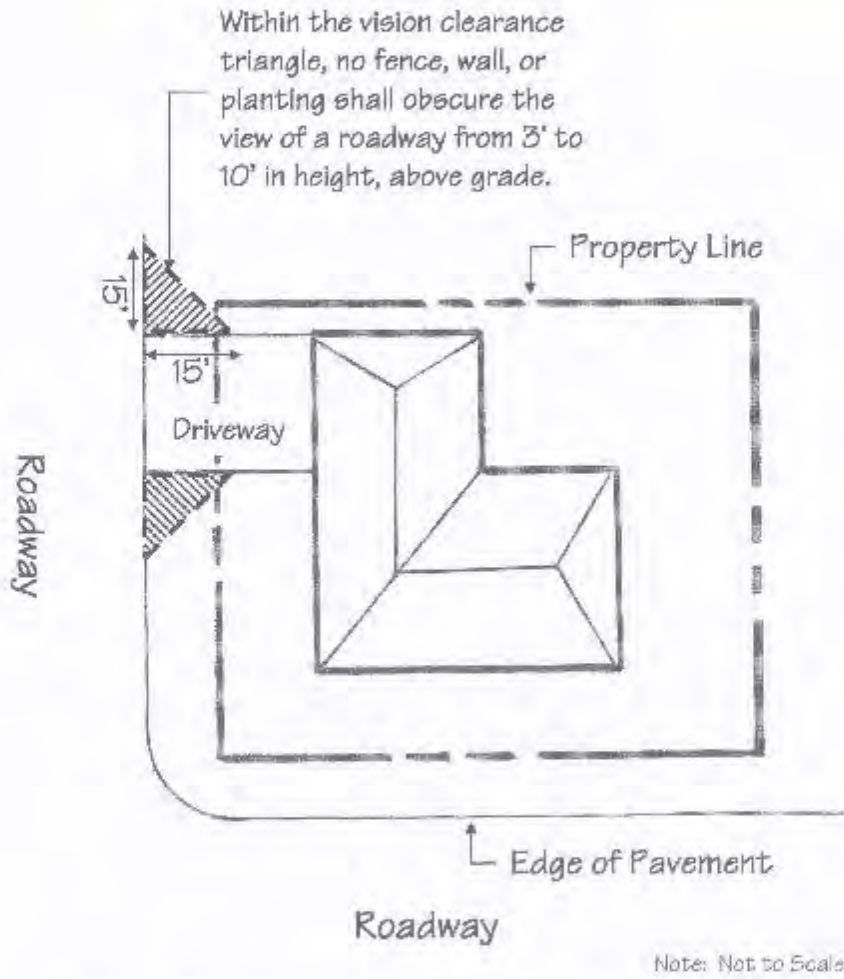


FIGURE 4.1 - VISION CLEARANCE TRIANGLE
Illustration for Section 4.2.3

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.

ARTICLE 4.3 RM, RESOURCE MANAGEMENT DISTRICT

§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:

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

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

§4.3.4 OTHER REGULATIONS

Development in the RM district shall comply with all other applicable regulations of this ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 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
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§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:

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

B. Development Along Critical Line

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

§4.4.4 OTHER REGULATIONS

Development in the AG-15 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 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.

ARTICLE 4.5 AG-10, AGRICULTURAL PRESERVATION DISTRICT
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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:

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

§4.5.4 OTHER REGULATIONS

Development in the AG-10 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 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:

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

§4.6.4 OTHER REGULATIONS

Development in the AG-8 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 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:

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

§4.7.4 OTHER REGULATIONS

Development in the AGR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.22 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:

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

§4.8.4 OTHER REGULATIONS

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

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

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

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

§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.

ARTICLE 4.10 R-4, SINGLE FAMILY RESIDENTIAL 4 DISTRICT

§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:

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

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

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

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

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

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

§4.15.4 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).

ARTICLE 4.16 OG, GENERAL OFFICE DISTRICT

§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:

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

§4.16.4 OTHER REGULATIONS

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

ARTICLE 4.17 CN, NEIGHBORHOOD COMMERCIAL DISTRICT

§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:

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

§4.17.4 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

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

§4.18.4 SIGNS

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

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

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

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

§4.18.5 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).

ARTICLE 4.19 CR, RURAL COMMERCIAL DISTRICT

§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:

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

§4.19.4 OTHER REGULATIONS

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

ARTICLE 4.20 CC, COMMUNITY COMMERCIAL DISTRICT

§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:

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

§4.20.4 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).

ARTICLE 4.21 I, INDUSTRIAL DISTRICT

§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:

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

§4.21.4 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
Minimum Buffers/Setbacks (ft)								
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.

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

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

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.

CHAPTER 6 | USE REGULATIONS

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CHAPTER 6 | USE REGULATIONS

ARTICLE 6.1 USE TABLE

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

ARTICLE 6.2 DEFINITIONS

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

ARTICLE 6.3 USE TYPES

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

§6.3.1 A USES ALLOWED BY RIGHT

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

§6.3.2 C USES SUBJECT TO CONDITIONS

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

§6.3.3 S SPECIAL EXCEPTION USES

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

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

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

§6.3.4 **USES NOT ALLOWED**

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

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

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

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

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

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

TABLE 6.1-1	ZONING DISTRICTS																		Condition	
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC		I
MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS																				
Historical Sites (Open to the Public)	C	C	C	C	C	C	C	A	A	A	A		A	A	A	A	A	A	A	§ 6.4.27
Libraries or Archives		A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	
Museums					A	A	A	A	A	A	A		A	A	A	A	A	A	A	
Nature Exhibition	C	C	C	C	C												S	A		§ 6.4.10
Botanical Gardens	A	A	A	A	A												S	A		
Zoos			S	S	S												S	S		
POSTAL SERVICE																				
Postal Service, United States	C	C	C	C	C	C	C	C	C	C	C	C		A	A	A	A	A	A	§ 6.4.28
RECREATION AND ENTERTAINMENT																				
Community Recreation, including Recreation Centers	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Fishing or Hunting Guide Service (Commercial)	A	A	A	A	A								A	A	A	A	A	A	A	
Fishing or Hunting Lodge (Commercial)	A	A	A	A												A				
Golf Courses or Country Clubs			C	C	C	C	C	C			C									§ 6.4.50
Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C		C		§ 6.4.11
Recreation and Entertainment, Indoor, including Billiard Parlors, Bowling Centers, Ice or Roller Skating Rinks, Indoor Shooting Ranges, Theaters, or Video Arcades																	A	C	A	§ 6.4.30
Recreation and Entertainment, Outdoor, including Amusement Parks, Fairgrounds, Miniature Golf Courses, Race or Go-Cart Tracks, or Sports Arenas			C	C												C		C	C	§ 6.4.11
Drive-In Theaters																C		C	A	§ 6.4.6 § 6.4.11
Golf Driving Ranges			S	S	S	S	S													§ 6.4.11
Outdoor Shooting Ranges	C	C	C	C																§ 6.4.11
Recreation or Vacation Camps	C	C	C	C	C															§ 6.4.11
Special Events (Commercial & Industrial)															C	C	C	C	C	Art. 6.7
Special Events (Residential & Agricultural)	S	S	S	S	S	S														Art. 6.7
RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS																				
Business, Professional, Labor, or Political Organizations													A	A	A	A	A	A	A	
Social or Civic Organizations, including Youth Organizations, Sororities, or Fraternities			S	S	S	S	S	S	S	S	S		S	S	A	A	A	A	A	
Religious Assembly	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.13
Social Club or Lodge			S	S	S	S	S	S	S	S	S		S	S	A	A	A	A		

TABLE 6.1-1	ZONING DISTRICTS																			Condition
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC	I	
UTILITIES AND WASTE-RELATED USES																				
Utility Service, Major	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§6.4.21 §6.4.17
Electric or Gas Power Generation Facilities	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§6.4.21 §6.4.17
Utility Substation	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Electrical or Telephone Switching Facility	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Sewage Collector or Trunk Lines	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Sewage Disposal Facilities	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.17
Utility Pumping Station	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Water Mains	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Water or Sewage Treatment Facilities	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Water Storage Tank	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	§ 6.4.21
Utility Service, Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	A	§ 6.4.31
Electric or Gas Power Distribution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	A	§ 6.4.31
Sewage Collection Service Line	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	A	§ 6.4.31
Water Service Line	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	A	§ 6.4.31
Waste-Related Uses																				S
Hazardous Waste Treatment or Disposal																				S
Nonhazardous Waste Treatment or Disposal																				S
Septic Tank Installation, Cleaning, or Related Services																		S	S	
Solid Waste Combustors or Incinerators, including Cogeneration Plants																				S
Solid Waste Disposal Facility (Public or Private)	C																		C	§ 6.4.51
Waste Collection Services																				S
Waste Transfer Facilities																				S
COMMERCIAL																				
ACCOMMODATIONS																				
Bed and Breakfast Inns	C	C	C	C	C	C	S	S	A	A	S		C	C	C	C	C	C		§ 6.4.4
Hotels or Motels														S	A	A		A	A	
Rooming or Boarding Houses									A	A				S	A	A	A	A		
RV (Recreational Vehicle) Parks or Campgrounds	S	S	S	S	S															§ 6.4.12
ANIMAL SERVICES																				
Kennel	A	A	A	A	C	C	S											S		§ 6.4.54
Pet Stores or Grooming Salons																	C	S	A	§ 6.4.32

TABLE 6.1-1	ZONING DISTRICTS																	Condition		
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT		CC	I
Small Animal Boarding (enclosed building)	A	A	A	A	C	C	C									C	S	A	A	§ 6.4.32
Veterinary Services	A	A	A	A	S	S								C	C	C	A	A	A	§ 6.4.32
FINANCIAL SERVICES																				
Banks													C	C	C	C		A	A	§ 6.4.33
Financial Services													C	C	C	C		A	A	§ 6.4.33
Short-term Lenders																		C	C	§ 6.4.61
FOOD SERVICES AND DRINKING PLACES																				
Bar or Lounge (Alcoholic Beverages), including Taverns, Brewbars, Cocktail Lounges, or Member Exclusive Bars or Lounges															S	S	S	S	S	§6.4.15
Catering Service		S	S	S	S	S	S	S	S	S	S		C	C	C	C	A	A	A	§ 6.4.34
Restaurant, Fast Food , including Snack or Nonalcoholic Beverage Bars															C	C	C	C	C	§ 6.4.15
Restaurant, General , including Cafeterias, Diners, Delicatessens, or Full-Service Restaurants														C	C	C	C	C	C	§ 6.4.15
Sexually Oriented Business																			C	§ 6.4.18
INFORMATION INDUSTRIES																				
Communication Services , including Radio or Television Broadcasting Studios, News Syndicates, Film or Sound Recording Studios, Telecommunication Service Centers, or Telegraph Service Offices															S	S	S	S	A	A
Communications Towers	C	C	C	C										C	C	C		C	C	§ 6.4.5
Data Processing Services														A	A	A	A	A	A	
Publishing Industries , including Newspaper, Periodical, Book, Database, or Software Publishers														A	A	A	A	A	A	
OFFICES																				
Administrative or Business Office , including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services													C	C	C	C	A	A	A	§ 6.4.35
Government Office													C	C	C	C	A	A	A	§ 6.4.35
Professional Office , including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services													C	C	C	C	A	A	A	§ 6.4.35

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

TABLE 6.1-1	ZONING DISTRICTS																		Condition			
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC		I		
Consumer Goods Rental Service , including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items																C	C	A	A		§ 6.4.38	
Heavy Duty Truck or Commercial Vehicle Rental or Leasing																			A	A		
Self-Service Storage / Mini Warehouses																	C		A	A		§ 6.4.16
Vehicle Rental or Leasing , including Automobiles, Light or Medium Duty Trucks, Motorcycles, Moving Vans, Utility Trailers, or Recreational Vehicles																	A		A	A		
REPAIR AND MAINTENANCE SERVICES																						
Boat Yard		C	C	C	C	S													C	C		§ 6.4.39 Art. 5.3
Repair Service, Consumer , including Appliance, Shoe, Watch, Furniture, Jewelry, or Musical Instrument Repair Shops																C	C		A	A		§ 6.4.40
Repair Service, Commercial , including Electric Motor Repair, Scientific or Professional Instrument Repair, Tool Repair, Heavy Duty Truck or Machinery Servicing and Repair, Tire Retreading or Recapping, or Welding Shops																	S	S	A	A		
Vehicle Repair, Consumer , including Muffler Shops, Auto Repair Garages, Tire or Brake Shops, or Body or Fender Shops																	S	C	A	A		§ 6.4.22
Vehicle Service, Limited , including Automotive Oil Change or Lubrication Shops, or Car Washes																C	C	C	A	A		§ 6.4.22
RETAIL SALES																						
Nonstore Retailers																			A	A		
Direct Selling Establishments																			A	A		
Electronic Shopping or Mail-Order Houses																			A	A		
Fuel (except liquefied petroleum gas) Dealers, including Heating Oil Dealers																				A		
Liquefied Petroleum Gas (Bottled Gas) Dealers																			A	A		§ 6.4.41
Vending Machine Operators																			A	A		

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

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

TABLE 6.1-1	ZONING DISTRICTS																		Condition	
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC		I
WHOLESALE SALES																				
Aircraft Wholesalers, including Related Parts																			A	A
Beverage or Related Products Wholesalers, including Alcoholic Beverages																			A	A
Book, Periodical, or Newspaper Wholesalers																			A	A
Chemical Wholesalers (except Pharmaceutical Products, Fertilizers, or Pesticides)																			A	A
Clay or Related Products Wholesalers																S			A	A
Computers or Electronic Products Wholesalers																			A	A
Construction Material Wholesalers, including Brick, Cement, Concrete, Lumber, Millwork, Plywood, Shell, Stone, Wood Panel or other Related Materials																S			A	A
Electrical Equipment, Appliances or Components Wholesalers																			A	A
Fabric or Apparel Wholesalers																			A	A
Farm Supplies or Equipment Wholesalers																			A	A
Flower, Nursery Stock or Florists Supplies Wholesalers	A	A	A	A												S			A	A
Food or Related Products Wholesalers																			A	A
Furniture, Cabinets, or Related Products Wholesalers																			A	A
Glass or Related Products Wholesalers																			A	A
Leather Products Wholesalers																			A	A
Machinery, Tools, or Construction Equipment Wholesalers																			A	A
Manufactured Home (Mobile Home) or other Prefabricated Structures Wholesalers																			A	A
Metal or Mineral (except Petroleum) Wholesalers																			A	A
Motor Vehicles (Commercial or Passenger) or Trailers Wholesalers, including Related Parts																			A	A
Paint, Varnish or Related Supplies Wholesalers																			A	A
Paper or Paper Products Wholesalers																			A	A
Petroleum Wholesalers																S			A	A

TABLE 6.1-1	ZONING DISTRICTS																		Condition	
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC		I
Pharmaceutical Wholesalers																			A	A
Plastics or Rubber Products Wholesalers																			A	A
Professional or Commercial Equipment or Supplies Wholesalers, including Office, Medical, or Restaurant Equipment																			A	A
Sign Wholesalers																			A	A
Tobacco or Related Products Wholesalers																			A	A
Toy or Artwork Wholesalers																			A	A
Watercraft (Commercial or Recreational) Wholesalers, including Related Parts																			A	A
Wood Products Wholesalers																			A	A
Other Miscellaneous Wholesale Sales																			S	A
INDUSTRIAL																				
INDUSTRIAL SERVICES																				
Drycleaning or Carpet Cleaning Plants																				A
Laundries, Commercial																				A
Photo Finishing Laboratories																				A
Research and Development Laboratories																				A
Scrap and Salvage Service, including Automotive Wrecking Yards, Junk Yards, Parts Salvage, Paper Salvage Yards, Wholesale Scrap or Waste Materials Establishments, or Materials Recovery Facilities																				S
MANUFACTURING AND PRODUCTION																				
Aircraft Manufacturing, including Related Parts																				A
Beverage or Related Products Manufacturing, including Alcoholic Beverages and Excluding Microbreweries and Brewpubs																				A
Cement or Concrete Products Manufacturing, including Concrete Batching or Asphalt Mixing																				A
Chemical Manufacturing, including Pharmaceutical Products, Chemical Fertilizers or Pesticides																				S
Clay or Related Products Manufacturing			C	C	C												C	C	C	A § 6.4.57
Computers or Electronic Products Manufacturing																			C	A § 6.4.57

TABLE 6.1-1	ZONING DISTRICTS																			Condition	
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S3	R4	M8	M 12	MH S	MH P	OR	OG	CN	CR	CT	CC	I		
Electrical Equipment, Appliances or Components Manufacturing																			C	A	§ 6.4.57
Fabric or Apparel Manufacturing, including Textile Mills																				A	
Food or Related Products Manufacturing																				A	
Furniture, Cabinets or Related Products Manufacturing			C	C	C											C	C	C	A	§ 6.4.57	
Glass or Related Products Manufacturing																		C	A	§ 6.4.57	
Leather Products Manufacturing, including Tanneries																				A	
Machinery, Tools, or Construction or Construction Equipment Manufacturing, including Farm Equipment																		C	A	§ 6.4.57	
Manufactured Home (Mobile Home) or other Prefabricated Structures Manufacturing																				A	
Metal, Petroleum, Coal, and other Mineral Products Manufacturing, including Refineries																				A	
Microbrewery																		C	C	§6.4.62	
Motor Vehicle (Commercial and Passenger) or Trailer Manufacturing, including Related Parts																				A	
Paint, Varnish or Related Supplies Manufacturing																				A	
Plastics or Rubber Products Manufacturing																				A	
Printing Press Production or Lithography																		C	A	§ 6.4.57	
Professional or Commercial Equipment or Supplies Manufacturing, including Office, Medical, Restaurant Equipment, or Specialty Items																		C	A	§ 6.4.57	
Pulp or Paper Mills																				S	
Rendering Plants																				S	
Sign Manufacturing																				A	
Slaughter House and Meat Packing																				S	
Stone or Shell Products Manufacturing																		C	S	§ 6.4.57	
Tobacco Products Manufacturing																				A	
Toy or Artwork Manufacturing			C	C	C											C	C	C	A	§ 6.4.57	
Watercraft (Commercial or Recreational) Manufacturing, including Related Parts																				A	
Wood Products Manufacturing			C	C	C											C	C	C	A	§ 6.4.57	
Other Miscellaneous Manufacturing and Production			C	C	C											C	C	C	A	§ 6.4.57	

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

ARTICLE 6.4 USE CONDITIONS

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

§6.4.1 ANIMAL PRODUCTION AND AGRICULTURAL PROCESSING USES

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

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

§6.4.2 ATTACHED SINGLE FAMILY DWELLINGS

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

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

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

E. Other Requirements

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

§6.4.3 HAIR, NAIL OR SKIN CARE SERVICES

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

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

§6.4.4 BED AND BREAKFASTS

Bed and Breakfasts shall be subject to the following standards.

- A. The Bed and Breakfast must be residential in nature and comply with the Home Occupation regulations of Section 6.5.11 of this Chapter.
- B. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.
- C. Bed and Breakfasts shall contain no more than ten guest rooms.
- D. There shall be an owner or innkeeper/manager residing on the premises.
- E. Meals may be served by the resident owner to paying guests staying at the Bed and Breakfast.
- F. Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and

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

§6.4.5 COMMUNICATIONS TOWERS

A. Purpose and Legislative Intent

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

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

B. Co-Location Exemption

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

C. Stealth Tower Provision

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

D. Tower Abandonment

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

E. Pre-Application Meeting

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

F. Zoning Permit Submittal Requirements

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

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

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

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

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

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

G. Retention of Expert Assistance and Reimbursement by Applicant

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

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

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

H. Surrounding Property Owner Notification

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

I. Time Limit for Staff Review

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

J. Zoning Permit Approval Criteria

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

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

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

§6.4.6 DRIVE-IN THEATERS

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

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

§6.4.7 DWELLING GROUPS

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

A. Density/Intensity and Dimensional Standards

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

1. Setbacks and Buffers

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

B. Site Plan Review

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

1. Layout

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

2. Building Envelope

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

3. Accessory Structures

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

4. Parking and Vehicular Access

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

C. Subdivision

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

1. Site Plan Review

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

2. Lots

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

3. Building Envelopes

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

4. Common Area

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

5. Subdivisions

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

D. Other Zoning Requirements

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

§6.4.8 RETIREMENT HOUSING, LIMITED

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

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

§6.4.9 FARM LABOR HOUSING

Farm Labor Housing shall be subject to the following standards:

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

§6.4.10 NATURE EXHIBITIONS

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

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

§6.4.11 PARKS, RECREATION AND OUTDOOR RECREATION/ENTERTAINMENT

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

§6.4.12 RECREATIONAL VEHICLE PARKS

Recreational Vehicle Parks shall be subject to the following standards:

A. Location and Access

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

B. Site Conditions

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

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

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

D. Site Planning and Required Improvements

Site Planning and Improvements shall provide for:

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

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

E. Relation of Spaces to Public Streets

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

§6.4.13 RELIGIOUS ASSEMBLY

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

§6.4.14 RESOURCE EXTRACTION

A. Applications

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

B. Special Exceptions

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

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

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

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

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

D. Plat Alternative for Bona Fide Agricultural Uses

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

E. Special Exception Exemption for Solid Waste Disposal Facility

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

§6.4.15 RESTAURANTS, BARS AND LOUNGES SERVING ALCOHOLIC BEVERAGES

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

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

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

A. Performance Standards

1. Front Setback

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

2. Side and Rear Buffers/Screening

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

3. Building Lengths and Access

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

4. Accessory Office/Apartment

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

5. Parking and Circulation

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

6. Signs

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

B. Operating Conditions

1. Commercial Activities

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

2. Commercial Repair Activities

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

3. Storage of Flammable Substances

Storage of flammable chemical substances within the complex is prohibited.

4. Open Storage

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

§6.4.17 SEWAGE DISPOSAL FACILITIES

Sewage Disposal Facilities shall be subject to the following standards:

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

§6.4.18 SEXUALLY ORIENTED BUSINESSES

A. Purpose and Intent

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

B. Findings of Fact

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

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

C. Definitions

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

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

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

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

"specified anatomical areas" are exhibited.

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

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

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

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

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

D. Permits and Licenses; Application

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

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

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

the sexually oriented business is proposed to be conducted.

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

E. Approval/Denial of License:

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

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

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

F. Temporary Permits

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

G. Inspection

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

H. Expiration of Sexually Oriented Business Regulatory License

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

I. Suspension of Sexually Oriented Business Regulatory License

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

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

J. Revocation of Sexually Oriented Business Regulatory License

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

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

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

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

L. Transfer of Sexually Oriented Business Regulatory License

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

M. Location Restriction

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

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

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

N. Regulation of Adult Car Washes

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

O. No Fondling or Caressing

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

P. Nonconforming Sexually Oriented Business

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

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

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

Q. Adult Motels Prohibited

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

R. Six-Foot Distance Rule

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

S. Gratuities

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

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

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

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

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

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

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

U. Exemptions

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

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

V. Violations

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

W. Severability

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

§6.4.19 SINGLE FAMILY DETACHED AFFORDABLE HOUSING UNITS

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

A. Single Family Detached Affordable Housing Units

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

B. Ownership

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

C. Density/Intensity and Dimensional Standards

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

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

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

D. Uses

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

§6.4.20 STABLE

Boarding or riding stables (commercial or private) may be established as primary or accessory uses provided they meet all applicable standards of this Ordinance and the following requirements.

- A. The following requirements shall apply to commercial stables as defined in this Ordinance:
 1. A minimum lot area of five (5) acres shall be required; otherwise this use shall comply with the Special Exception procedures contained in this Ordinance.
 2. Riding areas and trails shall be limited to the subject parcel upon which the stable is located unless documentation is provided granting access onto other lands. Such documentation shall be provided through written and recorded documents.
- B. Private stables in the AGR and RR-3 zoning districts shall require a minimum lot area of one (1) acre and allow a maximum of one (1) horse; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.

§6.4.21 UTILITY SUBSTATIONS

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

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

§6.4.22 VEHICLE SERVICE, LIMITED

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

- A. No outdoor storage of vehicles shall be permitted in conjunction with a limited vehicle service use; and
- B. In zoning districts subject to conditions (C), this use shall have a maximum floor area of 5,000 square feet, otherwise this use shall fall under the special exception procedures of this Ordinance.

§6.4.23 BONA FIDE FORESTRY OPERATIONS

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

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

§6.4.24 MANUFACTURED HOUSING UNITS**A. Replacement in R-4, M-8, and M-12 Zoning Districts**

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

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

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

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

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

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

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

One Manufactured Housing Unit may be placed on the same parcel with a Single Family Detached home or another Manufactured Housing Unit as an “accessory dwelling unit” to the primary residence (whether SFR or MHU) pursuant to Article 6.5.9, Accessory Dwelling Units, applicable conditions of this Article, and any other requirements in this Ordinance. Otherwise, two or more Manufactured Housing Units on the same parcel shall be considered a Manufactured Housing Park (MHP).

§6.4.25 SINGLE FAMILY DETACHED DWELLING UNITS IN THE MHP, OR, OG, CT, CN, CR, AND I ZONING DISTRICTS

- A. MHP, OR, OG, CT, CN, CC and I Zoning Districts in the Urban/Suburban Area: Single family detached dwelling units in the MHP, OR, OG, CT, CN, and I zoning districts in the Urban/Suburban Area shall comply with the density/intensity and dimensional standards of the R-4 zoning district. Single family detached dwelling units in the CC zoning district in the Urban/Suburban Area shall comply with the density/intensity and dimensional standards of the M-12 zoning district.
- B. MHP, OR, OG, CT, CN, CC, CR, and I Zoning Districts in the Rural Area: A maximum of one single family detached dwelling unit shall be allowed per Lot of Record, Approved, as defined in this Ordinance, existing as of August 26, 2014, provided the dwelling unit complies with all dimensional standards of the zoning district in which it is located.
- C. Dwelling units for security or maintenance personnel as accessory structures, per Section 6.5.1C of this Ordinance, shall not be permitted on the same zoning lot as a single family detached dwelling unit.

§6.4.26 PERSONAL IMPROVEMENT EDUCATION

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

§6.4.27 HISTORICAL SITE

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

§6.4.28 POSTAL SERVICE, UNITED STATES

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

§6.4.29 ADULT OR CHILD DAY CARE FACILITY

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

§6.4.30 RECREATION OR ENTERTAINMENT, INDOOR

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

§6.4.31 UTILITY SERVICE, MINOR

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

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

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

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

§6.4.33 BANKS AND FINANCIAL SERVICES

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

§6.4.34 CATERING SERVICE

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

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

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

§6.4.36 SPECIAL TRADE CONTRACTORS

Special Trade Contractors shall be subject to the following standards:

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

otherwise this use shall fall under the special exception procedures of this Ordinance.

§6.4.37 PARKING LOTS

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

§6.4.38 CONSUMER GOODS RENTAL SERVICE

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

§6.4.39 BOAT YARD

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

§6.4.40 REPAIR SERVICE, CONSUMER

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

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

§6.4.41 LIQUIFIED PETROLEUM GAS DEALERS

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

§6.4.42 BUILDING MATERIALS OR GARDEN EQUIPMENT AND SUPPLIES DEALERS

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

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

§6.4.43 FOOD SALES

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

§6.4.44 RETAIL SALES OR SERVICE, GENERAL

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

exception procedures of this Ordinance.

§6.4.45 SERVICE STATION, GASOLINE

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

§6.4.46 CONSUMER CONVENIENCE SERVICES

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

§6.4.47 PERSONAL IMPROVEMENT SERVICES

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

§6.4.48 SERVICES TO BUILDING OR DWELLINGS

A. Services to Buildings or Dwellings

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

B. Landscaping Services

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

§6.4.49 FREIGHT FORWARDING FACILITIES

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

§6.4.50 GOLF COURSES

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

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

1. Required Site Analysis

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

- a. Vegetation

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

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

such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.

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

1. Marshes, Creeks and Wetlands

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

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

2. Trees

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

3. Water Quality

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

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

4. Archaeology

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

5. Noise

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

6. Growth-Inducing Impacts

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

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

§6.4.51 SOLID WASTE DISPOSAL FACILITY

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

§6.4.52 CONTAINER STORAGE FACILITIES

- A. Facilities for or including container storage (whether temporary or permanent), shall be subject to the following additional standards:
 1. Uses shall be separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by way of one of the following:
 - a. A suitably landscaped earthen berm sufficient to screen neighboring or nearby property from the facility; and in no event less than eight (8) feet in height above finished grade; or

- b. A solid concrete, brick or masonry wall of not less than ten (10) feet in height above finished grade and completely screened from view from public rights-of-way by way of a vegetative buffer; or
 - c. A minimum vegetative buffer depth of two hundred (200) feet along the boundaries adjacent to any property zoned Residential (R) and a minimum vegetative buffer depth of fifty (50) feet otherwise. This buffer shall be located within the required setback as described in Section 6.4.52.3.b.
 2. Container yard light fixtures installed after January 1, 2005, shall be a type that minimizes fugitive light scatter and shall be directed into the container yard away from neighborhoods. In addition, yard light fixtures installed after January 1, 2005, shall not be visible above the tree line from adjacent residential neighborhoods.
 3. Storage within a container yard shall be restricted by the following:
 - a. Container stacking may be permitted, where appropriate, pursuant to an approved container stacking plan. Such plan shall, at a minimum, include a site plan showing the location of all abutting streets and sidewalks, all internal travel-ways, a stagger stacking schedule, and the proposed maximum stacking heights. A suitable stacking plan shall feature a slope not exceeding a rise/run of $\frac{1}{2}$, shall include a perimeter setback of not less than thirty (30) feet from the nearest stored container, the nearest sidewalk edge, or right-of-way edge, and shall indicate how the stacking plan meets all other requirements of this Ordinance; and
 - b. Container and chassis storage is not permitted within three-hundred fifty (350) feet of the boundary adjacent to any property zoned Residential (R) and within fifty (50) feet otherwise. In addition, containers stacked in the yard shall not be visible above the tree line from adjacent residential neighborhoods. Structures may be allowed in the area beyond the required buffer where container and chassis storage is prohibited, provided that proposed structures meet all requirements of this Ordinance and receive Site Plan Review Approval.
 4. In those instances which proposed container storage facilities are viewed by the Planning Director as having a substantially negative impact on a surrounding area(s) or adjoining property(ies), based on the facility's location, proposed use, permitted use, or actual use of the property, the Planning Director shall bring the matter to the next available meeting of the Board of Zoning Appeals for hearing and decision, pursuant to Article 3.13.
- B. Amortization Provided
Any facility involved in, or location used for, the purposes provided within Section 6.4.52 and not zoned Industrial (I) as of November 20, 2001 shall

cease operations no later than November 20, 2004. Any facilities engaged in stacked storage as of November 20, 2001, shall come into compliance with Section 6.4.52 by November 20, 2004, and shall be bound by the three (3) year general amortization schedule provided for herein above.

§6.4.53 CEMETERIES

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

§6.4.54 KENNEL

Kennels shall be subject to the following standards:

A. Minimum Lot Size

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

B. Exception to Minimum Lot Size

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

C. Required Screening and Landscaped Buffer and Site Plan Review

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

§6.4.55 RECYCLING COLLECTION, DROP-OFF

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

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

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

§6.4.57 SPECIALIZED MANUFACTURING

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

requirements of this Ordinance.

§6.4.58 SWEETGRASS BASKET STANDS

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

§6.4.59 TATTOO FACILITIES

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

§6.4.60 WINERIES

- A. All winery uses shall comply with the Site Plan Review requirements of this Ordinance.
- B. Special Exception procedures shall apply for parcel(s) totaling less than five (5) acres in size.
- C. Prior to Site Plan Review approval the applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All winery uses shall also comply with applicable agency requirements such as SCDHEC requirements.

- D. The following uses and activities are permitted at a winery after completion of the Site Plan Review process:
1. On-premise sale of wine and wine consumption (tasting room and accessory retail limited to 1,500 square feet, days and hours of operation limited to Monday thru Saturday from 10:00 a.m. to 7:00 p.m.);
 2. Daily tours limited to Monday thru Saturday from 10:00 a.m. to 7:00 p.m.; and
 3. Special events, including festivals (limited to five (5) special event permits per calendar year, no more than ten (10) consecutive days). Special events permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity in accordance with the requirements of this Ordinance.

§6.4.61 SHORT-TERM LENDERS

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

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

§6.4.62 MICROBREWERIES

- A. Microbreweries located in the Community Commercial (CC) Zoning District shall have a maximum capacity of 5,000 barrels per year; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
- B. Microbreweries proposed to be located in the Community Commercial (CC) Zoning District shall require review and approval in accordance with the Special Exception procedures of this Ordinance if: (1) they allow on-site consumption of beer or alcoholic beverages in conjunction with the microbrewery use or an accessory use; and (2) they are located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district.

- C. All Accessory Uses and Structures shall comply with the requirements of Article 6.5 of this ordinance.
- D. All Special Events uses shall comply with the requirements of Article 6.7 of this ordinance.

ARTICLE 6.5 ACCESSORY USES AND STRUCTURES

§6.5.1 ACCESSORY USES AND STRUCTURES ALLOWED

Permitted uses and approved Special Exception uses shall be deemed to include accessory uses and structures that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the allowed principal use.

A. Accessory Uses

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

B. Accessory Structures and Buildings

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

§6.5.2 TIME ESTABLISHMENT

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

§6.5.3 RESIDENTIAL ACCESSORY USES

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

- A. Fences and walls;
- B. Garages, carports and off-street parking areas;
- C. Gate houses and guard houses;
- D. Home occupations, subject to Section 6.5.11;
- E. Playhouses, patios, cabanas, porches, gazebos and incidental household

storage buildings

- F. Radio and television receiving antennas or dishes;
- G. Recreational and play facilities for the use of residents;
- H. Solar collectors, subject to Section 6.5.18;
- I. Tennis courts, swimming pools, hot tubs, and related mechanical equipment;
- J. Accessory Dwelling Units, subject to Section 6.5.9;
- K. Barns and farming-related structures even if the subject parcel does not contain a primary structures or use, provided that no agricultural or farm-related structure on a parcel of one acre or less in an R-4, M-8, or M-12 district shall exceed 250 square feet in area;
- L. The selling of sweetgrass baskets is allowed as an accessory use in all Agricultural Zoning Districts and in RR-3, S-3, and R-4 Zoning Districts; and
- M. Other necessary and customary uses determined by the Planning director to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any standards contained within this Ordinance.

§6.5.4 AGRICULTURAL ACCESSORY USES

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

§6.5.5 COMMERCIAL AND INDUSTRIAL ACCESSORY USES

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

- A. One dwelling unit for security or maintenance personnel;
- B. Fences and walls;
- C. Gates and guard houses;
- D. Off-street parking areas (which may be located on a separate parcel pursuant to the requirements contained in Chapter 9);
- E. Radio and television receiving antennas or dishes and support structures;
- F. Recreation areas and facilities for the use of employees;

- G. Cafeterias, dining halls and similar food services when operated exclusively for the convenience of employees, clients, or visitors to the principal use;
- H. Day care facilities when operated exclusively for the convenience of employees of the principal use;
- I. Gift shops, newsstands and similar commercial activities operated exclusively for the convenience of employees, clients, or visitors to the principal use;
- J. Solar Collectors, subject to Section 6.5.18; and
- K. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any standards contained within this Ordinance.

§6.5.6 ACCESSORY RETAIL SALES AND PERSONAL SERVICES

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

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

§6.5.7 INSTITUTIONAL AND CIVIC ACCESSORY USES

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

- A. Refreshment stands and food and beverage sales located in uses involving public assembly;
- B. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
- C. Gift shops, newsstands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
- D. Recreation areas and facilities for the use of employees;
- E. Solar Collectors, subject to Section 6.5.18 of this Chapter; and
- F. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any standards contained within this Ordinance.

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

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

- A. An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principal structures.
- B. A detached accessory structure shall be located:
 - 1. On the rear of the lot, behind the principal structure. This limitation shall not apply to carports or garages;
 - 2. At least six feet from any existing dwelling or dwelling under construction;
 - 3. At least three feet from any interior lot line in a residential district; if in an OR district that abuts a residential district, the accessory structure in the OR district shall be located at least ten feet from the abutting interior lot line; when an OR district abuts another O, C or I district, setbacks for accessory structures are not required; and
 - 4. If on a corner lot, the accessory structure shall not project in front of the front building line required or existing on the adjacent lot.
- C. A detached accessory structure may be constructed on an adjacent vacant lot if both lots are in the same ownership.
- D. Accessory structures shall be included in building coverage;
- E. See also the Accessory Dwelling Unit provisions of Section 6.5.9 contained within this Chapter.

§6.5.9 ACCESSORY DWELLING UNITS

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

- A. The zoning lot must have a minimum area at least 50 percent larger than the minimum area required for a principal residential structure.
- B. Only one accessory unit shall be permitted per zoning lot.
- C. The heated gross floor area of the accessory dwelling unit shall not exceed 800 square feet in any Residential district or shall not exceed 1,500 square feet in any Agricultural district.
- D. Accessory Dwelling Units placement shall comply with all dimensional standards of the applicable zoning district, as contained in Chapter 4, Base Zoning Districts, of this Ordinance, including all setback, buffer, lot coverage, height requirements, and waterfront development standards.
- E. Accessory Dwelling Units placement on parcels that contain or abut an OCRM Critical Line shall meet the Waterfront Development Standards of Article 4.22.2.

- F. Separate electrical meters shall not be allowed for attached accessory dwellings.

§6.5.10 MANUFACTURED HOUSING UNITS

- A. In Agricultural zoning districts, a manufactured housing unit may be used for one caretaker's quarters. It shall not be permitted for other than residential use unless authorized elsewhere in this Ordinance.
- B. Applications to use manufactured housing units for temporary use while construction is in progress on a permanent structure shall be submitted to the Planning Director for a Construction Permit in accordance with Temporary Zoning Permit requirements of this Ordinance. Such a temporary unit shall be removed from the premises within 30 days of issuance of a Certificate of Occupancy for the permanent structure.
- C. Manufactured housing units may be utilized for classroom and related use for a two-year period or as otherwise expressly provided in the approval of a Special Exception. The period of use may be extended upon application and proper findings by the Board of Zoning Appeals.
- D. Where needed for the general welfare of the public, governmental entities may utilize manufactured housing units as classrooms, clinics, offices and caretaker's quarters, provided Special Exception approval has been obtained.
- E. Manufactured housing units, modular building units and pre-manufactured container units shall not be allowed as accessory uses nor as accessory structures for purposes of permanent storage units unless they are located in an AGR, AG-8, AG-10, AG-15, RM, Community Commercial (CC), or Industrial (I) Zoning District and comply with the provisions of Section 6.5.17.

§6.5.11 HOME OCCUPATIONS

- A. **General**

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

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

The home occupation regulations of this Section establish performance

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

D. Prohibited Uses

1. Vehicle/Equipment Repair, Rental or Sales

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

2. Restaurants

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

3. Employee Dispatch Centers

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

4. Animal Care or Boarding

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

5. Medical Offices or Clinics

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

6. Funeral Homes

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

7. Barber Shops, Beauty Shops and Nail Salons

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

8. Dancing Schools

Dancing schools are not allowed as home occupations.

E. Employees

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

F. Resident Operator

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

G. Customers

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

H. Floor Area

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

I. Outdoor Activities

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

J. Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function, with the exception of signs that comply with the following requirements:

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

Examples of prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit, signs

that are not in compliance with the requirements of this Section, and commercial-like exterior lighting. The use of snipe signs is strictly prohibited.

K. Operational Impacts

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

L. Vehicles

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

M. Deliveries

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

N. Sales

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

§6.5.12 ANIMALS

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

§6.5.13 ACCESSORY STORAGE OF MAJOR RECREATIONAL EQUIPMENT

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

§6.5.14 STORAGE AND REPAIR OF INOPERABLE MOTOR VEHICLES

- A. In all zoning districts, the open storage and or repair of inoperable motor vehicles is not permitted within the required front setback.
- B. In all Agricultural and Rural Residential zoning districts, the open storage or repair of inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.
- C. Open storage and/or repair of more than two (2) inoperable motor vehicles is prohibited on all lots in suburban residential zoning districts, as well as in all

office, commercial and industrial zoning districts unless specifically authorized for use as a salvage yard. Inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.

- D. In all Suburban Residential zoning districts, storage of motor vehicle parts is permitted only within a completely enclosed accessory structure located on the same lot as the principal dwelling unit.

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

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

§6.5.16 VEHICLE SALES

Not more than two operable or inoperable motor vehicles may be offered for sale upon any lot unless such sales activities are otherwise expressly authorized by this Ordinance. A vehicle for sale upon a lot in a Residential zoning district must be owned by the owner of the subject lot and must comply with Section 6.5.14.

§6.5.17 TEMPORARY PORTABLE STORAGE UNITS

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

- A. If the temporary portable storage unit is located on a lot with a non-residential use or zoning district designation for a period exceeding fifteen (15) days, the Limited Site Plan Review procedures of Article 3.7 of this Ordinance shall apply;
- B. The maximum size of a temporary portable storage unit shall not exceed 160 square feet of indoor storage;
- C. A maximum of 160 square feet of indoor temporary portable storage shall be permitted per zoning lot in residential zoning districts;
- D. Temporary portable storage units are allowed for a period not to exceed a total of sixty (60) days in one calendar year. Temporary Zoning Permits shall be required for temporary portable storage units that remain on a property for a time period exceeding fifteen (15) consecutive days;
- E. Temporary portable storage units shall not be placed in any right-of-way, retention area, septic field, easement, or on public property and shall not create

- a site obstruction for any vehicular or pedestrian traffic;
- F. Temporary portable storage units shall conform to the accessory structure requirements contained in this Ordinance;
 - G. The maximum area of a temporary portable storage unit dedicated to signage shall be limited to 27 square feet per side or 58 square feet total;
 - H. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, weathering, mildew, discoloration, rust, ripping, tearing, or other holes or breaks;
 - I. Temporary portable storage units shall not be used for the storage of hazardous or flammable substances, live animals, or human habitation;
 - J. All vendors providing service related to the transportation of household goods and/or rental/delivery of portable storage containers shall be in compliance with the State of South Carolina's Regulatory Laws and licensing requirements through the Public Service Commission. Proof that the liability insurance of the company owning the temporary portable storage unit is equal to the minimum amount required by the Public Service Commission shall be required at the time of permitting; and
 - K. The regulations listed above in Section 6.5.16 shall not apply to temporary storage units that are:
 - 1. Placed for construction purposes and in conjunction with building permits, which may exceed the permitted time period, as long as the building permit remains active with continuous construction; and
 - 2. Placed during any period of declared emergency by Federal, State or Local official action.

§6.5.18 PERMANENT STORAGE UNITS

Permanent storage units are permitted subject to the following conditions:

A. Applicability

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

B. Location

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

C. Definitions

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

D. Permitting

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

E. Screening

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

F. Building Design**1. Applicability**

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

- a. The building footprint of the Permanent Storage Unit shall not occupy more than five hundred (500) square feet.
- b. The building height of the Permanent Storage Unit shall not exceed twelve (12) feet.
- c. Permanent Storage Units must be installed, underskirted, and

anchored in the same manner as the principal building.

- d. All moving or towing apparatus must be removed or concealed with skirting, including hitch, wheels and axles.
- e. Bare, unfinished metal is prohibited as an exterior building material.

G. Existing Permanent Storage Units

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

§6.5.19 SOLAR COLLECTORS

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

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

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

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

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

§6.6.2 TEMPORARY SALES

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

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

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

§6.6.3 SALE OF INDIGENOUS PRODUCE

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

§6.6.4 CONSTRUCTION FACILITIES

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

ARTICLE 6.7 SPECIAL EVENTS USE**§6.7.1 PURPOSE**

The intent of this Article is to provide regulations that guide the use of unincorporated properties for the purpose of hosting special events of varying sizes and functions. This Article intends to create a balance of greater flexibility for Special Event uses, while protecting the surrounding community. The regulations of this Article shall apply in conjunction with any other standards contained within this Ordinance.

§6.7.2 PRIVATE SPECIAL EVENTS

The following are exempt from the requirements of this Article: private parties and gatherings that do not meet the definition of “special event,” as defined in this Ordinance, auctions of private real estate, and estate auctions.

§6.7.3 TEMPORARY SPECIAL EVENTS

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

- A. A detailed Letter of Intent describing the purpose of the event indicating date(s) and time(s), anticipated number of participants, and whether alcohol will be served and if amplified sound (music or other amplified noise) will be utilized;
- B. A legible site plan drawn to scale indicating vehicular traffic areas (parking, driveways, circulation etc.), gathering areas, restroom and vendor locations, and locations of existing and planned structures to be used as part of the event;
- C. Letters of coordination from Fire, Police, and Emergency Medical Services and Building Inspection Services if applicable;
- D. Documentation of Charleston County Business license issuance for the host and participating vendors and copy of valid Department of Revenue license if alcohol will be sold;
- E. Documentation from pertinent service providers for restroom facilities and garbage collection; and
- F. Other pertinent information as deemed necessary by the Planning Director

§6.7.4 OUTDOOR SPECIAL EVENTS

- A. Use of vacant or undeveloped properties for the establishment of a new outdoor Special Events principal use in the CN, CT, CR, CC, and I Zoning Districts shall comply with the Site Plan Review requirements, Article 3.7, of this Ordinance.

- B. With the exception of special events at federal, state, and county parks and legally established fairgrounds, any accessory, outdoor special event consistent with the definition of “special event,” as defined in this Ordinance, must comply with §6.7.3 and a Zoning Permit shall be required.
- C. Any outdoor special event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within 500 feet of the property line of a residentially developed parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with Section 6.7.4.C. Distances shall be measured from the site of the special event activity on the subject property to the nearest property line of a lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.
- D. All outdoor special event activities will be subject to the County’s livability and/or noise ordinance.

§6.7.5 INDOOR SPECIAL EVENTS

- A. A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial zoning districts and public facilities or civic facilities such as: hotels/motels, convention centers; social lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold special events.

§6.7.6 SPECIAL EVENTS IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS

A Special Events use may be established as a principal use on any parcel in the RM, AG-15, AG-10, AG-8, AGR, and RR-3 Zoning Districts subject to Special Exception approval and the following standards:

A. Application

1. Compliance with the Site Plan Review requirements, Article 3.7, of this Ordinance. All applications must be signed by the property owner or designated agent.
2. Letters of coordination from the following agencies shall be submitted during Site Plan Review: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff’s Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), the appropriate Fire Service provider for the subject property, and a designated solid waste collection/disposal company or a letter indicating a private method of waste collection/disposal.

B. Requirements

Special event sites shall comply with the following standards:

1. The subject property or properties shall contain a minimum of three (3) combined acres of highland area.
2. All structures shall comply with the requirements of this Ordinance including but not limited to the density, intensity and dimensional standards and accessory structure requirements.
3. All parking shall be contained on the subject property or on an adjacent parcel. A recorded, parking agreement shall be required, if temporary off-street parking is provided on a parcel other than the subject property. At no time shall associated event parking be allowed in a public or private right-of-way.
4. One on-premise sign, which identifies the subject property, shall be allowed in accordance with Table 9.11.5 of this Ordinance. Off-premises signs are not allowed.
5. The maximum occupancy of an individual permanent structure shall comply with the occupancy standards of the Charleston County Building Code.
6. All events shall adhere to the Charleston County Noise Regulations and any other applicable Charleston County ordinances.
7. In residential zoning districts, any existing or proposed structure shall retain a residential character.
8. Special events on properties with less than five (5) acres of highland and located in the RM, AGR, and RR-3 zoning districts shall be limited to the following types of special events: weddings, receptions, recitals, art exhibits, book readings, wine/food tasting events, and executive retreats. The Zoning/Planning Director shall be authorized to determine whether a proposed event not listed above is substantially similar to the aforementioned approved types of special events.

C. Special Exception Approval Criteria

§3.6.5A, Special Exception Approval Criteria, shall not be used for Special Events use requests. Special Events use requests may be approved only if the Board of Zoning Appeals finds that the proposed use:

1. Will not adversely affect the general welfare or character of the immediate community;
2. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads;
3. Includes adequate provisions for items such as: setbacks and buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust glare, odor, traffic congestion and similar factors;

4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
5. The setup and disassembly of special events will not be detrimental to the surrounding community; and
6. Includes sufficient safeguards for the use of temporary structures, if applicable.

If the Board of Zoning Appeals (BZA) approves a Special Events use, the BZA may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.

If the proposed use is approved by the BZA, the Zoning/Planning Department shall provide written notification to the agencies listed in §6.7.4A2.

§6.7.7 ZONING PERMIT

A Zoning Permit shall be required prior to commencing special events and shall be maintained for the duration of the Special Events use, following Site Plan Review and Special Exception approval. Additionally, a valid, Charleston County Business License is required following zoning permit approval.

§6.7.8 LAPSE OF APPROVAL

A valid Charleston County Business License must be maintained for a principal Special Events use. If this Business License is not renewed annually or is discontinued, for any reason, for a period of at least six (6) consecutive months, then the use shall be considered abandoned. Once abandoned, the Special Exception approval and the Zoning Permit for the Special Events use shall be deemed null and void. Renewal of the Special Events use shall require the approval of the Board of Zoning Appeals (BZA) and compliance with the regulations of this Ordinance.

CHAPTER 8 | SUBDIVISION REGULATIONS

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

The public health, safety, economy, good order, appearance, convenience, morals and general welfare require the harmonious, orderly, and progressive development of land within Charleston County. In furtherance of this general intent, the Subdivision Regulations are authorized for the following purposes, among others:

- A. To implement the goals, objectives and policies of the Charleston County *Comprehensive Plan*;
- B. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
- C. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, environmental, transportation, and other public purposes;
- D. To assure, in general, the wise and timely development of new areas and redevelopment of previously developed areas in harmony with the adopted or amended *Comprehensive Plan* for Charleston County and any adopted or amended municipal *Comprehensive Plan* within or adjacent to the County;
- E. To implement land use policies that will preserve agricultural uses of land and the rural character of unincorporated Charleston County;
- F. To identify, protect and preserve scenic, historic, and ecologically sensitive areas;
- G. To prevent overcrowding of land, avoiding undue concentration of population, and lessening congestion in the streets;
- H. To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, individual onsite wastewater systems or off-site sewer lateral connection provided to each lot, protection against floods, public activities, and other purposes; and
- I. To ensure protection from fire, flood, and other dangers, and furthering the public welfare in any other regard specified by a local governing body.

§8.1.2 APPLICABILITY

Unless expressly exempted, no subdivision shall be made, platted, or recorded for any purpose nor shall parcels resulting from such subdivisions be sold, unless such subdivision meets all

applicable standards of this Ordinance and has been approved in accordance with the procedures of this Ordinance.

- A. All lots shown on plats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said plat; the Register of Mesne Conveyance shall not record any plat without such stamp. The plat for an individual lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the plat that the lot is a single, individual lot, and not newly created.
- B. Parcels that were recorded by deed or plat prior to the adoption of the County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather Clause, provided the parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.
- C. Preliminary Plats submitted for approval shall expire two years from the date of preliminary approval if all conditions for preliminary plat approval have not been met. The Planning Director shall be authorized to grant a one-time extension of this time frame if a written request is submitted by the applicant prior to the expiration date. The time period of the extension shall not exceed one year.
- D. Upon submission of a Subdivision application, no additional Subdivision applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refilling have expired.

§8.1.3 EXEMPTIONS

A. Procedures

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

1. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased. When the plat is finalized, it shall be submitted to the Planning Director for recording. Deeds and plats shall be recorded simultaneously.
2. The public acquisition of land for right-of-way or drainage easements or any lot or parcel created therefrom.
3. Contiguous properties that are to be divided for the purpose of exchanging or trading parcels of land. When the plat is finalized, it shall be submitted to the Planning Director for recording. Deeds and plats shall be recorded simultaneously.

4. A parcel of land that is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
5. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
6. The division of land into parcels of five acres or more, where no new street or easement is involved. Plats of these exceptions must be received as information by the Planning Director, which fact shall be indicated on the plats.

B. Standards

Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the standards of this Chapter, provided that the subject property:

1. Was or is surveyed and platted in accordance with prescribed standards;
2. Has the approval of the South Carolina Department of Health and Environmental control (DHEC); and
3. Contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.

§8.1.4 CHARLESTON COUNTY ROAD CONSTRUCTION STANDARDS

The regulations and standards of this Chapter are intended to supplement the Charleston County Road Construction Standards, as amended, in Appendix A of this Ordinance, which shall be considered the minimum design standards for roads and drainage systems in Charleston County. (Note: Road and drainage systems not meeting the Standard Specifications for Local Governments' Road and Street Construction will not be eligible for maintenance from the State "C" or donor County funds.)

§8.1.5 RELATIONSHIP TO DEVELOPMENT REVIEW PROCEDURES OF ARTICLE 3.1

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

§8.1.6 SURVEY COMPLIANCE

All Land Surveys in the County shall be in accord with the land use designated for the proposed subdivision of property and the criteria specified in Urban Land Surveys as promulgated by the South Carolina Code of Regulations, 1991, Chapter 49, Article 3, R.400-490, as amended, and described as the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina."

ARTICLE 8.2 PRE-APPLICATION INFORMATION**§8.2.1 PRE-APPLICATION CONFERENCE**

Pre-Application Conferences offer an opportunity for Planning, Public Works and other affected agencies to familiarize applicants with applicable procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or laying out the proposed subdivision. Applicants requesting Minor Subdivisions are suggested to schedule a pre-application process before submittal of an application. Applicants for Major Subdivisions are required to have a pre-application conference before submittal of an application. Applicants shall be responsible for scheduling pre-application conferences with the Planning Director who shall be responsible for contacting the Public Works Director and other affected agencies.

ARTICLE 8.3 MINOR AND MAJOR SUBDIVISIONS**§8.3.1 MINOR SUBDIVISION**

A Minor Subdivision is a division of any tract of land into ten (10) or fewer lots, provided that:

- A. No public street right-of-way dedications are involved;
- B. The Public Works Director does not require a Preliminary Plat for a drainage easement;
- C. The lots meet South Carolina Department of Health and Environmental Control (DHEC) requirements for sewage disposal systems. Systems that are determined by DHEC to be properly functioning or "grandfathered" must comply with DHEC regulations as a condition of minor subdivision approval;
- D. Off-site sewage disposal systems must be approved by DHEC and/or the Public provider and an off-site utility easement must be shown along with all lots served by the off-site system if public sewer is (accessible and is provided to each lot) provided, then sewer lateral connection will be provided to each lot.
- E. No new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance; and
- F. The tract to be subdivided is not located within an approved planned development or an area that is subject to an application for planned development approval by the landowner. All such subdivisions are considered Major Subdivisions.
- G. Non-Buildable Lots
 1. For the purpose of this subsection, non-buildable lots are lots that meet all requirements of this Ordinance, with the exception of water and/or sewer availability requirements;

2. For all non-buildable lots, all new parcels being created less than five (5) acres in size shall meet the minimum lot size and comply with applicable requirements of this Ordinance;
3. Non-buildable lots may be approved by the Planning Commission as a Minor Subdivision ten (10) lots or less without certification by DHEC for on-site waste disposal systems and water or where public water and sewer is not available;
4. The property owner(s) shall sign the "Certification of Non-Evaluation." This certification statement shall be placed on the plat and signed by the property owner(s);
5. The property owner(s) shall have a deed prepared by an attorney for each non-buildable lot less than five (5) acres in size explaining the "Certification of Non-Evaluation" to be recorded with the plat;
6. The "Certification of Non-Evaluation" for water and sewer availability shall be used in conjunction with Minor Subdivision (development) plats when no evaluation regarding the availability of public water/sewer or on-site septic systems and water have been approved; and
7. The following certification shall be placed on the plat and deed and signed by the property owners:

"The Property owner(s) of record hereby acknowledge(s) that the surveyed parcel(s) and/or tract remainder has not been approved to determine the availability of on-site waste disposal systems or provisions of public water/sewer services. Recordation of this plat and deed shall not be an implied or expressed consent of Charleston County that the lots or other land divisions shown hereon are capable of being serviced by on-site waste disposal or public water/sewer systems. Unless otherwise stated hereon, all surveyed parcels and/or tract remainders have not been reviewed for on-site waste disposal systems or public water/sewer services."

Property Owner(s) Signature _____
Date _____

H. Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County:

1. One (1) lot may be subdivided from a Lot of Record, Approved ("Approved Lot") without installing additional lateral lines, provided that the development complies with all other requirements of this Ordinance, when public water and/or sewer lateral lines are provided to the Approved Lot, and the Approved Lot is located within a 208 Water Quality Management Designation area within the Urban/Suburban Area of the County.

2. The property owner(s) shall sign a Certification Statement that there are no physical lateral connections provided to the new lot being created. The Certification shall be placed on the subdivision plat and signed by each property owner.
3. The following Certification Statement shall be placed on the plat and signed by the property owner(s):

“The property owner(s) of record hereby acknowledge(s) that the surveyed parcel has not been served by a lateral connection of public water/sewer lines. Recordation of this plat shall not be an implied or expressed consent of Charleston County and/or the public provider of the water and/or sewer or other omitted public improvement that the lot or other land divisions shown here on are capable of being serviced by on-site waste water disposal or public water/sewer systems.”

Property Owner(s) Signature: _____

Date: _____

Lot Description: _____

4. At the time of seeking a zoning or building permit the property owner(s) shall supply a document of certification from the Public provider that public water and sewer lateral connections are provided to the lot.
5. All lots created will comply with the density/intensity and dimensional standards for lots without public sewer/water, as there is no guarantee that these public improvements will be available.

§8.3.2 MINOR SUBDIVISION PROCESS

Applications for Minor Subdivisions shall be submitted to the Planning Director on forms available in the Planning Department. There is one required step in the Minor Subdivision process which is Final Plat review and approval. Generally, Minor Subdivisions are reviewed in the Planning Department and approved by the Planning Director. However, the Planning Director may send Minor Subdivision applications to the Planning Commission for approval in order to determine whether or not the proposed subdivision is consistent with the goals and objectives of the *Comprehensive Plan*. Applicants for Minor Subdivisions are strongly encouraged to schedule and attend a Pre-Application Conference prior to filing a minor subdivision.

§8.3.3 MAJOR SUBDIVISION

- A. Any land division that is not a Minor Subdivision shall be processed as a "Major Subdivision." All Major Subdivision applicants are required to attend a Pre-Application Conference.
- B. Subdivision Roads and Utilities
A Zoning Permit is required for grading, drainage, or the construction of roads and utilities in a subdivision.

§8.3.4 MAJOR SUBDIVISION PROCESS

Applicants for Major Subdivisions are required to schedule and attend a Pre-Application Conference prior to filing a Major Subdivision application. After the Pre-Application Conference, there are three required steps in the process: (1) Preliminary Plat review and approval; (2) Final Plat review and approval; and (3) Letters of Coordination. Each step of the process shall be completed before initiating the next step. Applications for Major Subdivisions shall be submitted to the Planning Director and shall include a completed application form (available from the Planning Department). Additional components for consideration of a Major Subdivision that are necessary at the Pre-Application Conference are:

- A. A plat, or survey of the subject property, if available, or a tax map that identifies the subject property; and
- B. A Concept Plan that includes the following information:
 - 1. The proposed means of access to a public road;
 - 2. Surrounding land uses;
 - 3. All adjacent roads;
 - 4. A preliminary map and analysis of natural resources present on the subject property and surrounding property; and
 - 5. A conceptual layout of the proposed subdivision, which shall be overlaid on the preliminary site analysis and which shall show streets, drainage, lots, parks and other facilities located to protect natural resource areas.

[Commentary: Approval from other local, state or federal agencies may be necessary in the development of land in Charleston County, particularly in regard to environmental concerns. Pre-application conferences should be held with these agencies, including the South Carolina Department of Health and Environmental Control, Coastal Resources Management, U.S. Army Corps of Engineers and the U.S. Fish & Wildlife Service.]

§8.3.5 REQUIRED TREE PROTECTION FOR MINOR AND MAJOR SUBDIVISIONS

Trees shall be protected in accordance with Chapter 9 of this Ordinance.

§8.3.6 LETTERS OF COORDINATION FOR MAJOR AND MINOR SUBDIVISIONS

Letters of coordination are required that acknowledge that the County and other agencies will be able to provide necessary public services, facilities and programs to service the development proposed, at the time the subdivision plat is processed.

ARTICLE 8.4 PRELIMINARY PLAT

§8.4.1 APPLICABILITY

Preliminary Plats shall be required for all Major Subdivisions.

§8.4.2 APPLICATION

A. Requirements

The following shall be submitted:

1. Completed applications for Preliminary Plat approval shall be submitted to the Planning Director on forms available in the Planning Department. Ten (10) copies of the Preliminary Plat shall be filed with the application.
2. Preliminary Plats shall be drawn to engineer's scale no smaller than one inch equals 200 feet. Where large areas are being platted, they may be drawn on one or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of one inch equals 100 feet shall be used.
3. Even if the applicant intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained; except that the Planning Director, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.
4. The following information shall be required on each plat:
 - a. The courses and distances of the perimeter of the land involved shall be indicated on the plat shown with all courses marked to show which are actual field observations and which are computed.
 - b. References to a known point or points such as street intersections and railroad crossings shall be shown.
 - c. The total acreage of the land involved in the subdivision, and the acreage of high land above the Office of Coastal Resource Management Critical Line. Date of Critical Line certification shall be indicated. (Aerial photography may not be used to determine OCRM Critical Line location.)
 - d. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown.
 - e. Proposed divisions to be created shall be shown, including building envelopes for each lot, right-of-way widths, roadway widths, road surface types, sidewalks (if applicable), proposed drainage easements, and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses. The status of the existing lot access and the concept of the type of road construction being proposed shall be indicated (e.g., Ingress/Egress Easement, Private Road constructed or unconstructed, Public Secondary or Primary Rural Road, Public Secondary or Primary County Road, and other details as appropriate; i.e., curb and gutter, asphalt swales, inverted crown, roadside open ditch, etc.).

- f. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of applicant and the name and seal of engineer or surveyor with South Carolina Registration Number shall be shown.
- g. All existing structures and physical features of the land, including contours (contours not required on proposed private subdivisions, and only within the rights-of-way of proposed rural public streets), drainage ditches, roads and wooded areas shall be shown. The contour interval shall be one foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within one-half foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plat.
- h. General drainage features, including proposed drainage easements and detention/retention basins. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.
- i. The location of required landscape buffers as specified in Chapter 9 of this Ordinance, which shall not be located within drainage easements unless expressly approved by the Public Works Director.
- j. At a minimum, a United States Army Corps of Engineers Approximate-Preliminary Jurisdictional Determination Letter is required for lots of five acres or less in size and within all publicly dedicated rights-of-ways and easements.
- k. A notation shall be made on the plat clearly indicating the applicable OCRM Critical Line buffers and setbacks.
- l. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire lot. Tree surveys of Grand Trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand Trees.
- m. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.
- n. A signature block on the plat, signed by the owner(s) of the property and notarized indicating that the proposed preliminary plat being put forth is an action of the owner, heirs thereto or assigns.
- o. A vacant block shall be provided on each page of the plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
- p. A statement that any easements for utilities or other encroachments in the area to be dedicated for streets, highways, drainage or other public or private use are subject to binding provision that the costs

of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company.

5. Accompanying Data

- a. The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary sewers.
- b. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.
- c. Proposed subdivisions encompassing 100 or more acres of land area shall provide a master plan showing the general layout of future development of the entire tract and on adjacent lands that are under common ownership or control. This master plan shall provide a generalized description and plan that addresses the following future development considerations: traffic circulation, drainage, environmental preservation, utility placement, land use, density and any areas that are to remain undeveloped.
- d. The engineer and/or surveyor who prepared the Preliminary Plat shall affix their seal(s), name(s), and South Carolina Registration Number(s). Only engineers or surveyors registered in the State of South Carolina shall attest and fix their seal on the Preliminary Plat.

[Commentary—For the purpose of Preliminary Plat applications, a complete application means one that includes all required information and fees and that addresses the findings of the inspection report and has received all approvals from other agencies that are a prerequisite to Preliminary Plat approval.]

§8.4.3 PLANNING DIRECTOR---- REVIEW AND REPORT

- A. Upon receipt of a complete application for Preliminary Plat, approval, the Planning Director shall have 30 calendar days to (1) review the proposed Preliminary Plat; (2) compile a staff report on the proposed plat (which includes the comments and recommendations of the Public Works Director and other affected agencies);
- B. Major Subdivisions (Preliminary and Final) are reviewed by the Planning Director and approved when in compliance with requirements of this Chapter. Within the 30 calendar day review period the Planning Director has the option of forwarding the Major Preliminary Subdivision Plat application, along with his report and any recommendations, to the Planning Commission for its review and approval in order to determine whether or not the proposed Subdivision is in compliance with all of the requirements of this Chapter.
- C. The Planning Director shall advise the Planning Commission at the regular scheduled Planning Commission meeting of all Preliminary Plats approved (for information purposes only).

§8.4.4 PLANNING COMMISSION—REVIEW AND DECISION

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

§8.4.5 EFFECT OF PRELIMINARY PLAT APPROVAL

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a Final Plat application.

§8.4.6 LAPSE OF PRELIMINARY PLAT APPROVAL

An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the subdivision (or a phase of the subdivision) has not been approved within two years of the date of approval of the Preliminary Plat. If the subdivision is to be developed in phases, a phasing plan, including a timetable for development of the entire subdivision, shall be approved as part of the Preliminary Plat approval. No final plats shall be accepted and no construction shall be allowed for any phase not approved as part of the Preliminary Plat.

§8.4.7 APPEALS OF PLANNING DIRECTOR'S PRELIMINARY PLAT DECISION

Any Party in Interest in a Preliminary Plat decision of the Planning Director regarding a complete or incomplete application may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within 30 calendar days of the date of the decision.

A. Appeal Powers

In exercising its appeal power the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision on appeal. In acting upon the appeal the Planning Commission shall be authorized only to determine whether the decision of the Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter it may remand the matter to the Planning Director with directions to obtain such evidence and to reconsider the decision in light of such evidence.

B. Consideration of Evidence

The decision of the Planning Commission shall be a matter of record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

C. Burden of Persuasion of Error

In acting on the appeal, the Planning Commission shall grant to the decision of the Planning Director a presumption of correctness, placing the burden of persuasion of error on the appellant.

D. Approval Criteria

An appeal shall be sustained only if the Planning Commission finds that the decision of the Planning Director was in error.

E. Vote Required

A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of its total membership. At least two-thirds of the members present and voting shall be required to reverse a final plat decision of the Planning Director.

[Commentary—Appeals of Planning Director and other subdivision-related administrative decisions [including decisions to reject applications as incomplete], shall be processed in accordance with Article 3.14 described in Chapter 3.]

§8.4.8 APPEALS OF PLANNING COMMISSION PRELIMINARY PLAT DECISION

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

§8.4.9 CONSTRUCTION PLANS

After approval of a Preliminary Plat and before commencing any work within the proposed subdivision (including land clearing and grading), road and drainage plans prepared by an engineer registered in the State of South Carolina shall be submitted to the Public Works Director for review and approval in accordance with the Charleston County Road Construction Standards in Appendix A of this Ordinance.

§8.4.10 INSPECTIONS

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

§8.4.11 CONDITIONAL PLAT APPROVAL

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

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

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

ARTICLE 8.5 FINAL PLATS

§8.5.1 APPLICABILITY

Final Plats shall be required for all Subdivisions.

§8.5.2 APPLICATION

A. Final Plat Applications Requirements:

1. Applications for Final Plat approval shall be submitted to Planning Director on forms available in the Planning Department. Ten (10) copies of the Final Plat shall be filed with the application.
2. Written certification from the design engineer that the subdivision's road and drainage infrastructure and any other required improvements have been constructed in accordance with the approved plans.
3. The Final Plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance for recording, on sheets 22 inches by 34 inches in size, and at an engineer's scale of one inch equals 100 feet or larger. Where necessary the plat may be on several sheets accompanied

by an index sheet or key map insert showing the entire subdivision. Where necessary, the size of the plat may be adjusted to a smaller scale than 1"=100' with the approval of the Planning Director.

B. The Final Plat Shall Show the Following:

1. All proposed divisions of land shall be shown, including: each lot showing lot lines, with bearings and distances; all rights-of-way; all drainage easements; names of all streets; the locations of all utility rights-of-way and utility easements; all structures; and all sites reserved or dedicated for public uses.
2. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of applicant and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
3. Block and lot numbers suitably arranged by simple system.
4. The full names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown. Names of adjacent property owners may be omitted in established residential platted subdivisions; however, Legal Block and Lot Numbers and County Parcel ID Numbers are required.
5. Certificates:
 - a. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
 - b. A statement of dedication by the property owner of streets, rights-of-way, easements, and any other sites for public or private use and warranty of title of property offered for dedication. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.
 - c. For any public dedication, a warranty deed for the transfer of the right(s)-of-way(s), easement(s), or other sites for public use to the County on legal documents of the form suitable to the County must be provided.
 - d. A statement that any easements for utilities or other encroachments in the area to be dedicated for streets, highways, drainage or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company.

6. All easements shall include their location, width and centerline.
7. The approved Office of Coastal Resource Management (OCRM) Critical Line with signed approval statement on the final plat.
8. At the Planning Director's discretion, the applicant/surveyor may be required to show buffers and setbacks on lots less than one acre in size or on newly created lots that may appear to have encroachment of structures into a buffer or setback.
9. At a minimum, a United States Army Corps of Engineers Approximate-Preliminary Jurisdictional Determination Letter is required for lots of five acres or less in size and within all publicly dedicated rights-of-ways and easements.
10. High land acreage and low land acreage (Freshwater Wetlands or acreage below the Office of Coastal Resource Management Critical Line).
11. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire lot. Tree Surveys of Grand Trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand Trees.
12. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.
13. Ownership and maintenance status of the lot access shall be indicated for any newly-created lots.
14. A vacant block shall be provided on each page of the plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.

C. Accompanying Data

1. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate of title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Planning Director.
2. In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection and associated operating permits from the South Carolina Department of Health and Environmental Control (DHEC) shall be submitted.
3. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.
4. Should the Landowner/Developer decide to utilize Article A.2, Private

Road Standards, of Appendix A, the following five (5) notes shall be placed on the plat:

- a. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with the Charleston County Ordinances. Before Charleston County will consider acceptance of any dedication of roads into the County road system, the property owner(s) shall construct the roads to County of Charleston Road Construction Standards;
 - b. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the County of Charleston is not responsible for the maintenance of the streets, roads, common areas, drainage systems and any other municipal services which include, but are not limited to, garbage disposal, public sewage, fire protection or emergency medical service;
 - c. Be aware that the County of Charleston is not responsible for drainage and flooding problems relevant to the real property, and that emergency vehicles may have difficulty accessing the property;
 - d. No public funds shall be used for the maintenance of the roads shown on the plat; and
 - e. This approval in no way obligates the County of Charleston to maintain the 50 foot right-of-way until it has been constructed to County standards and accepted for maintenance by Charleston County Council.
5. Letters of Coordination
Letters of Coordination are required which acknowledge that the County and other agencies will be able to provide necessary public services, facilities, and programs to service the development proposed, at the time the subdivision plat is processed.

D. Certification of Approval

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

§8.5.3 PLANNING DIRECTOR—REVIEW AND DECISION

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

§8.5.4 ACCEPTANCE OF DEDICATIONS

Approval of a Final Plat shall not constitute acceptance of any public improvements. Such

acceptance will require County Council acceptance of dedication.

Documents or instruments granting easements within the area to be dedicated must provide that:

- A. Future relocation or replacement costs of any encroachments, including, but not limited to utilities, due to maintenance or construction of public improvements, is to be borne solely by the easement holder/utility company; and
- B. The County will not be responsible for costs relating to future relocation or replacement of utilities or other encroachments made necessary by maintenance and/or construction of public improvements; and
- C. All expenses pertaining to said relocation shall be paid for by the easement holder/utility company; and
- D. Relocation shall be completed within 90 days from receipt of written request by the County or as otherwise agreed to by the County.

§8.5.5 RECORDING

Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance within 30 days of final approval. Notice to the applicant shall be sent within a reasonable time following the date of the recording with the Register of Mesne Conveyance.

§8.5.6 APPEALS OF PLANNING DIRECTOR'S FINAL PLAT DECISION

Any person with a substantial interest in a Final Plat decision of the Planning Director may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within 30 calendar days after the actual notice of the decision.

A. Appeal Powers

In exercising the appeal power, the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision being appealed. In acting upon the appeal, the Planning Commission shall be authorized only to determine whether the decision of the Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Planning Director, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

B. Consideration of Evidence

The Planning Commission's decision shall be on the record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

C. Burden of Persuasion or Error

In acting on the appeal, the Planning Commission shall grant to the Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

- D. Approval Criteria**
An appeal shall be sustained only if the Planning Commission finds that the Planning Director erred.
- E. Vote Required**
A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning Commission. At least two-thirds of the members present and voting shall be required to reverse a final plat decision of the Planning Director.

[Commentary—Appeals of Planning Director and other subdivision-related administrative decisions (including decisions to reject applications as incomplete), shall be processed in accordance with Article 3.14 described in Chapter 3.]

§8.5.7 APPEALS OF PLANNING COMMISSION'S DECISION

- A. Any person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after actual notice of the Planning Commission's decision.
- B. At any time prior to appeal of a Planning Commission decision on a Final Plat (appeal) decision, the applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings. A vote of the Planning Commission in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this Ordinance. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.

ARTICLE 8.6 MARKERS

§8.6.1 PLACEMENT

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

§8.6.2 TIMING

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

ARTICLE 8.7 LOTS

§8.7.1 LAYOUT AND DESIGN GENERALLY

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

§8.7.2 SIZE

- A. Lots shall comply with the lot area standards of the underlying zoning district and all other applicable standards of this Ordinance.
- B. Depth of residential lots shall not exceed five times the width of the lot (a 1:5 ratio).
- C. The Planning Director may allow the lot width to depth ratio of 1:5 to be exceeded when any of the following conditions occur:
 - 1. When attached dwellings are proposed;
 - 2. Where additional depth is provided for marsh frontage lots when the lot width depth ratio is met and the property line is extended into the marsh or the property is bisected by or fronts on freshwater wetlands;
 - 3. A Minor Subdivision of a parent tract, provided the following requirements are met:
 - a. The minimum lot frontage for each lot is not less than 250 feet;
 - b. In no case shall the average lot width be less than 250 feet with the minimum lot width at any one point less than 200 feet;
 - c. The property to be subdivided is located in an RM, AG-15, AG-10 or AG-8 Zoning District; or
 - 4. All of the following criteria are met:
 - a. The parcel meets all their requirements of this Ordinance;
 - b. The parcel is a lot of record;
 - c. The parcel is in a rural or agricultural zoning district;
 - d. The parcel is greater than 1 acre in size; and
 - e. The applicant has submitted to staff a complete subdivision application and approval from SCDHEC for water and wastewater compliance prior to applying for this exemption.
- D. Prescribed lot width requirements shall be for at least two-thirds of the depth of the lot.

§8.7.3 ACCESS

- A. Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome

specific disadvantages of topography and orientation. An easement with a minimum width of ten feet may be required to restrict access from the major street or other area.

- B. All lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.
- C. All flag lots, cul-de-sac lots and privately accessed lots shall comply with the International Fire Code, as adopted by County Council.

§8.7.4 FLAG LOTS

The Planning Director shall be authorized to allow the use of flag lots only when the Planning Director determines that such lot configurations are necessary to address development constraints that are present on the site (e.g., lot width or wetland issues).

A. Permitted Use of Flag Lots

Flag lots may be authorized when the Planning Director determines that they will:

1. Facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.
2. Eliminate multiple access points to collector or arterial roads.
3. Allow reasonable development when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

B. Prohibited Use of Flag Lots

1. Flag lots shall not be used to avoid the development of streets otherwise required by this Ordinance when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.
2. Flag lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, platting can be accomplished by land owners of adjoining parcels joining together to provide a full width right-of-way and road section.

C. Standards For Flag Lots

1. Flag lots shall take direct access to streets that comply with this Ordinance.

2. The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
3. The flagpole portion of a flag lot shall have a minimum width of 20 feet for its entire depth, and the depth or length of the flagpole shall not exceed 450 feet.
4. As a condition of approval for a flag lot, an encroachment permit must be obtained from the appropriate agency governing access, and an Access Easement Agreement for shared access between the owner of the flag lot and the lot from which the flag lot was created is recorded in the Office of the Charleston County Register of Mesne Conveyance.
5. Dwelling groups on flag lots shall meet the requirements of this Ordinance.

ARTICLE 8.8 TREE PRESERVATION

§8.8.1 TREE SURVEYS

Tree surveys shall comply with the following:

- A. Lots within subdivisions shall be laid out and designed to provide a buildable area on each lot that does not require the removal of Grand Trees.
- B. Tree protection standards are described in Chapter 9 of this Ordinance.
- C. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire lot. Tree Surveys of Grand Trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand trees.
- D. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.

ARTICLE 8.9 TREES, SHRUBS, AND PAVEMENT

§8.9.1 MINIMUM OFFSET OF TREES AND SHRUBS FROM ROAD PAVEMENT

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

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

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

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

ARTICLE 8.10 PEDESTRIAN WAYS

§8.10.1 WHERE REQUIRED

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

§8.10.2 PLACEMENT

Paved pedestrian ways within publicly dedicated rights-of-way shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Unpaved, alternative surface walkways that are not within a right-of-way or drainage easement, and bike trails or walking trails that are designed to connect neighborhoods and provide access to common areas may be provided when approved by the Planning Director.

§8.10.3 TIMING OF SIDEWALK INSTALLATION

The installation of required sidewalks within proposed publicly dedicated rights-of-way can be postponed until after the Final Plat has been recorded, provided the following criteria have been met:

- A. The other required road and drainage system improvements have been completed and accepted;

- B. All final plat conditions and stipulations have been finalized;
- C. An approved Financial Guarantee is posted of an amount sufficient to guarantee completion of the required sidewalk improvements (150 percent (150%) of the actual cost, verified by the Directors of the Public Works and Planning Departments and certified by the subdivision project engineer, a minimum of \$10,000) within a time period not to exceed two (2) years; and
- D. The subdivision Developer must be issued an encroachment permit for construction of the entire subdivision sidewalk system within the proposed right-of-way.

The subdivision's required two (2) year maintenance guarantee period will start once the entire sidewalk system has been completed and approved. The construction of the sidewalk on each individual lot must be completed prior to issuing the Certificates of Occupancy.

ARTICLE 8.11 STREET NAMES, STREET SIGNS, AND ADDRESSES

§8.11.1 STREET NAMES

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

§8.11.2 STREET SIGNS

Installation and maintenance of street signs on private roads or easements are the responsibility of the applicant, developer, Home Owners Association, or property owners in accordance with the Charleston County Road Construction Standards in Appendix A of this Ordinance, MUTCD Standards, and with Chapter 4; and Article VII of the Charleston County Code of Ordinances, as amended.

§8.11.3 EFFECT OF SUBDIVISION ON EXISTING ADDRESSES AND/OR STREET NAMES

The process of subdividing property and/or creating access to a lot(s) may affect the addresses on the subject property and/or adjacent properties and may affect the names of existing roads and/or easements. It is the responsibility of the applicant to ascertain from the Planning Department and Charleston County Consolidated Dispatch Center (CDC) if the proposed subdivision will impact existing addresses or road/easement names and comply with the following requirements prior to Final Plat approval:

- A. If the proposed subdivision will affect addresses on the subject property and/or adjacent properties, the applicant must submit affidavits signed by all owners of all affected properties stating they are aware of the pending address changes and understand that their addresses will be changed by the CDC following approval and recording of the proposed subdivision.
- B. If the proposed subdivision requires existing roads or easements to be named or renamed, the applicant must work with affected property owners to file a road name/road name change petition, along with a plat showing the proposed location of the road/easement to be named/renamed, with the CDC for review and approval. Upon approval of a road name by the CDC, the applicant shall submit to the Planning Department a revised plat showing the road/easement name in the approved location,

the road name/road name change petition, and documentation of the CDC approval. If such road naming/renaming results in the changing of addresses, the requirements of subsection A above shall also apply.

ARTICLE 8.12 UNDERGROUND UTILITIES AND SERVICES

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

ARTICLE 8.13 WATER SUPPLY AND SEWAGE DISPOSAL

In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all subdivisions shall be served by approved water and sewer systems. For the purpose of Article 8.13, a wastewater and/or water treatment facility connection is accessible when it adjoins the property in question, and the water/sewer provider has granted permission to connect to the system. Where annexations or easements to cross adjacent property are necessary for connection to a treatment facility, the wastewater/water service shall not be considered accessible.

- A. If accessible, the applicant must provide documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met.
- B. If not accessible, the applicant must provide documentation from South Carolina DHEC that ensures all new lots have met minimum soil requirements for the installation of an individual on-site wastewater and/or well system.

This provision shall not be interpreted to require that subdivisions be annexed in order to obtain public water or sewer service. All new lots created are to have a means of wastewater disposal, either by individual wastewater systems or physical sewer lateral connection to each lot. New lots may be created without a means of wastewater disposal, provided that they comply with the provisions of Section 8.3.1.G, Non-Buildable Lots, or Section 8.3.1.H Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County of this Ordinance.

ARTICLE 8.14 FINANCIAL GUARANTEES (SURETY)

§8.14.1 PERFORMANCE GUARANTEES

- A. In lieu of completing the required subdivision improvements of this Chapter, a financial guarantee in the form of a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, subject to County attorney approval of the guarantee to determine that the interests of Charleston County are fully protected.
- B. The applicant shall submit to the appropriate governmental agency a detailed itemized unit cost estimate for the proposed public improvements to be included in the financial guarantee. Performance Guarantees are for Public Improvements only; Public Roads, Public Water and Public Sewer. (Example: public roads constructed to County Road Standards dedicated to the public and accepted into the road system by Charleston County Council, or a public water system approved and accepted by another public entity). Charleston County

will only accept a Financial Guarantee (Surety) for two (2) or more of the above public improvements. The amount of the financial guarantee shall be verified by the appropriate governmental agency that exercises operational control (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other public improvements covered in this Chapter). The amount shall be sufficient to guarantee completion of the required improvement (125 percent of the actual cost of the improvements with a minimum of \$10,000) within a time period specified by the government agencies, not to exceed two years. The governmental agencies determining the amount of financial guarantee shall provide a letter to the Planning Director (copy to the applicant) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Director will inform all interested governmental agencies, particularly the County Building Inspection Director.

- C. Upon completion of the improvements as required by this Chapter, written notice thereof shall be given by the applicant to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the applicant has defaulted, County Council will assess the individual applicant the cost of the improvements over and above the surety amount.
- D. In no instance will the bond issuer or bond holder be authorized to extend for the applicant the completion date originally stipulated.
- E. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
- F. In lieu of completed subdivision improvements, the decision-making body may accept the written guarantee of a governmental agency to complete required improvements within 90 days of the date of such acceptance by County Council. Failure to complete required improvements within the 90-day period shall void any subdivision approvals received by the applicant.
- G. The acceptance of performance bonds in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the Charleston County Building Code, before an occupancy permit can be issued by the County Building Inspection Director.

§8.14.2 MAINTENANCE GUARANTEES

Street and stormwater management/drainage systems that are to be dedicated to Charleston

County for public maintenance shall be under warranty for all defects and failures for a period of two years. Prior to Final Plat approval, the developer shall provide written verification of financial responsibility for the correction of any defects and/or failures in those related improvements that will be dedicated to the county. The warranty shall be in an amount of at least ten percent of the construction costs. The cost amounts shall be verified by the Public Works Director. The warranty shall be effective for a period of two years from the date of acceptance by the County Council. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety. Payment is subject to County Attorney approval of the guarantee to determine that the interests of Charleston County are protected. The Public Works Director shall maintain surveillance over the system and provide written notification to the developer if repair work is required during the warranty period. The Public Works Director shall identify defects not considered to be a public safety issue and notify the developer of such defects. The developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not completed within the approved schedule, the Public Works Director shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Director, with reimbursement from the bonding company.

ARTICLE 8.15 CONSERVATION SUBDIVISIONS

§8.15.1 PURPOSE AND INTENT

Conservation subdivisions implement the Charleston County Comprehensive Plan by encouraging residential development in the Rural Areas to maintain rural character and conserve land, promoting compact development form, and preserving natural features. The guidelines for site development emphasize setting aside and conserving the most sensitive areas of a site, with the development of building lots on the remaining less sensitive areas.

§8.15.2 COMPLIANCE WITH THE CHARLESTON COUNTY COMPREHENSIVE PLAN

Conservation subdivisions implement Rural Guideline 3 of the Comprehensive Plan, which states "Develop gross densities at the higher range of the recommended future land use when Clustering or Conservation Design is used, as exhibited in Figure 3.1.3, to offset the provision of significant amounts of preserved land, especially in the Rural Residential and Rural Agricultural Future Land Use categories." Conservation subdivisions shall comply with the applicable Rural Area Purpose and Intent and Rural Guidelines contained in Chapter 3 of the Charleston County Comprehensive Plan.

§8.15.3 APPLICABILITY

Conservation subdivisions shall be allowed within the RR-3, Rural Residential, and AG-8, Agricultural Preservation, Zoning Districts. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Conservation Subdivision regulation is stated in this Article, the regulations of the applicable underlying Zoning District and all other applicable provisions of this Ordinance shall apply.

§8.15.4 PROCEDURES

The preliminary plat and final plat subdivision regulations outlined in Chapter 8 of this Ordinance shall apply to conservation subdivisions. A pre-application Sketch Plan review meeting with County staff shall be required prior to preliminary plat submittal.

§8.15.5 PROCESS

The conservation subdivision process shall include:

A. RESOURCE ANALYSIS/MAPPING

The applicant shall identify and map significant natural and cultural resources within the development boundaries. The resource analysis shall identify two categories of resources: primary Conservation Areas and secondary Conservation Areas. Primary Conservation Areas include bodies of water, wetlands, floodplains, wildlife habitat, significant vegetation (particularly Grand Trees and Protected Trees), historic buildings, and any historical or archaeological sites. Secondary Conservation Areas include, but are not limited to, areas of active agricultural use(s), scenic vistas, and lands with recreational opportunities. The resource analysis may also show any resources and protected open space on neighboring parcels, through aerial photography and other readily accessible documentation, which may enhance the proposed conservation subdivision. All conservation subdivision applications shall include a resource analysis map and calculations for the Conservation Area.

B. SKETCH PLAN REVIEW

The applicant shall schedule a pre-application sketch plan review meeting with County staff. At that time, the applicant shall submit a detailed sketch plan delineating Conservation Areas and cluster lot development areas based on the resource analysis map. Significant cultural and natural resources identified on the resource analysis map shall be included in Conservation Areas. The sketch plan review is intended to ensure that the property improvements are in compliance with conservation subdivision requirements of this Ordinance and the Comprehensive Plan.

C. PRELIMINARY PLAT REVIEW AND APPROVAL

Based on the resource analysis map and sketch plan review, the applicant shall submit a plat for preliminary plat review and approval, in compliance with the requirements of this Article and with Chapter 8 of this Ordinance. The preliminary plat shall identify the Conservation Areas and cluster lot development areas.

D. FINAL PLAT REVIEW AND APPROVAL

The applicant shall submit a conservation subdivision plat for Final Plat review and approval, in compliance with the requirements of this Article and with Chapter 8 of this Ordinance. The final plat shall identify the Conservation Areas and cluster lot development areas.

§8.15.6 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

Conservation subdivisions shall be subject to the following density/intensity and dimensional standards:

CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS		
	RR-3 Zoning District	AG-8 Zoning District
MINIMUM CONTIGUOUS SITE AREA	3 acres	30 acres
MAXIMUM DENSITY Note: Maximum density shall be calculated based on the total highland acreage and shall not include freshwater wetland or OCRM Critical Line area acreage.	1 dwelling unit per 2 acres when 30% to 49.9% of total site area is delineated as a Conservation Area	1 dwelling unit per 6 acres when 30% to 49.9% of total site area is delineated as a Conservation Area
	1 dwelling unit per acre when 50% or more of total site area is delineated as a Conservation Area	1 dwelling unit per 4 acres when 50% or more of total site area is delineated as a Conservation Area
WATERFRONT DEVELOPMENT STANDARDS	See §8.15.7 for lots abutting an OCRM Critical Line	
MINIMUM LOT AREA	Variable but must establish min. 40' x 40' buildable area and meet all Zoning, SCDHEC, Building Services, and Fire Department requirements	
MINIMUM LOT WIDTH: DEPTH RATIO	Depth of the Lot shall not exceed 5 times the width of the lot (1:5 ratio)	
MINIMUM SETBACKS AND BUFFERS		
Front Yard	25 feet	
Side Yard	10 feet	
Rear Yards	10 feet	
Perimeter Buffers	See §8.15.9.C	
OCRM Critical Line Setbacks and Buffers	See §8.15.7 for lots abutting an OCRM Critical Line	
MAXIMUM LOT COVERAGE (includes all impervious surfaces)		
Lot less than 15,000 square feet in size	25%	
Lot 15,000 square feet or greater in size	3,750 square feet	
MAXIMUM HEIGHT	35 feet	

§8.15.7 WATERFRONT LOT STANDARDS

One of the following standards must be utilized to determine the lot configuration and number of lots to be located along an OCRM Critical Line.

- A. When a 50 foot to 74.9-foot setback from the OCRM Critical Line is utilized on private lots in a Conservation Subdivision:

1. The total number of waterfront lots created shall not exceed the total number of waterfront lots that could be developed based on a 135 foot lot width average.
 2. A thirty-five (35) foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 3. A private dock or joint use dock may be utilized.
- B. When a minimum 75 foot setback from the OCRM Critical Line is utilized on private lots in a Conservation Subdivision:
1. The total number of waterfront lots created shall not exceed the total number of waterfront lots that could be developed based on a 100 foot lot width average.
 2. A 35 foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 3. If a dock is desired, a joint use dock shall be utilized.
- C. When a 100 foot setback from the OCRM Critical Line is utilized as protected open space through a Conservation Area in a Conservation Subdivision:
1. The total number of lots created shall only have to meet the dimensional standards listed in Section 8.15.6, above, and shall not be calculated based on any lot width average.
 2. A 35 foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 3. If a dock is desired, a community dock must be utilized; however, the community dock shall be exempt from the Special Exception requirement.

§8.15.8 CONSERVATION AREA STANDARDS

Conservation Areas shall be located to preserve significant resources and shall comply with the following requirements:

- A. Conservation Areas shall be detailed on each Sketch Plan and recorded with the Final Plat, Conditional Plat, or separate instrument.
- B. Conservation Areas may include unimproved land, agricultural lands, natural landscapes, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to agricultural or recreational uses, as well as freshwater wetland areas and surface water. Conservation Areas shall not be occupied by streets, drives, parking areas, or structures, other than agricultural or recreational structures.
- C. Conservation Areas shall be provided within each phase of the conservation subdivision in sufficient amounts to serve the expected population of that phase.

- D. The applicant must have proof of commitment from the entity that will be responsible for the Conservation Area prior to the recording of a plat. Conservation Areas shall be conveyed prior to recording the final plat, in accordance with one of the methods listed below:
1. By dedication to the County as publicly-owned open space. Parks, conservation areas, and recreation facilities proposed for dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or
 2. By leasing, conveying, or retaining title to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the Conservation Area(s) to open space and/or agricultural or recreational uses.

§8.15.9 CONSERVATION SUBDIVISION DESIGN STANDARDS

Generally, a conservation subdivision has three primary characteristics: smaller building lots; more open space; and protection of cultural and natural features and agricultural lands.

A. VEHICULAR ACCESS

The requirements of Appendix A Road Construction Standards of this Ordinance shall apply. Lots shall be configured to minimize the amount of roadway and driveway length. Shared driveways shall be utilized in order to minimize impervious surfaces through the reduction of pavement area. The use of pervious materials for driveway construction is required.

B. PEDESTRIAN ACCESS

Pedestrian access shall be provided from all residential lots to the Conservation Area(s) through a continuous system of pervious walkways and/or trails. Access corridors in an easement a minimum of 10' in width shall be utilized to separate clusters of contiguous lots and to connect the conservation area(s) to the right-of-way and trail system.

C. BUFFERS

The conservation subdivision development shall be designed to preserve existing non-invasive vegetation. A 35' minimum natural undeveloped buffer shall be preserved along the external perimeter and/or property line of the conservation subdivision development, as well as along all OCRM Critical Lines, in order to protect natural features and retain the rural community character. The buffer may be included within the Conservation Area(s) or within individual parcels.

§8.15.10 ACCESSORY DWELLING UNITS WITHIN A CONSERVATION SUBDIVISION

One (1) maximum 600 square foot detached accessory dwelling unit is allowed on lots that do not abut an OCRM Critical Line. Accessory dwelling units shall not be permitted on private waterfront lots.

CHAPTER 9 | DEVELOPMENT STANDARDS

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CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.1 PURPOSE AND INTENT

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

- A. Implement the goals, objectives, and policies of the County of Charleston *Comprehensive Plan*;
- B. Facilitate safe transportation, access, vehicular circulation, and parking;
- C. Assure the protection and preservation of natural resources, such as trees and wetlands;
- D. Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and streets, to moderate climatic effects, and to minimize noise and glare;
- E. Implement basic architectural standards, right-of-way buffer standards, and sign standards that will promote attractive, well-designed development, foster balanced streetscapes, and reduce visual clutter along major roadways, thus enhancing safe traffic flow; and
- F. Insure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.

ARTICLE 9.2 APPLICABILITY

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

ARTICLE 9.3 OFF-STREET PARKING AND LOADING

§9.3.1 GENERAL

A. Applicability

1. New Development

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

2. Expansions and Alterations

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

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

B. Timing of Installation

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

C. Reduction Below Minimums

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

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

This allowable reduction excludes medical offices and restaurant uses. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Ordinance unless parking and loading spaces are provided in accordance with the provisions of this Article.

§9.3.2 OFF-STREET PARKING SCHEDULE A

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

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single Family: Detached and attached, including dwelling groups, duplexes and manufactured housing units.	2 per dwelling unit
CIVIC/INSTITUTIONAL	
Cemetery	1 per full time employee
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
College or University Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community Recreation	1 per 250 square feet of gross floor area
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult or Child Day Care Facilities	1 per employee plus 1 per 5 children/adults
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	1 per employee in single shift plus 2 spaces per acre
Parks & Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Postal Service, United States	1 per 150 square feet of floor area
Railroad Freight Depot	1 per 2,400 square feet
Recycling Collection, Drop-Off	1 per recycle collection container
Public Assembly: Including Conference Centers, Concert Halls, Religious Assemblies, Professional, Labor or Political Organizations and Social Clubs or Lodges	1 per 5 fixed seats or 1 per every three (3) persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Health Care Related Services: Including Home Health Agency, Laboratory, Outpatient Services and Rehabilitation facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.)
School, Secondary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.) plus 1 per 8 students
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 space per employee plus 1 per stored vehicle
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Convenience Store	1 per 200 square feet of floor area
Charter Boat or Other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Construction Tools, Commercial or Industrial Equipment Rental	1 per 250 square feet of floor area not including storage areas
Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks and Financial Services	1 per 300 square feet of floor area, also see drive-thru requirements
Food Sales and Grocery Stores	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Hair, Nail or Skin Care Service	2 per employee or work station, whichever is greater
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 200 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
Recreation and Entertainment, Indoor	1 per 3 seats or 1 per 200 square feet of floor area, whichever is greater
Recreation and Entertainment, Outdoor	1 per 200 square feet of public activity area plus, Swimming Pool-1 per 200 square feet of water surface area Tennis-2 spaces per court Basketball- 5 spaces per court Athletic Field- 15 spaces per diamond or field
Fishing or Hunting Guide Service	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle or camp site
Golf Courses or Country Clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Repair Service, Consumer	1 per 300 square feet of floor area
Catering Service	1 per 400 square feet of floor area

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

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
AGRICULTURAL AND OTHER USES	
Animal Production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle
Taxi or Limousine Service	1 per employee plus one per vehicle that provides service
Urban Transit Service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit vehicle
Water Transportation	1 per two seats of transportation vehicle plus 1 per employee
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticulture, Greenhouse or Hydroponics Production	1 per employee
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center or Waste Related Use	1 per employee
Resource Extraction	1 per 2 employees

§9.3.3 RULES FOR COMPUTING PARKING AND LOADING REQUIREMENTS

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

A. Multiple Uses

Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.

C. Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area. Storage areas or common areas incidental to the principle use shall be exempt from this measurement when the following conditions are met:

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

D. Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

E. Unlisted Uses

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

§9.3.4 LOCATION OF REQUIRED PARKING

A. On-Site Parking

1. Except as expressly stated in this Section, all required off-street parking spaces must be located on the same lot as the principal use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public right-of-way or property line.
2. Parking lots in Office (O) and Commercial (C) districts containing more than ten parking spaces shall be located to the side or rear of the principal structure's front facade or within a courtyard surrounded by a structure on at least three sides.

B. Off-Site and Shared Parking

Off-site parking is defined as the required parking not located on the parcel which the principal use is located. Shared parking is parking for uses with different operating hours or peak business periods that share required off-street parking spaces. Shared parking may or may not be off-site parking. Off-site and shared parking are allowed provided they meet the following standards. If any one of the following applicable standards cannot be met, Special Exception approval shall be required:

1. A maximum of fifty percent (50%) of the required parking spaces may be off-site however, off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses unless approved as part of a mixed use development. Required parking spaces reserved for persons with disabilities shall not be located off site.

2. Shared or off-site parking must be located within 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to the remote parking area. Shared or off-site parking spaces may not be separated from the use that it serves they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.
3. An applicant requesting shared parking shall submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The shared parking analysis must be approved by the Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Approvals will only pertain to the specific uses addressed in the analysis and any change in use(s) will require a new shared parking analysis.
4. Off-site parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Off-site parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
5. In the event that off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit, building permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

§9.3.5 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

The parking standards of this Article are intended to ensure compliance with the Americans with Disabilities Act (ADA). A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

A. Number of Spaces

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1—25	1	1	0
26—50	2	1	1
51—75	3	1	2
76—100	4	1	3
101—150	5	1	4
151—200	6	1	5
201—300	7	1	6
301—400	8	1	7
401—500	9	2	7
501—1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

B. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this Section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

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

§9.3.6 PARKING SPACE AND PARKING LOT DESIGN

A. Parking Lot Design

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

B. Aisle Widths and Parking Space Dimensions

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

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

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

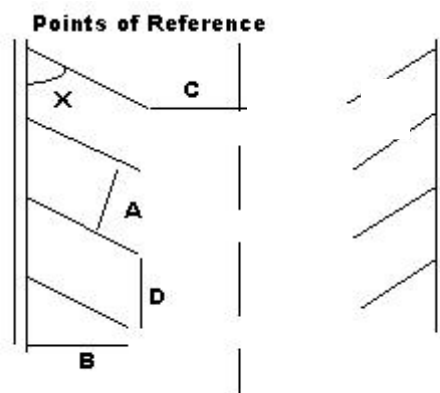


Figure 2

C. Parking Lot Landscaping

See Article 9.5 of this Chapter.

D. Markings and Surface Treatment

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

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

E. Access

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

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

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

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

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

§9.3.7 USE OF REQUIRED PARKING SPACES

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

§9.3.8 Vehicle Stacking Areas

A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Spaces	Measured From
Bank teller lane	3	Teller Window
Automated teller machine	2	ATM
Restaurant drive-through	5	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Dry Clean Service	3	Pick up Window
Gasoline pump island	2	Pump Island
Other	Determined by Planning Director	

B. Parking Area Design and Layout

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

- Stacking spaces must be a minimum of eight feet by 20 feet in size.
- Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
- Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director of Public Works for traffic movement and safety.
- The Planning Director may require pick-up and drop-off loop drives with sufficient vehicle stacking lanes to prevent vehicle backups into internal

travel lanes and parking lots for school uses, adult and child day care facility uses, public assembly uses, and conference facility uses.

§9.3.9 OFF-STREET LOADING

- A. Spaces Required**
For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.
- B. Size of Space**
Each off-street loading space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off-street loading space encroach upon off-street parking space required under this Article.
- C. Location**
All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve.
- D. Entrances and Exits**
Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.
- E. Loading Spaces Adjacent to Sidewalks**
Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
- F. Maneuvering Areas**
All off-street loading spaces shall be provided with adequate off-street maneuvering areas.
- G. Landscaping, Buffers and Screening**
See Article 9.5 of this Chapter.

§9.3.10 PEDESTRIAN WAYS

- A. Where Required**
1. Paved pedestrian ways shall be provided in all non-residential development within the Urban and Suburban Areas of the County; and
 2. Paved pedestrian ways shall link surrounding roadways with the front entrance and shall provide pedestrian linkages between the proposed development and uses on adjoining lots.
- B. Placement**
Paved pedestrian ways within publicly dedicated right-of-ways shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Alternative surface walkways may

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

ARTICLE 9.4 TREE PROTECTION AND PRESERVATION

§9.4.1 GENERAL

A. Findings

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. The Tree Protection and Preservation regulations of this Article are intended to enhance the health, safety and welfare of Charleston County citizens.

B. Applicability and Exemptions

1. Applicability

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

2. Exemptions

- a. Single family detached residential lots of record shall be exempt from all provisions in this Article except for the Grand Tree documentation, protection and replacement provisions. This exemption does not include applications for Major or Minor Subdivisions for which landscape buffers may be required per Section 9.5.4.
- b. The Planning Director shall be authorized to modify or reduce the standards of this Article for commercial nursery operations.
- c. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines or other easements shall not be exempt from the provisions of this Article.
- d. Removal of trees for the purpose of conducting “bona fide forestry operations” shall be exempt from the provisions of this Article except for removal of Live Oak species of Grand trees.

- e. Removal of trees for the purpose of establishing bona fide agricultural uses, as specified in Section 3.8.2A of this Ordinance, shall be exempt from the provisions of this Article except for the Grand Tree documentation, protection and replacement provisions.
- f. Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations are exempt from this Article.
- g. Removal of trees on properties in the Industrial Zoning District is permitted pursuant to the following conditions:
 - i. Tree removal cannot occur prior to site plan approval;
 - ii. This exemption shall not apply to Live Oak species of Grand Trees or any protected trees within required buffers and parking lots; and
 - iii. Mitigation of removed trees, as stated in this Section, is required. Staff shall approve the mitigation of such trees in accordance with Section 9.4.6 of this Ordinance.

3. Partial Exemptions for SCDOT and CCPW

The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) shall be exempt from the provisions of this Article except the following:

- a. All trees species measuring 6 inches or greater DBH located in right-of-ways along Scenic Highways as designated in this Ordinance shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5B and 9.4.6.
- b. Grand Tree Live Oak species in all present and proposed right-of-ways and easements shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5.B and 9.4.6.
- c. All Grand Trees other than Live Oak species in all present and proposed right-of-ways and easements not located on a Scenic Highway are protected but may be permitted to be removed administratively when mitigated per Article 9.4.6.

C. DEFINITION OF "TREE REMOVAL"

For the purpose of this Article, the term "tree removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be

harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season. Additionally, one-half of the foliage of a mature tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning.

D. MEASUREMENTS AND DEFINITIONS

1. Diameter Breast Height

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

2. Caliper

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

3. Grand Tree

Any tree measuring 24 inches or greater diameter breast height (DBH) except pine tree and Sweet Gum tree (*Liquidamber styraciflua*) species. All Grand Trees are prohibited from removal unless a Grand Tree Removal Permit is issued or if the removal is part of an approved Bona Fide Forestry Operation.

4. Protected Trees

Any tree on a parcel with a diameter breast height of eight inches or greater prior to development and all trees within required buffers or required landscape areas. Limited removal is allowed only when specified by the provisions of this Ordinance.

§9.4.2 ADMINISTRATION

A. Zoning Permit Required

1. Tree Removal

Removal of required trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after

a tree plan is approved by the Planning Director, as outlined below.

2. Excess Canopy (Limb) Removal

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

B. Documentation

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

§9.4.3 TREE PLANS AND SURVEYS

A. General

Tree plans of the same scale as, and superimposed on, a development site plan or preliminary plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, canopy size and shape, and the trunk location. All required tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the State of South Carolina. The survey shall include all trees to be protected or preserved, and those scheduled to be removed, including dead and damaged trees. In cases where a previously approved recorded plat is utilized for the purpose of tree plans the name, address, phone number, signature and seal of the licensed landscape architect, civil engineer, forester or surveyor, registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black and white aerial photograph or print of equal quality may be substituted in cases where the Planning Director determines that it would provide the same information as a tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and trees within required buffers must be surveyed and mapped.

B. Major and Minor Subdivision Preliminary Plats

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

C. Commercial, Industrial and Multi-Family Parcels

1. All tree surveys must show the location, number, size and species of all trees 8 inches or greater DBH (Diameter Breast Height) including those scheduled to be removed.

2. When there are no trees 8 inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer or landscape architect.

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

D. Single Family Detached Residential Parcels

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

§9.4.4 REQUIRED TREE PROTECTION

A. General

All Grand Trees and any other trees required to remain on a site as outlined in this Ordinance must be protected during construction and development of the parcel. Tree protection must be shown on all development plans prior to site plan approval. A site inspection of the tree barricades must be scheduled by the applicant with the Planning Department for approval prior to the issuance of permits or the start of development activities.

Prior to issuance of a zoning permit, a pre-construction planning conference for tree preservation is required on site with the Planning Director's representative, the applicants, and any parties deemed appropriate for the purpose of determining if there is a need for additional tree protection techniques and for designating placement of tree barricades, construction employee parking, temporary construction office and dumpsters.

B. Tree Protection During Development and Construction

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

C. Partial Exception for Limited Clearing

Limited clearing and grubbing may be authorized by the Planning Director prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical. Limited clearing shall be for the

express purpose of accessing the property and protected trees to erect the required tree protection and silt fencing. For the purposes of this Article, limited clearing shall be clearing done with hand tools, push or walk behind equipment or lightweight bush-hog type equipment designed specifically for brush and undergrowth clearing that is not capable of removing vegetation greater than 3 inches in diameter. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

D. Separation of Trees from Pavement, Grading and Structures

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

E. Quantity and Location of Trees to be Protected

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

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

§9.4.5 TREE REMOVAL

A. Generally

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

1. Trees are not required to be retained by the provisions of this Article.
2. Trees are diseased, dead or dying (as determined by the Planning Director or a qualified arborist);

3. Trees pose an imminent safety hazard to nearby buildings, or pedestrian or vehicular traffic (as determined by the Planning Director or a qualified arborist); or
4. Removal of required trees has been approved by the Board of Zoning Appeals.

B. Variances

Grand Trees and protected trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.

C. Emergency Provisions

In the event that a tree poses a serious and imminent threat to public safety due to death, disease or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Planning Director may waive requirements of this Article. Documentation must later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified arborist and photographs supporting the tree removal emergency. The Planning Director may require replacement of required trees that are removed where it is determined that death or disease resulted from negligence.

D. Violations and Penalties

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

§9.4.6 TREE REPLACEMENT

A. Generally

Tree replacement shall be required accompanying development on all non-exempt properties in the manner described below:

1. When replacement canopy trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch caliper.
2. The Planning Director or Board of Zoning Appeals is empowered to require trees of larger caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.

B. Protected Trees Removed in Violation

When trees of 8 inches DBH or greater have been removed in violation of this Ordinance, replacement trees shall be planted in the same general area according to a replacement schedule approved by the Planning Director.

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

When lots lack a sufficient number of trees to meet the requirement for DBH/number of trees per acre, all trees six inches DBH or greater shall be

preserved and protected in accordance with Section 9.4.4.B of this Chapter during development and must equal no less than 40 inches per acre combined DBH. On lots with less than 40 inches per acre combined DBH, additional trees shall be planted on the lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Planning Director.

D. Previously Cleared Sites

Where sites were completely cleared of trees prior to adoption of this Article or have been cleared subsequently for activities exempted from this Article, replacement trees shall be planted, the combined caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, caliper and placement shall be approved by the Planning Director.

E. Tree Fund

The Tree Fund is a fund established to receive monies exacted from tree removal violation fines to include, but not be limited to, removal, damage, destruction, or as defined in Section 9.4.1.C of this Chapter, and as a form of mitigation when planting of the required trees is determined to be detrimental to the overall health of existing trees or impractical for the intended site design. The Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. If the applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this Ordinance. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.

F. Bankruptcy or Abandonment of Site

When trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the subject property are responsible for the mitigation of the removed trees as outlined and agreed or subject to Section 9.4.6E of this Chapter.

§9.4.7 INSPECTIONS AND FINAL APPROVAL

A. The Planning Director shall periodically visit development sites prior to completion to monitor compliance with the tree plan approved for a project.

B. Prior to issuance of a Certificate of Occupancy for a completed structure by the Director of Building Services, the Planning Director shall issue a statement of approval attesting to the developer's compliance with the site plan approved for the project (including landscaping, parking, drainage, etc.). The Director of Building Services shall withhold certificates of occupancy pending verification of compliance. It is the responsibility of the owner or agent to contact the Planning Director regarding the compliance inspection. Such inspections will occur within five working days of contact. Failure to obtain a Certificate of Occupancy prior to occupying or using the building for its intended purpose will result in ticketing and fines. However, the Planning Director shall approve a

delayed schedule for planting materials (provided by the applicant's contractor) when the immediate planting schedule would impair the health of the plants. When a delayed planting schedule is approved, the applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials. This is designed to include severe weather, such as droughts, heat waves, and floods.

- C. Within three years of the issuance of the Certificate of Occupancy, the Planning Director shall perform a site inspection to verify the health of trees which were retained to meet the requirements of this Article and which may have suffered damage due to insufficient protective measures during development.
- D. Each required tree that is determined by the Planning Director to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of the disease or injury shall rest with the applicant, who must provide documentation from a qualified arborist. Any tree damaged during or as a result of construction shall be repaired to the satisfaction of the Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree damage must be repaired prior to issuance of a Certificate of Occupancy.
- E. The owners of a non-exempt property or properties shall be responsible for the maintenance of all required trees. No department or agent of the County of Charleston is in any way responsible for the maintenance of required trees on private property.

ARTICLE 9.5 LANDSCAPING, SCREENING AND BUFFERS

§9.5.1 APPLICABILITY

Unless expressly exempted, the landscaping, screening and buffering standards of this Article shall apply to all new non-residential development and all new major roadways that serve Residential Major Subdivisions (ten or more lots). Minor Subdivisions (those with fewer than ten lots) may be required to provide landscaping, screening or buffering on major roadways when the Planning Director determines that such landscaping, screening or buffering is necessary to ensure that the purposes of this Ordinance are met. When modifications or additions are being made to an existing non-residential building or site, the standards of this Article shall apply to those portions of the subject parcel that are directly affected by the proposed improvements, as determined by the Planning Director, provided that when modifications or additions are proposed that would increase the number of parking spaces, the area of vehicular use areas or gross floor area of buildings by more than 25 percent (above existing), then the entire parcel shall be brought into compliance with all applicable standards of this Article. Before calculating the percentage of area for re-development and improvement, any proposed demolition of structures and parking is subtracted from the existing gross floor area of buildings and number of parking spaces.

§9.5.2 EXHIBITS

Drawings included as exhibits at the end of this Chapter are meant to compliment the language of the Ordinance. In the event of a conflict with the text of the Ordinance, the text shall apply.

§9.5.3 PARKING, LOADING AND VEHICULAR USE AREA LANDSCAPING**A. Parking, Loading and Vehicular Area Perimeters**

Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single family or agricultural uses shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy the standards of this Chapter shall also be exempt from these (parking, loading and vehicular use Area) perimeter landscaping requirements.

1. A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement.
2. Required perimeter landscape areas shall be planted in accordance with the following minimum standards:
 - a. One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements.
 - b. A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;
 - c. All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in grass or ground cover; and
 - d. Parked vehicles may overhang a landscaped area if curbing or wheel stops are installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and earth berms will be so located as to prevent their damage and/or destruction by overhanging vehicles.

B. Interior Areas

The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single family residential or agricultural uses.

1. A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.

2. Each required landscaping island shall contain at least one canopy tree and there shall be no more than ten parking spaces in a row between tree islands. Interior parking landscape islands that separate double loaded parking bays shall be a minimum of nine feet wide. Canopy trees planted in these islands must be planted in line with the parking stripes (between vehicles) and may be used to satisfy the parking lot tree requirements, however, all parking lot bays must terminate with a tree island. Example shown in Chapter 9 exhibits.
3. Curbs, wheel stops or other approved protective barriers shall be installed around all required landscape islands, as approved by the Planning Director.
4. Landscaping provided to meet the right-of-way buffer standards of Section 9.5.4 of this Chapter may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter adjacent use buffer landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

§9.5.4 LANDSCAPE BUFFERS

A. Right-of-Way Buffers

1. Applicability

Right-of-way buffers shall be required adjacent to road rights-of-way for all uses except for the following: agricultural and residential uses existing on or prior to November 20, 2001. Minor Subdivisions may not have to comply with the requirements of this Section if the Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.

2. Buffer Reductions

The Planning Director shall be authorized to reduce the depth of a required right-of-way buffer as follows:

- a. General: A required right-of-way buffer may be reduced by up to one-third its depth when the following circumstance exist:
 - i. The parcel is located on a corner lot with required right-of-way buffers of thirty-five (35) feet or more; or
 - ii. The area of all the required buffers, including land use buffers and tree protection area, exceeds thirty percent (30%) of the site.
- b. A required right-of-way buffer of thirty-five (35) feet or less, located within the Urban/Suburban Area as defined by the Urban Growth Boundary (UGB) and not located within an Overlay Zoning District may be reduced as follows:

- i. When no parking or vehicular use area is located between the building and the right-of-way, the required buffer may be reduced to no less than eight (8) feet (Type A land use buffer) provided the site layout and building elevations meet all applicable sections of Article 9.6, Architectural And Landscape Design Standards.
- ii. When no more than ten (10) parking spaces are located between the building and the right of way, the required buffer may be reduced to no less than fifteen (15) feet (S2 buffer) provided the site layout and building elevations meet all applicable sections of Article 9.6, Architectural And Landscape Design Standards.
- iii. Buffers required on parcels that are part of redevelopment that preserves existing structures may be reduced up to a depth no less than ten (10) feet (Type A land use buffer) in order to meet the parking and tree preservation requirements of this Ordinance.

The Planning Director may require additional site improvements including but not limited to, enhanced building architecture and materials and/or increased plant material sizes and density when a buffer reduction is granted to provide an attractive streetscape adjacent to the right of way.

3. Buffer Types by Roadway

Landscape buffers shall be required along roadways in accordance with the following table. Streets and roads not indicated in the table shall comply with the S2 buffer requirements. Section 9.5.4 of this Chapter describes buffer types and planting requirements.

4. Development Within Buffer Areas

- a. No development may occur within required buffer areas; with the exception of sidewalks and permitted drives and signs;
- b. All buffer areas shall accommodate required plant material within the buffer;
- c. Drainage swales and stormwater detention ponds may be placed in the buffer only when trees are not endangered and only when they meander through the buffer in a natural manner; and
- d. Stormwater detention ponds may not occupy more than twenty-five percent (25%) of the buffer area.

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Abbapoola Road	S4	Magwood Road	S3
Ashley Hall Road	S1	Main Road (Limehouse Bridge to Maybank Hwy.)	S5
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	S1	Main Road (Bees Ferry Road to Limehouse Bridge)	S4
Hwy. 61/Ashley River Road (Sam Rittenberg Boulevard to Mark Clark Expressway)	S2	Manse Road	S4
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	S3	Mark Clark Expressway	S5
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	S5	Mary Ann Point Road	S3
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line)[1]	S6	Mathis Ferry Road [1]	S4
Bears Bluff Road	S5	Maybank Highway Corridor Overlay District	[2]
Bees Ferry Road	S4	Maybank Highway [James Island]	S1
Belvedere Road	S4	Maybank Hwy (Main Road to Rockville)	S5
Betsy Kerrison Parkway [1]	S5	Meeting Street	S1
Bohicket Road [1]	S5	Murraywood Road	S4
Botany Bay Road	S4	Old Georgetown Road	S4
Brownswood Road	S4	Liberia Road	S4
Abbapoola Road	S4	Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	S1
Cane Slash Road	S4	Old Jacksonboro Road	S4
Chisolm Road	S4	Old Pond Road	S4
Chuck Dawley Boulevard	S1	Old Towne Road	S1
Coleman Boulevard	S1	Orange Grove Road	S1
Doar Road	S4	Orleans Road	S1
Dorchester Road	S1	Parkers Ferry Road	S4
Eddingsville Beach Road	S4	Patton Avenue/Fickling Hill Road	S4
Edenvale Road	S4	Peters Point Road	S4

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Fordham Road	S1	Pine Landing Road	S4
Fort Johnson Road [1]	S3	Plow Ground Road	S4
Hamlin Road	S3	Raccoon Island Road	S4
Harborview Road	S1	Rifle Range Road	S3
Highway 162	S4	River Road [1]	S5
Highway 165	S4	Riverland Drive [1]	S4
Highway 17 (Hwy. 41 to County Line)	S5	Rivers Avenue	S1
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	S4	Rutledge Road	S4
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	S1	Saint Andrews Boulevard	S1
Highway 17 (west of the Isle of Palms Connector including bypass)	S1	Savannah Highway [Bees Ferry Rd. to County Line] otherwise S2	S3
Highway 174 (Highway 164 to Edisto Beach) [1]	S5	Seewee Road	S4
Highway 174 (Highway 17 to Highway 164)	S3	South Santee Road	S4
Highway 41	S4	Steamboat Landing Road (Jenkins Hill Rd to Steamboat Creek)	S4
Highway 45	S4	Tibwin Road	S4
Humbert Road	S3	Toogoodoo Road	S4
James Island Bridge/Highway 61 Connector	S3	Venning Road	S3
James Island Expressway	S4	Wappoo Road	S1
Liberia Road	S4	Wescott Road	S4
Long Point Road (SPA Wando Terminal to I-526)	S1	Willtown Road	S4
Long Point Road (Outside of MP-O district) [1]	S4		

[1] Denotes Scenic Road designation that shall require protection under the provisions of this Ordinance of all trees 6 inches or greater in diameter breast height (DBH) which are located within rights-of-way.

[2] S6 for industrial use; S5 all other uses.

5. Buffer Depth and Planting Standards

STANDARD	BUFFER TYPE					
	S1	S2	S3	S4	S5	S6
MIN. BUFFER DEPTH (ft from right-of-way)[1]	15	20	35	50	75	100
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet)[2][3]						
Canopy Trees[4]	2	2	4	6	9	12
Understory Trees (at least 50 percent evergreen]	3	4	6	9	12	15
Shrubs	25	30	40	50	60	75
Street Trees (may be counted toward canopy tree req.)[5]	2	2	2	2	2	NA

All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.

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

[2] The retention of natural buffers shall be required along all road or street rights-of-way of S3 designation or greater. The Planning Director shall be authorized to waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.

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

[4] When existing overhead utility lines are located such that they may pose interference with required canopy trees, Palmetto trees may be substituted to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto trees to one canopy tree and are to be planted in groupings of three.

[5] Street trees are trees planted in rights-of-way for the purpose of fulfilling these requirements. Any planting in rights-of-way must be approved by party(ies) authorized to grant encroachment.

Note: The Planning Director shall be authorized to require the installation of berms within required buffers where deemed necessary to protect the visual quality of a road corridor or ensure land use compatibility.

B. Land Use Buffers

1. Applicability

Land use buffers shall be provided in accordance with the standards of this Section, provided that the Planning Director shall be authorized to modify or waive buffer or landscape planting requirements if it is determined that:

- a. Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
- b. Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading, display or service areas; or

- c. The area of required buffers would exceed 25 percent of the site proposed for development.

When landscape buffer requirements are modified or waived, the Planning Director may require that additional plant material be added within remaining buffers or elsewhere on the site.

2. Exemptions

Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.

3. Determination of Required Buffers

The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table (Section 9.5.4.B.4) of this Chapter apply:

- a. Determine the type of use proposed for the site that is being developed. This is the "Proposed Use" (Column 1);
- b. Determine the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel. This is the "Adjacent Site's Use or Zoning";
- c. Identify the type of landscape buffer required along the developing site's boundary (A, B, C, D, E, or F);
- d. Refer to Section 9.5.4.B.5 of this Chapter to identify the buffer depth and landscaping standards for the required buffer type.

4. Land Use Buffer Table

Land Use Buffers shall be provided along side and rear yards in accordance with the following minimum requirements:

Proposed Use	Use or Zoning of Adjacent Site											Agricultural Use
	Residential Type			Zoning District								
	1	2	3	R [1]	OR	OG	CN	CT	CR	CC	I	
Residential Type 1	-	A	B	-	A	B	B	B	B	C	D	F
Residential Type 2	A	-	A	-	A	B	B	B	B	C	D	F
Residential Type 3	B	A	-	-	A	A	B	B	B	C	D	F
Civic/Institutional	B	B	A	A	-	-	-	-	-	-	-	-
Commercial Type 1	B	B	B	B	-	-	-	-	-	-	-	-
Commercial Type 2	C	C	C	C	C	B	B	-	-	-	-	-
Industrial Type 1	E	E	D	D	D	D	C	C	C	B	-	-
Industrial Type 2	F	F	F	F	E	E	D	C	C	C	A	-

[1] Applies to undeveloped (vacant) R and AGR zoned property.

Residential Use Types: Type 1 = Single family Detached; Type 2 = Duplex and Single family Attached; Type 3 = Multi-Family and all other residential use types, including manufactured housing parks.

Commercial Use Types: Type 1 = Any commercial use allowed by right in an OR, OG or CN district; Type 2 = all other commercial uses that are allowed in commercial (c) zoning districts (commercial uses are those listed in the "Commercial" rows of Use Table 6.1-(1))

Industrial Use Types: Type 1 = Any industrial or commercial use that is first allowed in an industrial (I) zoning district; Type 2 = Waste-Related uses, Resource Extraction uses and Recycling Centers.

5. Buffer Depth and Landscaping Standards

Standard	Buffer Type					
	A	B	C	D	E	F
MINIMUM BUFFER DEPTH (feet from property line)	10	15	25	40	60	100
MINIMUM LAND USE BUFFER LANDSCAPING (Plants per 100 linear feet)[1][2]						
Canopy Trees	2	3	3	5	7	9
Understory Trees (at least 50 percent evergreen)	3	4	4	7	9	11
Shrubs	20	20	25	30	40	50

[1] The Planning Director shall be authorized to require the installation of fences, walls or berms within required buffers where deemed necessary to ensure land use compatibility or otherwise protect the visual quality of an area.

[2] All trees with a diameter breast height (DBH) of 8 inches or greater within buffers shall be preserved.

C. General

1. Location of Buffers

Buffers shall be located along the perimeter of a lot or parcel and shall extend to the boundary of the lot parcel. They shall not be located on any portion of public right-of-way. Where drainage or other utility easements exist along property lines, required landscape buffers shall be located adjacent to the easement and may be reduced in width by the width of the easement, but in no case shall the buffer width be less than ten feet. Required buffers shall be noted on all plats, plans and permit requests submitted for review and approval under this Ordinance.

2. Plant Material Within Buffers

Plant material within required buffers shall be selected and spaced properly to allow plant material to thrive considering site specific conditions. Plant material to be located adjacent to public drainage easements and right-of-ways shall be selected and placed to not create future access or maintenance impediments including low lying lateral branches. Additionally, plant material within required buffers that contain utility easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Planning Director must approve all selections and 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.

3. Use of Buffers

The Planning Director shall be authorized to allow on-premises signs, fences, walls, berms, mailboxes, access to community boat ramps, permitted driveways, and sidewalks within required buffers. Other improvements may be allowed within buffers if the Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse affect on adjacent property.

§9.5.5 Landscape Plans

Landscape and Planting Plans submitted to meet the requirements of the Ordinance are to be drawn to the same scale as the Site Plan depicting proposed shrubs and trees at maturity. It is strongly encouraged that all Landscape Plans be prepared by a licensed registered Landscape Architect or Landscape Designer familiar with the growth habits and characteristics of plant material available in the Charleston area. Landscape Plans shall be prepared by a licensed, registered Landscape Architect whenever the area of land disturbance or development activity exceeds one acre or when the total area of proposed building footprint exceeds 5,000 square feet.

§9.5.6 Landscape Material Standards

Landscape and plant material used to satisfy the standards of this Ordinance shall comply with the minimum standards of this Section.

A. Plant Material

1. Existing Plant Material

Vegetation and plant material that exists on a parcel prior to its development may be used to satisfy the landscaping standards of this Section provided that it meets the size and locational requirements of this Article.

2. Size

Unless otherwise expressly stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

PLANT TYPE	MINIMUM SIZE
Canopy Tree	2 1/2 inches caliper and 12 feet in height
Understory/Ornamental Tree	8 feet (height)
Evergreen/Conifer Tree	5 feet (height)
Shrubs	3 gallon and 18" to 24" in height or spread

Note: At least 50 percent of required understory trees shall be evergreens. Any plant material that grows to an ultimate height of less than 18 inches shall be considered a groundcover and cannot be used to fulfill any of the shrub requirements of this Ordinance.

3. Species

Species of plant material used to satisfy the requirements of this Section shall be indigenous to the Charleston County area or are cultivated to survive in the climate of this area. No single plant species shall represent more than 40 percent of total landscape plantings, except for projects whose landscape requirements for canopy trees are lower than ten.

4. Quality

Plants installed to satisfy the requirements of this Section shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and balled and burlapped or container-grown.

5. Additional Landscape Treatment

All required landscape areas, including drainageways and detention/retention ponds, and buffers not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including sand, rock or pavement. All grass areas are to be installed using proper and accepted landscape methods to assure germination and erosion control.

B. Berms and Landscape Structures

Berms and landscape structures shall comply with the following minimum standards.

1. **Fences and Walls**

Fences and walls used as a screen shall be at least 95 percent opaque, with a minimum height of six feet.

2. **Berms**

Earthen berms shall have a minimum height of three feet, with a slope not to exceed 3:1, variable dependent upon the plant materials and soil type used. The toe of any berm shall be located at least three feet from the ultimate right-of-way or property line.

§9.5.7 Installation, Maintenance and Replacement

- A. **Installation**

All landscaping shall be installed according to American Association of Nurserymen Standards and sound nursery practices in a manner designed to encourage vigorous growth. Sites for plant material shall be prepared or improved in accordance with American Association of Nurserymen Standards for soil preparation and drainage. Subsurface drainage shall be provided where berms, elevated planting areas or other suitable means for providing proper drainage do not exist.

- B. **Irrigation**

The Planning Director shall be authorized to require the installation of automatic irrigation (sprinkler) systems when deemed necessary to ensure plant survival and proper growth.

- C. **Maintenance and Replacement**

Required trees, shrubs, walls and other landscape features shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The land owner, or successors in interest, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices, including ANSI standards for Tree Care Operations and American Association of Nurserymen Standards;
2. The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this Section; and
4. Continuous maintenance of the site as a whole

When replacement of trees, plant material or other landscape features is required, such replacement shall be accomplished within one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

ARTICLE 9.6 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS

§9.6.1 PURPOSE

The purpose of these standards is to promote attractive, well-designed development that is built to human scale; to promote and protect the appearance, character and economic value of new development; to encourage creativity in new development (as opposed to homogeneity or "look-alike" projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movement and access.

§9.6.2 APPLICABILITY

These standards shall apply to all developments that are subject to Site Plan Review. (See Article 3.7)

§9.6.3 ARCHITECTURAL DESIGN GUIDELINES

The intent of the Architectural Design Guidelines is to assure respect for the character, integrity, and quality of the built and natural environments of the county; it is not intended to stifle innovative architecture. The following criteria shall be used in evaluating applications:

A. General Design

1. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet should incorporate fascias, canopies, arcades, building setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 square feet or less.
2. All elevations of a structure shall be in harmony, one with another, in terms of scale, proportion, detail, material, color, and high design quality.
3. The side and rear elevations of buildings shall be as visually attractive as the front elevation, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design.
4. All structures within a proposed development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through property considerations of scale, proportion, detail, materials, color, site planning, and landscaping.

5. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.
6. Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line, shall not be permitted.
7. The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.
8. Structures which are of symbolic design for reasons of advertising shall not be permitted. A symbol or symbols attached to a building shall not be allowed unless it is secondary in appearance to the structure and landscape, and is an aesthetic asset to the building and surrounding area.
9. The location and dimension of wall signs shall be indicated upon the architectural elevations of proposed structures and shall maintain compatibility with the architectural features of the structure.

B. Building Materials

1. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
2. Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.
3. Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
4. Mirrored glass with a reflectance greater than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any building.
5. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
6. Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this Section shall preclude

the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.

7. Shingles, metal standing seam, tile, or other roofing materials with similar appropriate texture and appearance shall be utilized. Flat roofs will not be discouraged where they are appropriate to the design theme of a structure.

C. Building Color

1. Color shades shall be used to unify the development.
2. Color combinations of paints shall be complementary. In no case shall garish colors be permitted. In general, no more than three different colors per building shall be allowed.

D. Multiple-Building Developments

Each individual building within a development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of complementary building materials in terms of color, shades, and textures. Monotony of identically designed multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, shadow lines and contrasting shapes may also be used to provide visual interest.

E. Building Orientation

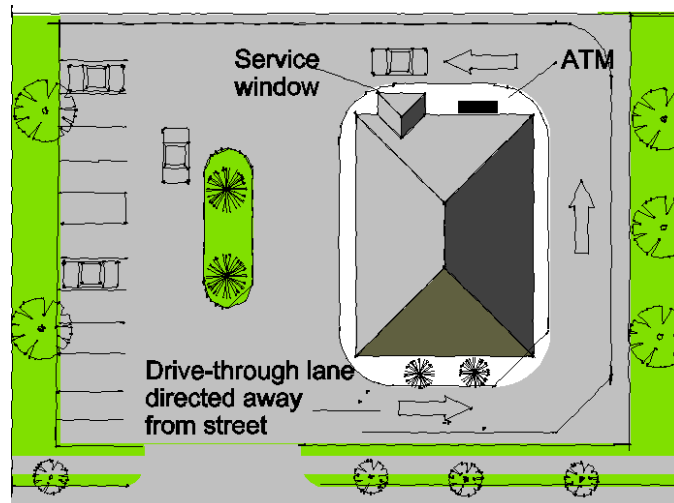
1. To the maximum extent feasible, primary facades and entries should face the adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
4. All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.

5. All buildings shall be sited so that a direct relationship with the primary street is established. The architecture, landscaping and building siting must work in concert to create a unified appearance.
6. Gas Stations.
Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a corner lot, the building would have to be situated in the corner of the lot at the intersection.

F. Mechanical Equipment and Trash Receptacle Screening

Locations of all mechanical equipment and dumpsters shall be shown on all site plans. All mechanical equipment and trash receptacles shall be shielded and screened from public view. Mechanical equipment shall be shielded with walls, fencing or landscaping that screens the equipment entirely. Dumpsters shall be screened with a minimum 6-foot opaque fence or wall on all four sides and located toward the side or rear of the principle structure.

- G.** All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive thru services shall be located to the side or rear of buildings. For the purpose of this Section, the side or rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property lines. This concept is depicted in the graphic below:



§9.6.4 LANDSCAPING DESIGN GUIDELINES

The purpose and intent of Landscaping Design Guidelines is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between neighboring properties. The following criteria shall be used in evaluating applications:

A. General Design

1. Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.
2. Landscaping does not only include trees and plantings but also paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but [also] for their aesthetic value and must compliment [complement] the whole.
3. All utility lines in the suburban areas such as electric, telephone, CATV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, and the like, should be recognized and integrated with the architectural elements of the site plan. All properties shall comply with the County's Right-of-Way Management Ordinance where applicable.
4. Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

B. Parking/Drives

1. Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade, or within a courtyard surrounded on three sides by a proposed structure, is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.
3. Drive-through access shall be integrally designed with the building and not dominate the design. Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), post offices or utilities.

C. Site Lighting

Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicular traffic. A lighting plan with photo-metrics shall be stamped and signed by a registered professional engineer and comply with the following criteria:

1. Maximum average foot-candles shall not exceed 5 foot candles as depicted on photometric plans with a maximum not to exceed 12 foot candles close to light sources. Maximum foot candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot candles.
2. All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot candle above the background measured at the lot line of any adjoining residential or agricultural parcel and public right-of-way.
3. Lighting shall enhance the overall aesthetics of the site.
4. Security lighting shall be provided, particularly at pedestrian walkways.
5. Lighting shall be integrated with architectural design of the buildings.
6. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

ARTICLE 9.7 WETLANDS, WATERWAYS AND OCRM CRITICAL LINE

§9.7.1 WETLAND BUFFERS AND SETBACKS

A. Intent

The buffer standards of this Article are intended to provide a natural vegetated area between the furthestmost projection of a structure, parking or driveway area, or any other building elements, and all saltwater wetlands, waterways and OCRM (saltwater) critical lines. The purpose of these required buffers is to provide a visual, spatial, and ecological transition zone between development and the County's saltwater wetlands and waterways, and to protect water quality and wildlife habitat.

B. Wetland, Waterway and OCRM Critical Line Buffer Depth and Setbacks

1. Standards

The following minimum wetland/waterway buffers/setbacks shall be required:

Minimum Buffers/Setbacks (feet)	RM	AG-15	AG-10	AG-8	AGR	RR-3	S-3	R-4	M-8	M-12
OCRM Critical Line Buffer	35	35	35	35	35	35	15	15	15	15
Setback from OCRM Critical Line	50	50	50	50	50	50	35	35	35	35

Minimum Buffers/Setbacks (feet)	MHS	MHP	OR	OG	CT	CN	CR	CC	I
OCRM Critical Line Buffer	15	15	35	35	35	35	35	35	35
Setback from OCRM Critical Line	35	35	50	50	50	50	50	50	50

2. Reduction of OCRM Critical Line Setbacks

The Planning Director shall be authorized to reduce OCRM Critical Line setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable development of the parcel and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

3. Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999

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

C. Measurement

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

D. Lot Width

The minimum lot width standards of the underlying zoning district shall apply at the required buffer or setback line.

§9.7.2 PROHIBITED ACTIVITIES

The following activities are specifically prohibited in a buffer area:

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

ARTICLE 9.8 HISTORIC PRESERVATION**§9.8.1 INTENT**

The standards of this Section are intended to safeguard the integrity of historic structures, sites, and their context, and to protect public views of these resources along public rights-of-way.

§9.8.2 APPLICABILITY

The standards of this Section shall apply to all sites (existing and future) listed on the National Register of Historic Places.

§9.8.3 DEMOLITION

No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance.

§9.8.4 MOVING

No relocation of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. Relocation should not be considered, except as a final alternative to demolition.

§9.8.5 NEW CONSTRUCTION; EXTERIOR ALTERATIONS

No new construction located on a historic structure or site or significant exterior alteration of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.

§9.8.6 NEARBY DEVELOPMENT

Subdivision plats for multi-family, manufactured housing park, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Planning Director shall require that potential negative impacts be minimized through the location of vehicular access points, screening/buffering and other site design tools.

ARTICLE 9.9 TRAFFIC IMPACT STUDIES**§9.9.1 APPLICABILITY**

A traffic impact study shall be required with applications for zoning map amendments, preliminary plats and planned developments that are projected to generate 100 or more peak hour vehicle trips, based on trip generation rates from the latest edition of the Institute of Transportation Engineers Trip Generation manual. The Planning or Public Works Director shall also be authorized to require traffic impact studies when it is determined that a proposed development is likely to have a significant impact on transportation capacity, transportation levels of service or traffic safety in the vicinity of the proposed development.

§9.9.2 STUDY SCOPE

When a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Public Works Directors. The meeting may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include:

- A. Type of Study**
The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).
- B. Definition of Impact Area**
The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.
- C. Period of Analysis**
Periods of analysis may include: daily traffic, a.m., p.m. or weekend peak hour.
- D. Analysis Scenarios**
Scenarios for analysis include: existing conditions, opening year conditions with and without development, and 10 years after opening with and without development.
- E. Process**
Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.
- F. Growth Rate Assumption**
The rate of growth assumed in background traffic assumptions.
- G. Pipeline Development**
Developments in the area that have been approved or are under review.

§9.9.3 TRAFFIC STUDY ELEMENTS

A letter report or special report shall include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements:

- A. Existing Condition Survey**
 - 1. Street System Description**
The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.
 - 2. Traffic Volumes**
Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and "Design" peak hour volumes. AADT may be derived from current counts of the South Carolina Department of Transportation (if available) and peak hour volumes shall be done from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.
 - 3. Capacity Analysis**
Existing capacity of signalized and unsignalized intersections.

4. **Other**

Other items may be required at the discretion of the Public Works Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

B. Future without Development

Capacity analysis is to be provided for opening year and plus ten-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Public Works Director.

C. Future with Development

1. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers Trip Generation manual unless the Public Works Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from the Institute of Transportation Engineers.
2. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.
3. Capacity analysis for opening year and plus ten-year for key intersections (and roadway segments where appropriate).
4. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

D. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Public Works Director and, where appropriate, the South Carolina Department of Transportation. Where a Decision-Making Body determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat or planned development request.

E. Consultants

The Public Works Director may require that a mutually agreed upon independent consultant be hired by the County to perform required traffic impact studies or to review all or part of a study prepared by the applicant's consultants. The Public Works Director is authorized to administer the contracts for such consultants.

1. The Public Works Director shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
2. The applicant shall provide an amount equal to the estimate to the Public Works Director, who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the applicant in a timely manner without interest.
3. The Public Works Director may require additional fees for the independent review if: the Decision-Making Body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at Planning Commission or County Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

ARTICLE 9.10 VISION CLEARANCE

§9.10.1 MAJOR ROADWAYS

Corner lots on major roadways shall have no structure or obstruction that obscures travel vision from 30 inches to ten feet above ground level in a triangular area formed by measuring from the point of intersection of the front and side lot lines a distance of 40 feet along the lot lines and connecting the points to form a triangle.

§9.10.2 COLLECTOR STREETS

On Collector Streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 30 feet.

§9.10.3 SUB-COLLECTOR STREETS

On Sub-Collector Streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 20 feet.

§9.10.4 PRIVATE DRIVES AND PRIVATE LANES

On private driveways of commercial or industrial activities, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet.

ARTICLE 9.11 SIGNS

§9.11.1 GENERAL PROVISIONS

A. Purpose and Intent

This Article provides comprehensive regulations for signage in Charleston County designed to promote public safety and welfare by reducing visual clutter along highways, facilitating the efficient transfer of information, and thus enhancing traffic flow and the ability to locate needed goods and services.

B. Administration and Enforcement**1. Building and Electrical Code Standards**

All permanent signs must meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electrical Code as enforced by the Charleston County Building Inspection Services.

2. Permit Required

No signs, shall be erected unless a zoning permit has been issued by the Planning Director in accordance with the procedures of this Ordinance, except real estate signs, political signs, and campaign signs 32 square feet or less in size.

3. Fees

An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by County Council.

4. Documentation of Signs

Upon request, the owner of any existing sign shall provide the Charleston County Planning Director with evidence that documents the size, location and date of construction of all existing signs on the premises.

C. Prohibited Signs

Except as otherwise permitted by this Ordinance, the following sign types shall be prohibited:

1. Flashing Sign;
2. Animated Sign;
3. Sign Imitating Traffic Devices (Signal);
4. Sign Imitating Traffic Sign;
5. Sign in Marshes;
6. Sign in Right-of-Way;
7. Snipe Sign;
8. Vehicle Sign;
9. Roof Sign;
10. Off-Premises Sign (except Billboards, Shared Signs and Bona Fide Agricultural Use Signs as defined by this Ordinance).

D. Address Numbers

All permanent, free-standing, on-premises signs shall contain address numbers of at least four inches in height. The area devoted to required address numbers shall not be included in the calculation of maximum sign area.

E. Illumination

All lighted On-Premises signs shall comply with all dimensional standards set forth in this Ordinance. Additionally, all non-LED internally illuminated signs on property not adjacent to commercial or industrial uses shall have an opaque background on the sign face with a maximum of 80 watts per bulb and no more than one bulb per foot in height of the sign face. See section 9.11.2.I for

illumination requirements for LED message board signs.

F. Signs in Disrepair

Signs in disrepair shall be repaired, renovated, or removed from the premises within 60 days following notice by Planning Director.

G. Abandoned Signs

Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within 30 days after a sign becomes abandoned. If no remedial action is taken, the Planning Director shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before April 21, 1999.

H. Signs Interfering with Vehicular Vision

1. In the area near the entrance of a driveway, no sign shall obscure the travel vision from 30 inches to ten feet above ground level in triangular areas formed by measuring from the point of intersection of any front lot line and driveway, a distance of 15 feet along the front lot line and driveway and connecting the points to form a triangle.
2. No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any intersection of any street, highway or road with a railroad track. Signs determined by the Planning Director to be in violation shall be removed or relocated immediately upon notice.
3. Signs shall also comply with the site triangle standards, as illustrated in Chapter 9.

§9.11.2 FREE-STANDING SIGNS**TABLE 9.11.2 FREE-STANDING ON-PREMISES SIGNS**

ZONING DISTRICT			
Requirement [1] [2]	Agricultural	Residential	Non-Residential
Maximum Area	10 (32 with Special Exception) sq. ft.	10 sq. ft.	Bldg. Size (sq. ft.) Sign Size 0 sq. ft. to 2,500 sq. ft. = 50 sq. ft. 2,500 sq. ft. to 25,000 sq. ft. = 100 sq. ft. 25,000 sq. ft. to 100,000 sq. ft. = 150 sq. ft. 100,000 sq. ft. + = 200 sq. ft.
Maximum Height	12 ft.	6 ft.	20 ft. OR Districts: 6 ft.
Minimum Height	None	None	None
Maximum Width (height of sign with face)	N/A	5 ft.	Ratio—Longest side: Shortest side 5:1 (ft.)
Maximum Length	N/A	5 ft.	Ratio—Longest side: Shortest side 5:1(ft.)
Setbacks (Front/Int)	5/5 (ft.)	5/5 (ft.)	5/5 (ft.)
Max. No. Sign Faces	2 per sign	2 per sign	2 per sign
Max. No. Signs	2 per major frontage	1 per major frontage	1 per major road frontage

[1] Sign regulations for the CT Zoning District can be found in Section 4.18.4.

[2] Sign regulations for properties located in overlay districts can be found in Chapter 5.

- A. Maximum size, height, width, length, number of sign faces, number of signs per establishment and required minimum height and setbacks are based upon establishment size and shall conform with Table 9.11.2.
- B. A maximum of one reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.
- C. All new free-standing signs are to be designed as monument signs, pedestal style signs, or pole mounted signs.
- D. All pedestal style signs shall have a pole skirt.
- E. The predominate exterior sign materials used for free-standing signs shall complement those found on the principal structure as reviewed and approved through the site plan review process. Materials, design and color of the sign do

not need to be the same as those found on the principle structure to be considered complementary.

- F. Signs that are located in parking lots (such as directional signs) may be internally lit when constructed with routed letters or an opaque background.
- G. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.
- H. When calculating the sign area of a “monument sign”, “pedestal sign”, or “pole sign”, the internal structural framework supporting the sign or other solid structural features (not containing copy or any graphic, word, symbol, insignia, text sample, model, device, or combination thereof which is primarily intended to advertise, identify or notify, exclusive of a frame or border) shall not be used in the calculation of the maximum area of the sign. Signs may be mounted on a base or foundation that will not be included in the square footage; however, the base for monument signs must be as wide as the sign.

I. **Light Emitting Diode (LED) Message Board Signs**

An LED Message Board may be permitted as part of a free standing sign provided that documentation has been submitted demonstrating that it complies with all applicable sections of this ordinance and the following standards:

1. The sign is within the Urban/Suburban Area of the County, as defined by the Urban Growth Boundary (UGB), and is located on a parcel that:
 - a. Is zoned Community Commercial (CC) or Industrial (I) and is adjacent to (shares side property boundaries) one or more parcels in the Community Commercial (CC) or Industrial (I) Zoning District; or
 - b. Contains a legally established Civic/Institutional Use as its principal use, provided that if the parcel shares one or more side property boundaries with parcels that are zoned Single-Family Residential (R-4) or Special Management 3 (S-3) or that contain single family detached residential uses, the proposed LED sign shall comply with the Special Exception procedures contained in this Ordinance and all other requirements of this Ordinance.
2. The sign is not located within any of the Overlay or Special Purpose Districts as described in Chapter Five of this Ordinance.
3. The sign is monument style, maximum ten (10) feet in height and the electronic message board constitutes no more than twenty-five percent (25%) of the overall allowable sign area as defined by Table 9.11.2.
4. The electronic message board will exhibit low intensity lighting and low intensity, night dimming red or amber text (no graphics) on a black background associated only with the business of the subject parcel and the text will not scroll, fade, or move except on and off.

5. The copy will not change at intervals less than eight (8) seconds on LED signs that front on roads with a speed limit of forty-five (45) mph or greater and fifteen (15) seconds on roads with a speed limit less than forty-five (45) mph. On corner or double frontage lots, the required time interval will be based upon the speed limit of the road which the parcel is addressed.

§9.11.3 SPECIAL SIGNS

TABLE 9.11.3.A SPECIAL SIGNS

Type	Maximum Size	Maximum Number	Maximum Height	Minimum Setback
Subdivision/Multi-Family I.D. Signs	32 sq. ft.	2 per entrance	12 ft.	5 ft.
Directional	3 sq. ft.	Unlimited	4 ft.	N/A
Flags	60 sq. ft.	3 per zoning lot	35 ft. or 15 ft. above highest point of roof	N/A
Civic/Institutional	100 sq. ft. 32 sq. ft. in Residential or Agricultural uses	1 per zoning lot	12 ft. Sign must have opaque background except the marquee. Marquee cannot exceed 25% of total sign size	5 ft.
Home Occupations	3 sq. ft.	1 per zoning lot (free standing or wall mounted)	3 ft.	5 ft.

Maximum size, number, location and height of special signs shall conform with Table 9.11.3.A and the following standards:

A. Flags Used As Signs

1. A permit shall be required for the installation of all flag poles or flag display devices erected on lots zoned for multi-family, office, commercial, or industrial use or occupied by a multi-family, office, commercial, or industrial use.
2. Applicants must submit with the permit application a scaled site plan giving the location of all flag poles and complete dimensional and installation engineering data.
3. Applicants must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper utility prior to issuance of permit, or installation.
4. Maximum size and number of flags used as signs, and height of flag poles shall conform with Table 9.11.3.A of this Chapter.

5. The American flag and the flag of the State of South Carolina are exempt from the provisions for maximum size of flags and maximum size of flagpoles in Table 9.11.3.A of this Chapter.

B. Sandwich Board/Sidewalk Sign

A permit may be issued for a maximum of two sandwich board signs per lot or business provided the signs comply with the following criteria:

1. The sign is located within the Commercial zoning districts on the subject parcel or in front of the business being advertised.
2. It is a maximum of three (3) feet in height with a maximum of nine (9) square feet per sign face.
3. The sign is erected only during the hours of operation of the subject business and must be removed daily after close of business.
4. The sign is not located within any right of ways or within any pedestrian ways which would impede or interfere with vehicular or pedestrian use of roads, sidewalks or seating areas.

C. Shared Free Standing Signs

1. Off-premises shared free standing signs are allowed in the Commercial and Industrial zoning districts for the advertisement and identification of two or more businesses or residential developments located on separate parcels.
2. One shared sign is allowed at the location of a jointly shared curb cut/entry drive.
3. Multiple businesses may participate on multiple shared signs; however, a business that participates on a shared free standing sign shall not be allowed to erect a single tenant on-premise free-standing sign.
4. Participating businesses must either share a property boundary on at least one (1) side or be part of an approved multi parcel development.
5. The size of a shared sign face may be one and one half (1.5) times the size allowed by the accumulated building square footages of the subject businesses advertised as defined in Table 9.11.2. Shared free standing signs must meet all other setback and dimensional standards for Non-Residential Free Standing Signs including all architectural standards and overlay district requirements of this Ordinance.

D. Off-Premises Bona Fide Agricultural Use Signs

Off-premises signs advertising products from Bona Fide Agricultural uses, related activities and farm identification may be permitted on properties located in Agricultural or Commercial zoning districts, subject to the following requirements:

1. A maximum of one (1) off-premises sign is permitted per Bona Fide Agricultural use;
2. The applicant shall submit a plan drawn to scale showing the proposed location of the sign on the property on which the sign is to be placed;
3. The sign shall comply with the setback and dimensional requirements of Table 9.11.2. Free-Standing On-Premises Signs, of this Ordinance. The applicable requirements of Table 9.11.2. shall be determined based on the Zoning District of the property where the sign is to be located;
4. The sign shall be located outside of any right-of-ways and easements, shall comply with the requirements of Article 9.10, Vision Clearance, of this Ordinance, and shall not be internally or externally illuminated;
5. The applicant shall submit a signed letter of intent and supporting documentation indicating that the primary use of the property being advertised is a Bona Fide Agricultural use as defined in this Ordinance and that the products and events advertised are grown, produced, and/or will occur on the Bona Fide Agricultural use property; and
6. The applicant shall submit a signed letter of agreement from the property owner of the parcel on which the sign is to be located stating that the property owner will allow the sign to be erected at the location indicated on the site plan;
7. The sign shall comply with all other applicable sections of this Ordinance; and
8. Off-Premises Bona Fide Agricultural use sign permits shall be assigned to the property on which the sign is to be located.

E. Home Occupation Signs

One (1) sign per property on which a legally established Home Occupation use exists may be permitted provided that the sign complies with the requirements contained in Section 6.5.11.J, Home Occupations. —

F. TEMPORARY SIGNS

TABLE 9.11.3.B TEMPORARY SIGNS

Type	Maximum Size	Maximum Number	Maximum Height	Minimum Setback
Real Estate Signs	48 sq. ft.	1 per 1500 ft. frontage Maximum: 3 per lot	12 ft. 6 ft. height in residential zoning districts	5 ft.
Grand Opening and Special Sales Event Signs	50 sq. ft.	2 per zoning lot including banners, balloons (max. 2 square ft.), pennants, streamers allowed	20 ft.	5 ft.
Permitted Temporary Special Event Signs	100 sq. ft., 50 sq. ft. in Residential and Agricultural districts and no internal illumination	1 per zoning lot	12 ft. 6 ft. height in residential zoning districts	5 ft.

All Temporary signs, unless expressly exempt, require a Zoning Permit and shall comply with all other regulations of this Ordinance. Maximum size, number, duration, location and height of temporary signs shall conform with Table 9.11.3.B and the following standards:

1. Portable signs are permitted in accordance with standards of the National Electrical Code and anchoring provisions of the International Building Code where applicable.
2. A site plan and letter of intent indicating the type, amount and location of balloons, pennants, streamers, banners and portable signs must be submitted for review. The application will be reviewed to insure that all proposed signage will not pose any pedestrian or vehicular danger as determined by the Planning Director.

a. Special Sales Event Signs

- i. A legally established business may submit an application for temporary signs for the advertisement of one Grand Opening and five Special Sales Events per calendar year.
- ii. Permitted Signs for Grand Openings or Special Sales Events shall be removed no later than ten consecutive days after being installed.

b. Permitted Temporary Special Events

- i. A permitted Special Event is allowed one Special Event sign per event.
- ii. Signs for permitted Special Events shall be removed no later than ten consecutive days after being installed.

c. Real Estate Signs

- i. Signs 32 square feet or less do not require a Zoning Permit.
- ii. All signs shall be removed no later than 15 days after the property is sold.
- iii. Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed.
- iv. Where signs are V'ed, the space between panels shall not exceed 3 feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 60 degrees. For purposes of these requirements, V'ed signs shall be counted as one sign.
- v. Where signs face two directions, whether back-to-back or V'ed, both signs must be the same standard size.

d. Political Signs

- i. A Zoning Permit shall be required for temporary political signs greater than 32 square feet in size. Signs greater than 32 square feet shall be treated as permanent free standing signs, subject to §9.11.2, along with applicable County Building Code regulations to ensure that the signs are adequately designed to be safe and meet current wind load standards to mitigate potential danger to the public.
- ii. All signs shall: comply with the §9.11.1.H (Signs Interfering with Vehicular Vision); not interfere with the effectiveness of an official traffic sign, signal, or device; not obstruct or interfere with drivers' views of approaching, merging, or intersecting traffic; and not create any other public safety hazards.
- iii. Political signs that are not in compliance with this Section will be subject to enforcement measures, as stated in Chapter 11 of this Ordinance and as allowed by Section 7-25-210 of the S.C. Code of Laws. Additionally, the land owner, along with the candidate, political party, and/or political organization explicitly listed on a sign, will be designated as the sign owners or the responsible parties for the purpose of enforcement action.

e. Campaign Signs

- i. A Zoning Permit shall not be required for campaign signs 32 square feet or less in size. Signs greater than 32 square feet shall be treated as permanent free standing signs, subject to §9.11.2, along with applicable County Building Code regulations to ensure that the signs are adequately designed to be safe and meet current wind load standards to mitigate potential danger to the public.
- ii. Campaign signs shall only be posted during the period of 45 calendar days prior to a legally scheduled election and shall be removed within 15 calendar days after a legally scheduled election.
- iii. All signs shall: comply with the §9.11.1.H (Signs Interfering with Vehicular Vision); not interfere with the effectiveness of an official traffic sign, signal, or device; not obstruct or interfere with drivers' views of approaching, merging, or intersecting traffic; and not create any other public safety hazards.
- iv. Campaign signs that are not in compliance with this Section will be subject to enforcement measures, as stated in Chapter 11 of this Ordinance and as allowed by Section 7-25-210 of the S.C. Code of Laws. Additionally, the land owner, along with the candidate, political party, and/or political organization explicitly listed on a sign, will be designated as the sign owners or the responsible parties for the purpose of enforcement action.

f. Nonconforming Signs

Refer to Chapter 10, Nonconformities, of this Ordinance.

§9.11.4 WALL/FACADE SIGNS

TABLE 9.11.4 WALL/FACADE SIGNS

Building Length Facing Street	Setback	Maximum Size (sq. ft.)
50 feet or less	0—99 ft.	50
	100—399 ft.	100
	400 or more ft.	150
More than 50 feet	0—99 ft.	Bldg. Frontage x 1
	100—399 ft.	Bldg. Frontage x 2
	400 or more ft.	Bldg. Frontage x 3

- A. A maximum of two signs shall be allowed per wall/facade, with a maximum of four per building. Total area of all signs shall not exceed square footage of Table 9.11.4.
- B. Maximum size of wall/facade signs is dependent upon building frontage and setback, in accordance with Table 9.11.4.
- C. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.
- D. Awning Signs
1. The use of awnings for the purpose of providing signage will be considered a wall sign. The awning signage must meet all dimensional and intensity standards applicable to wall signs in this Article.
 2. For purposes of the subsection, an awning sign is a sign used for the purpose of providing signage and must be located above a display window or entryway.
 3. Text or graphic shall be limited to the face of an awning.

§9.11.5 BILLBOARDS (Outdoor Advertising Structures)

- A. **Outdoor Advertising of America Standards**
All Billboards shall be constructed in compliance with Outdoor Advertising of America Standards.
- B. **Location and Setbacks**
Billboards shall be allowed in those zoning districts indicated in Chapter 6.

TABLE 9.11.5-D BILLBOARDS

Maximum Length	48 ft.
Maximum Width	14 ft.
Maximum Area	672 sq. ft.

Maximum Height	40 ft.
Minimum Setback (<i>from property boundary and above ground utility</i>)	25/20 ft.
Location Criteria	
Minimum distance to nearest billboard	1,000 ft.
Minimum distance to nearest on-premises sign (<i>excluding signs located on the subject parcel</i>)	500 ft.

C. Orientation

1. Signs shall face a maximum of two directions, and may be mounted back to back or V'ed.
2. Where signs are V'ed, the space between panels shall not exceed three feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 90 degrees.

D. Compatible Size Signs

Where signs face two directions, whether back to back or V'ed, both signs must be the same standard size.

E. Nonconforming Signs

Refer to Chapter 10, Nonconformities.

F. Digital or Electronic Billboards

Digital or Electronic Billboards may be permitted in the Industrial Zoning Districts, provided that documentation of compliance with all applicable sections of this Ordinance and documentation that the billboard meets the following standards have been submitted:

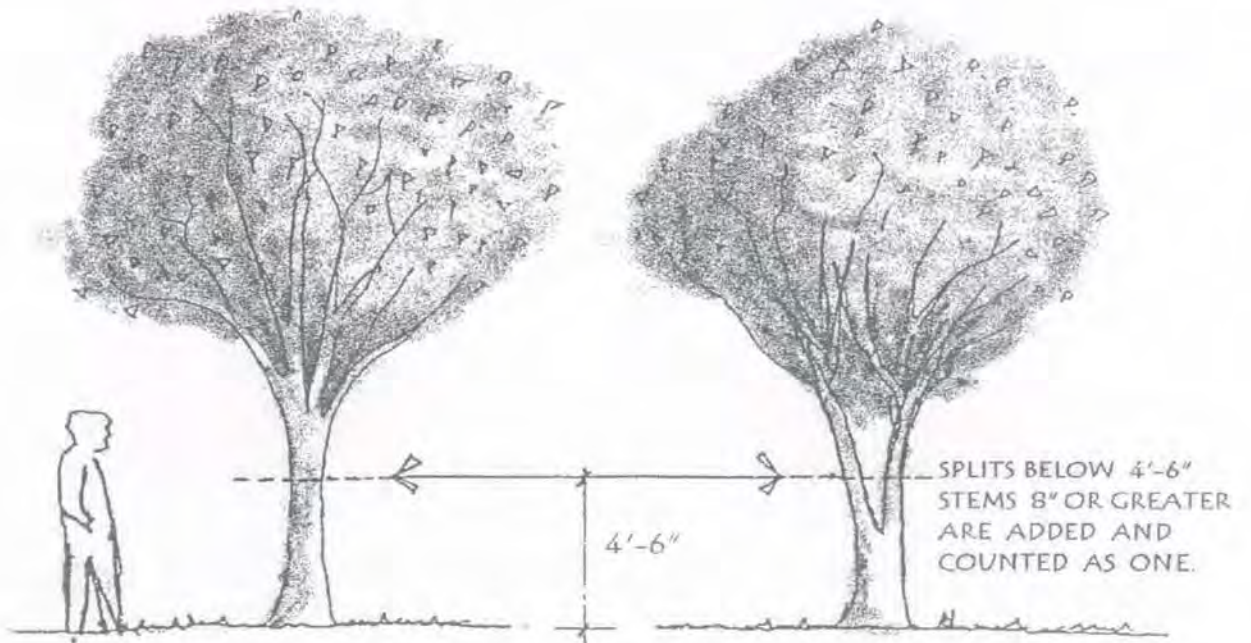
1. All messages, images or displays on a digital or electronically changing billboard shall remain unchanged for a minimum of (8) eight seconds;
2. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, scrolling, movement of flow of the message, image or display;
3. The digital or electronic billboard shall automatically provide day and night dimming to reduce the illumination intensity of the sign from one hour after sunset, to one hour prior to sunrise; and
4. Proof of approval of the digital or electronic billboard by the South Carolina Department of Transportation.

ARTICLE 9.12 DRAINAGE DESIGN

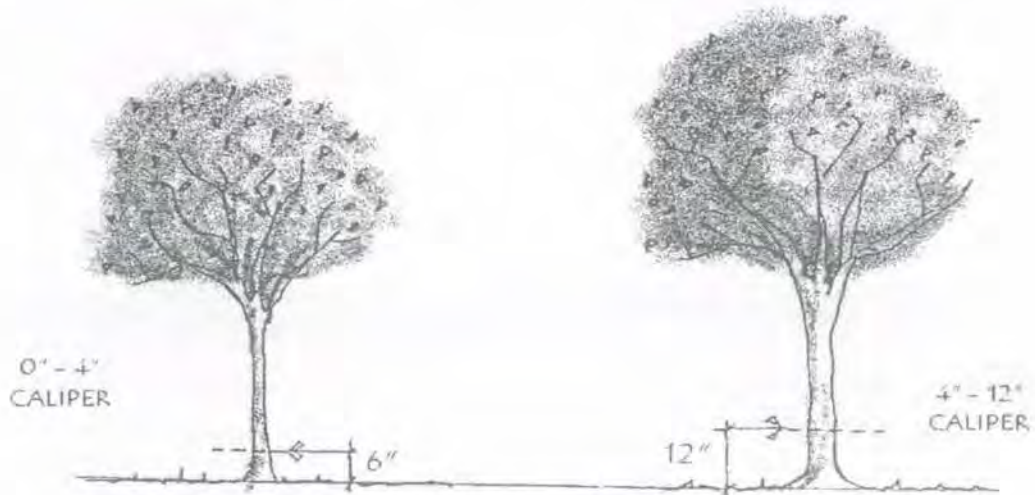
Refer to the Charleston County Stormwater Management Ordinance #1518 approved on August 14, 2007 and found in Appendix B of this Ordinance.

CHAPTER 9 EXHIBITS

Note: The following exhibits are for illustration purposes only. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.



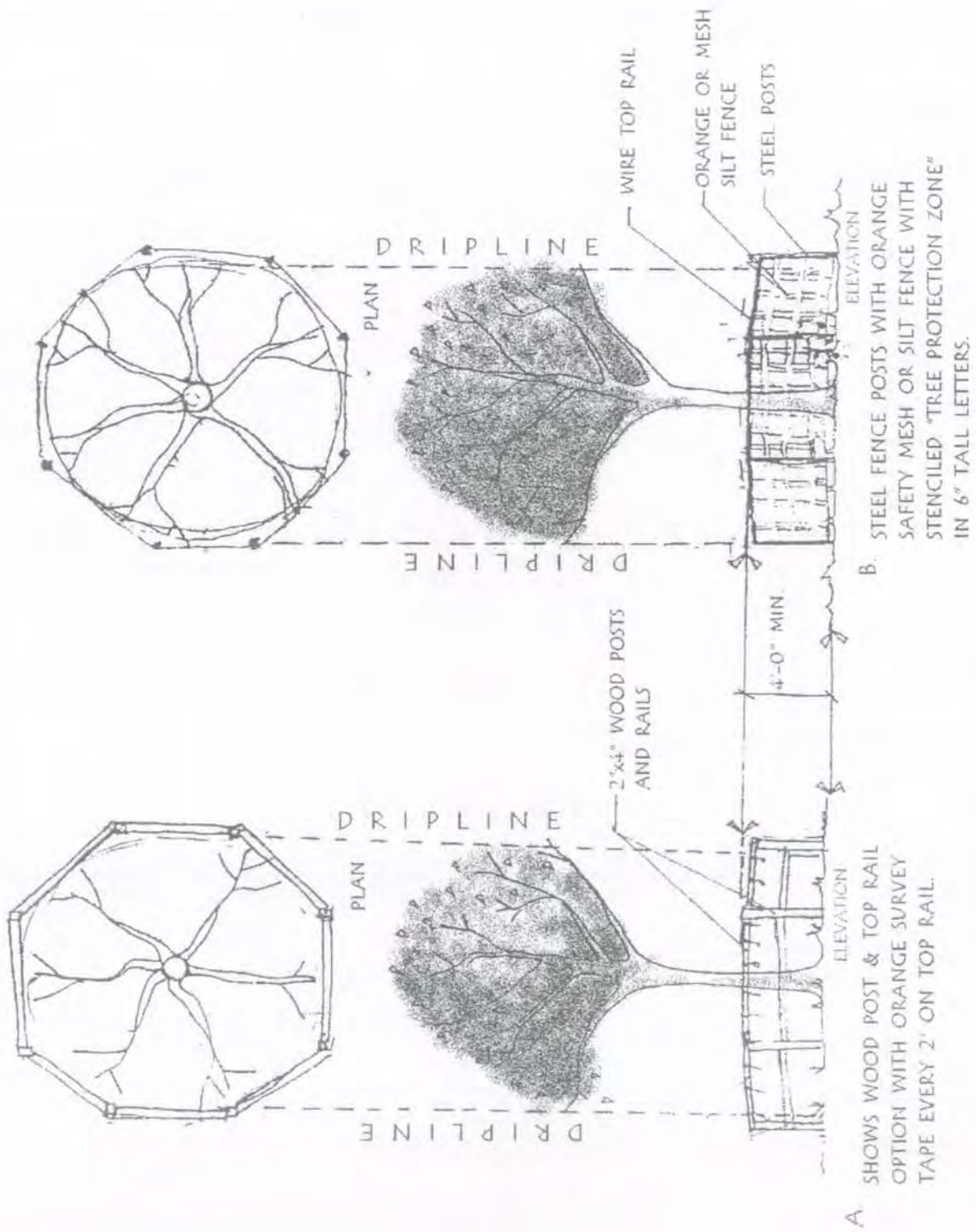
DBH DIAMETER BREAST HEIGHT FOR TREES
GREATER THAN 12" CALIPER.



CALIPER MEASUREMENT FOR TREES LESS
THAN 12" IN CALIPER.

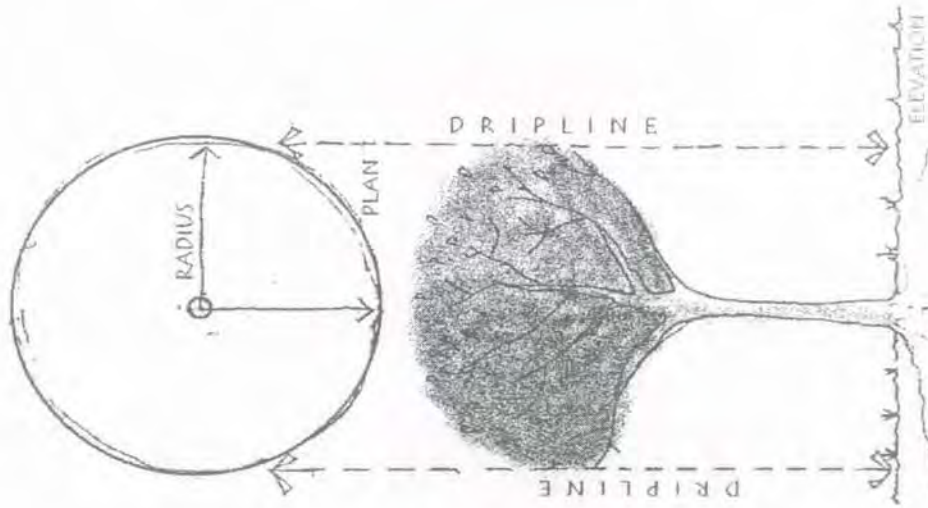
TREE MEASUREMENT METHODS

ILLUSTRATION FOR 9.4.1. D



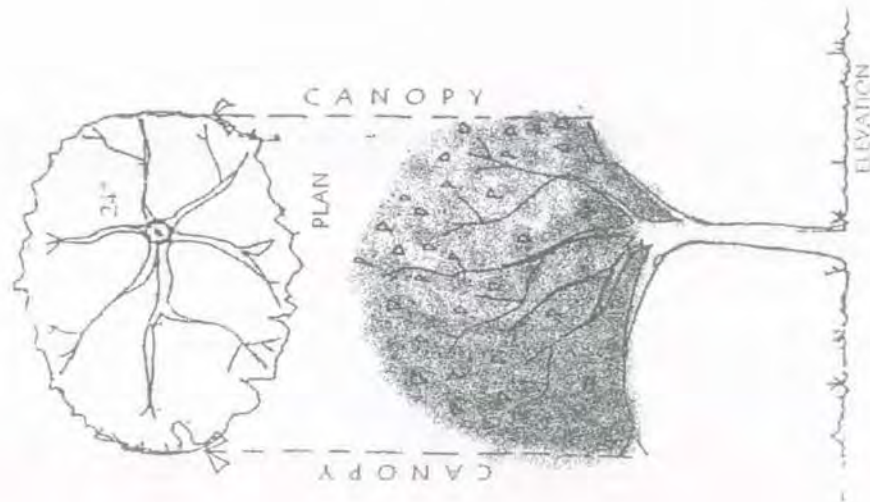
TREE PROTECTION OPTIONS

ILLUSTRATION FOR 9.4.4 B



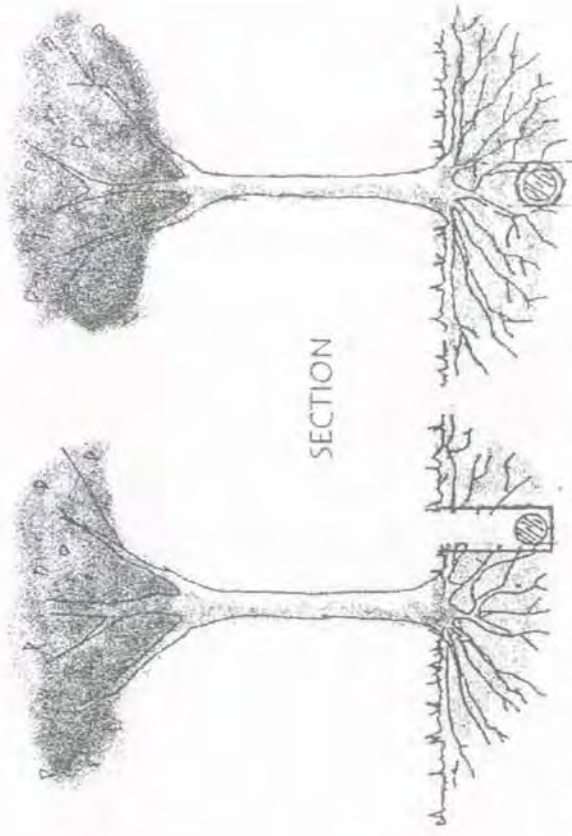
DRIPLINE OF A TREE
RADIUS LINE FROM THE TRUNK TO
THE OUTER EDGE OF THE CANOPY

ILLUSTRATION FOR 9.4.4 B

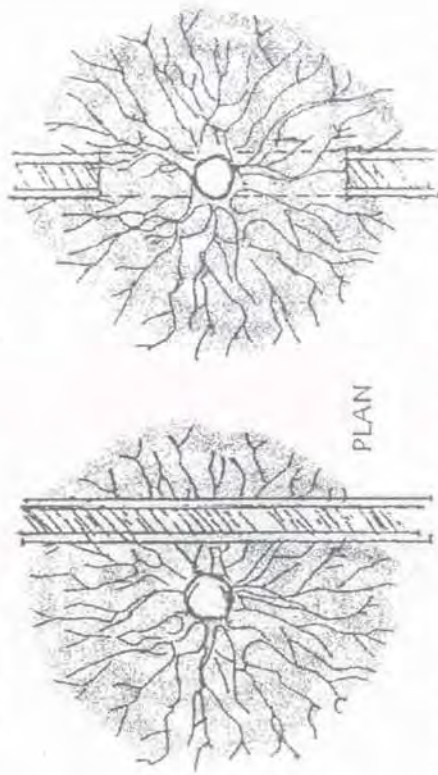


ACCURATE SCALED GRAPHIC
REPRESENTATION OF TREE CANOPY
AND TREE TRUNK FOR SURVEYS.

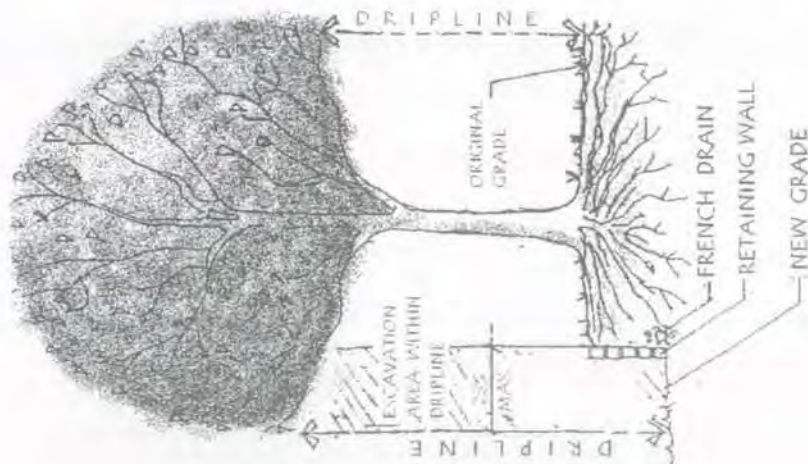
ILLUSTRATION FOR 9.4.3 A



A. NOT ACCEPTABLE B. ACCEPTABLE

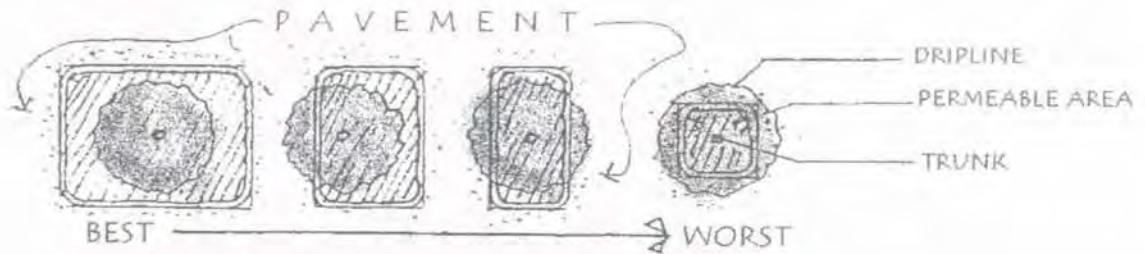


TRENCHING METHODS FOR UTILITY LINES
 A. THIS TYPE OF TRENCHING WILL KILL THE TREE
 B. TUNNELING UNDER THE TREE WILL PRESERVE THE IMPORTANT FEEDER ROOTS

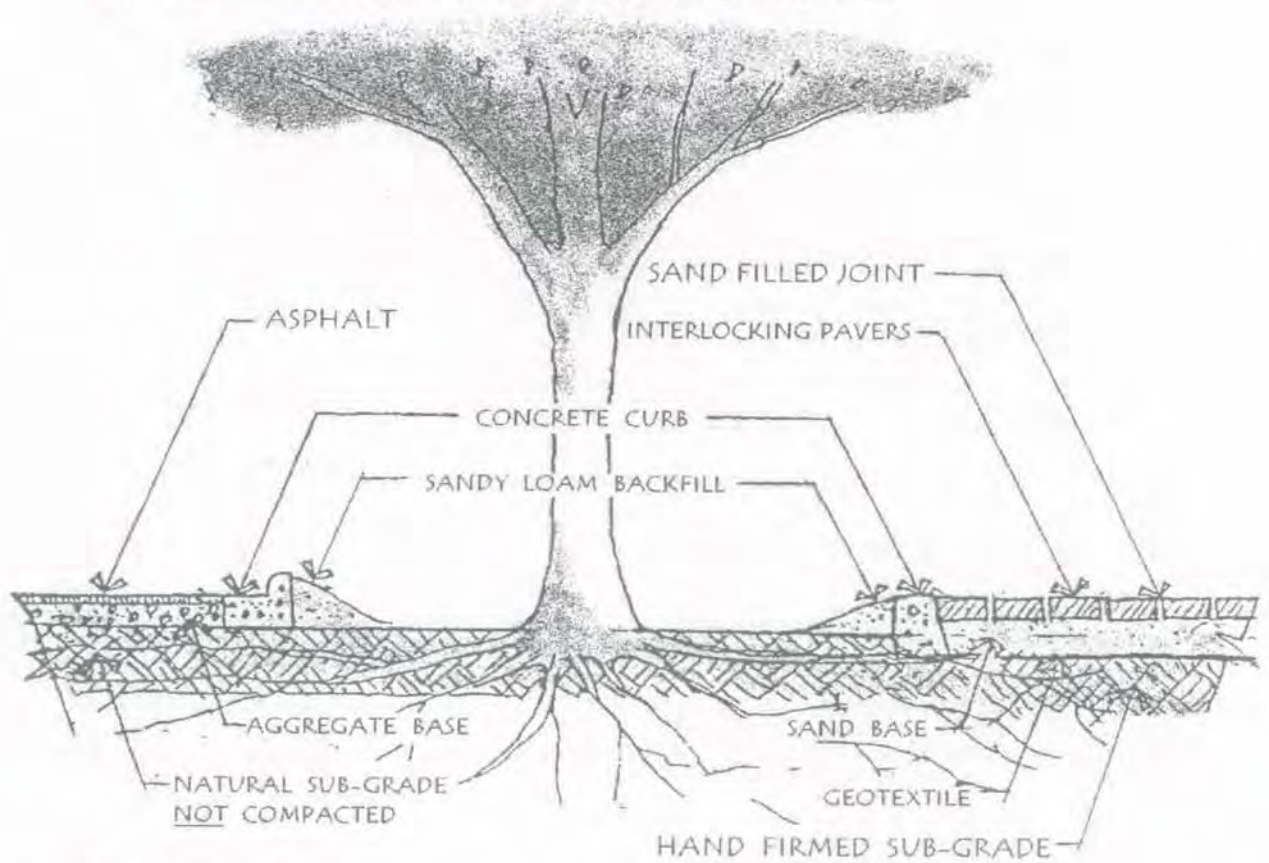


EXCAVATION WITHIN DRIPLINE

ILLUSTRATION FOR 9.4.4 D



THE MORE PERMEABLE SURFACE OUTSIDE THE DRIPLINE, THE LESS IMPACT THERE IS TO THE TREE.

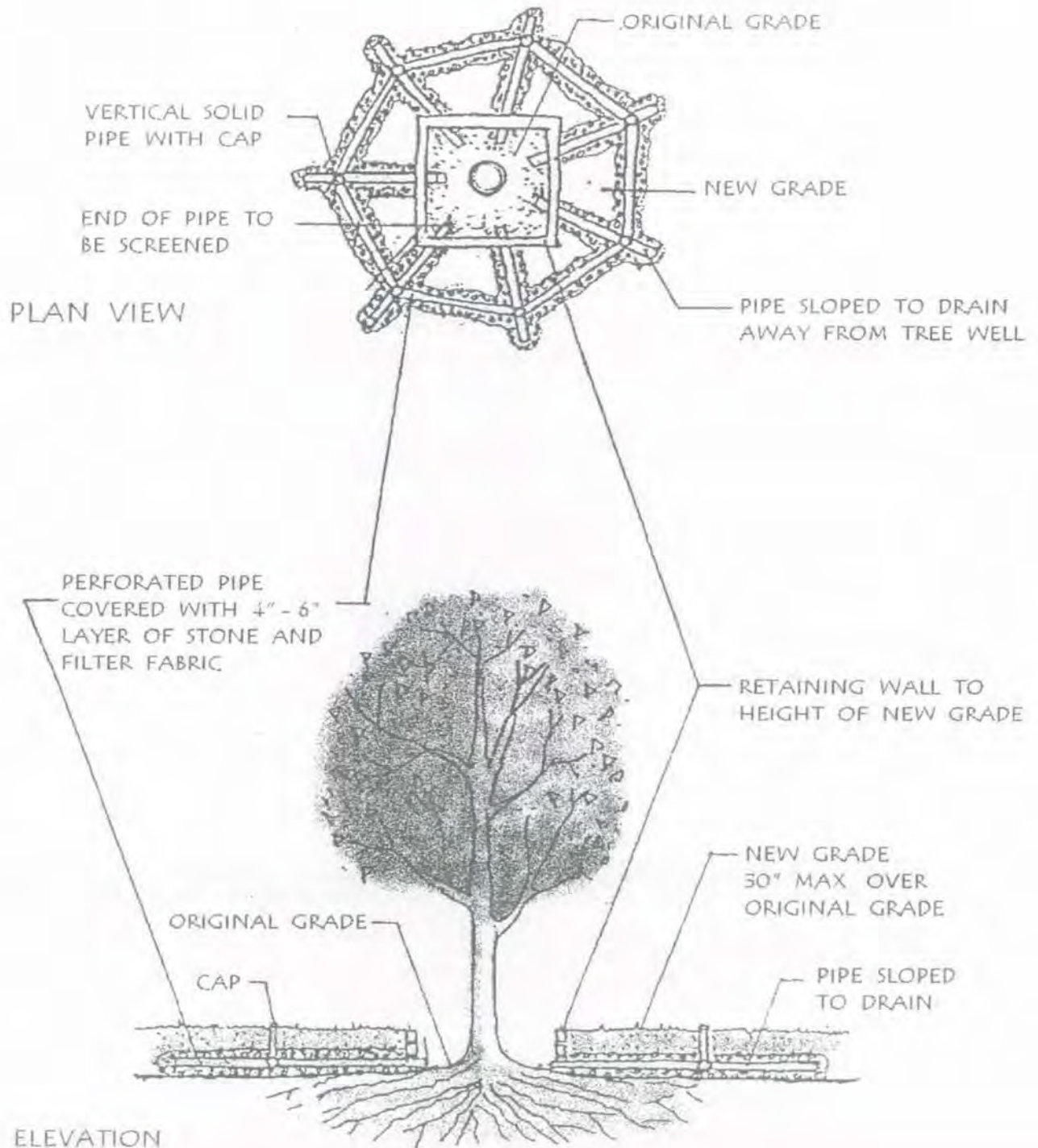


"NO DIG" PAVEMENT METHOD

BRICK OR INTERLOCKING PAVERS FOR PERVIOUS PAVING

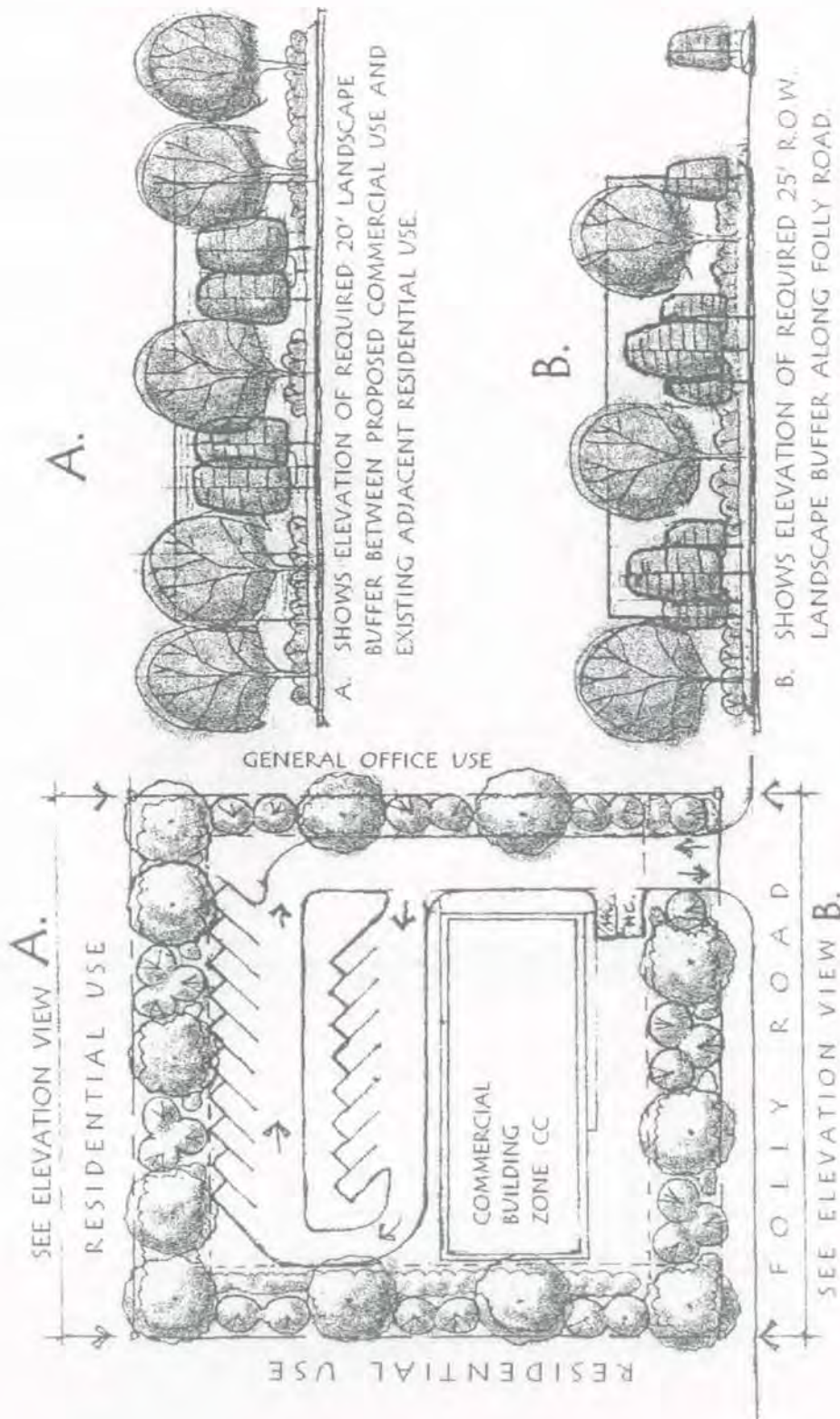
PAVEMENT METHODS UNDER DRIPLINE

ILLUSTRATION FOR 9.4.4 D



TREE PROTECTION FROM FILL

ILLUSTRATION FOR 9.4.4 D



A.

A. SHOWS ELEVATION OF REQUIRED 20' LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USE AND EXISTING ADJACENT RESIDENTIAL USE.

B.

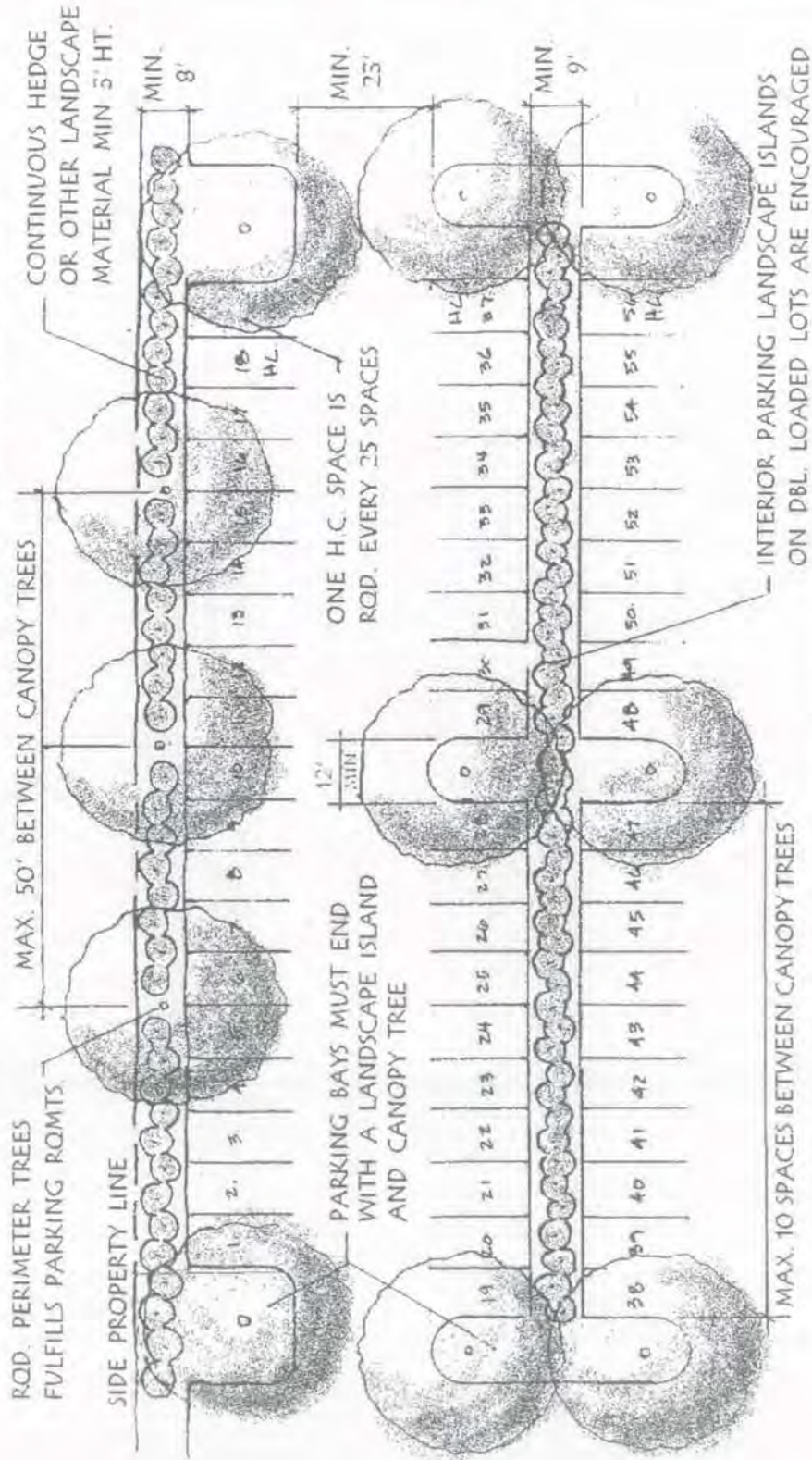
B. SHOWS ELEVATION OF REQUIRED 25' R.O.W. LANDSCAPE BUFFER ALONG FOLLY ROAD.

LANDSCAPE BUFFERS

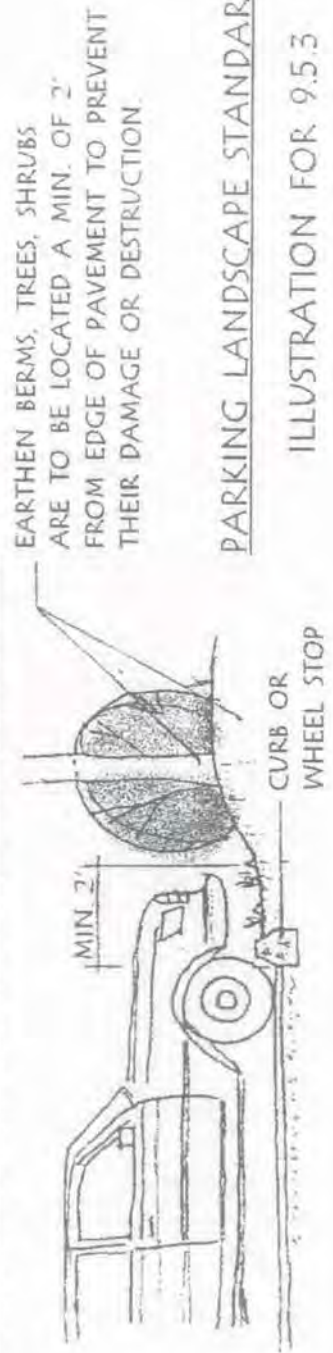
- NOTES
1. THIS EXAMPLE SHOWS THE REQUIRED PARKING IN "SIDE OR REAR" OF BUILDING WHEN THERE ARE 10 OR MORE SPACES.
 2. DIFFERENT ADJACENT USE REQUIRE DIFFERENT SIZE LANDSCAPE BUFFERS RANGING FROM 0 TO 100. SEE THE LAND USE BUFFER TABLE AND LANDSCAPE STANDARDS FOR BUFFER DEPTH AND PLANT MATERIAL REQUIREMENTS.

ILLUSTRATION FOR ARTICLE 9.5

PERIMETER PARKING/VEHICULAR USE LANDSCAPE REQUIREMENTS

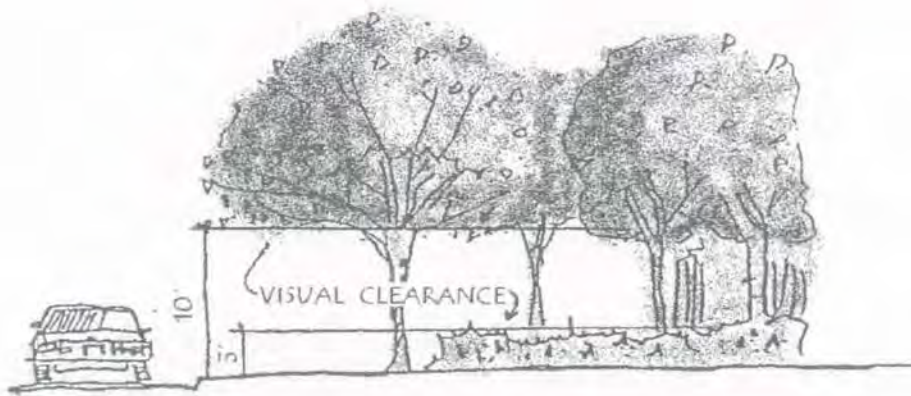


INTERIOR PARKING LANDSCAPE REQUIREMENTS

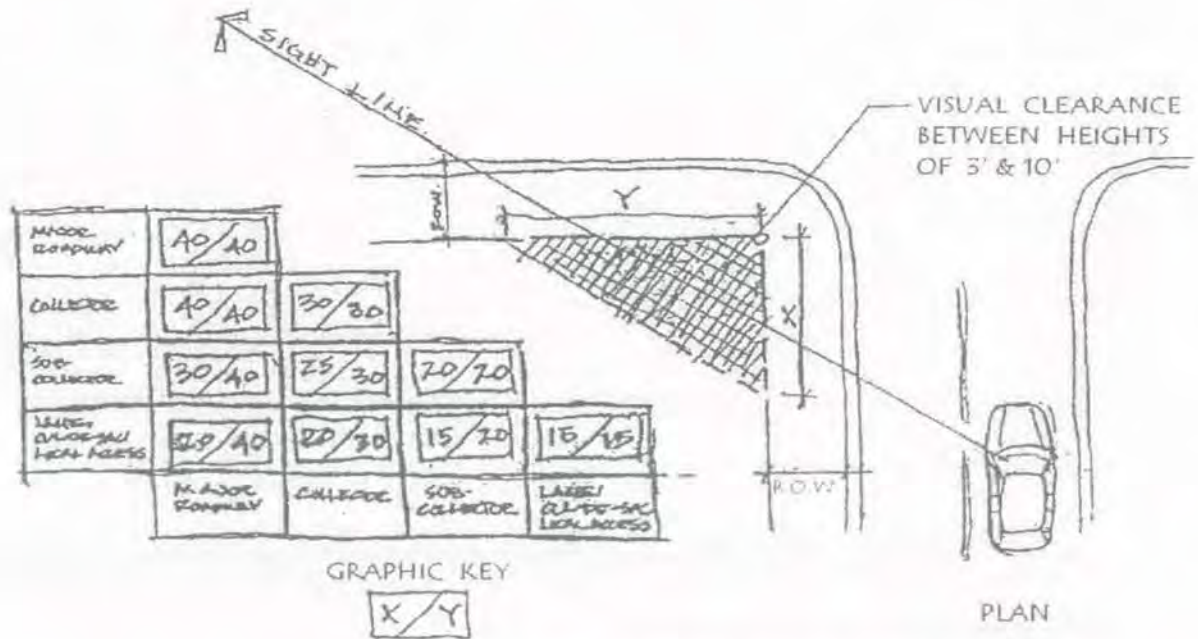


PARKING LANDSCAPE STANDARDS

ILLUSTRATION FOR 9.5.3



ELEVATION



NOTE: SITE TRIANGLES ARE SUBJECT TO SCDOT APPROVAL AND MAY NEED ADJUSTMENTS FOR ROAD HORIZONTAL AND VERTICAL CURVATURE

SITE TRIANGLE STANDARDS

ILLUSTRATION FOR ARTICLE 9.10

CHAPTER 12 | DEFINITIONS

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ART. 12.2 INTERPRETATION 12-42

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CHAPTER 12 | DEFINITIONS**ARTICLE 12.1 TERMS AND USES DEFINED**

TERM	DEFINITION
Abandoned Sign	See "Sign, Abandoned" for definition.
Accessory Use	A use customarily incidental and subordinate to the principal use of a zoning lot or of a structure. An accessory use is located on the same zoning lot as the principal use, except in the cases of off-street parking, temporary manufactured housing parks, temporary real estate sales office and temporary construction facilities.
Accessory Dwelling Unit	A dwelling unit providing complete, independent living facilities for one or more persons that is separate from and subordinate to the principal dwelling unit. This definition includes garage apartments.
Accessory Structure	A structure that is detached from a principal structure and customarily incidental and subordinate to the principal structure.
Active Recreation Area	Any park and recreational facility that is not dependant upon a specific environmental or natural resource, which is developed with recreation and support facilities such as playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.
Addition	A structure added to the original structure at some time after the completion of the original, or an extension, alteration, or increase in floor area or height of a building or structure.
Administrative and Business Office	The use of a building or a portion of a building for the provision of executive, management, or administrative services.
Administrative Decision	Any order, requirement, decision, or determination by the Charleston County Planning Director or their designee relating to the administration or enforcement of the Charleston County Zoning and Land Development Regulations.
Adult Oriented Business	Definitions provided in Section 6.4.18C.
Adult Day Care Facility	A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) for adults 18 years of age or older, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based day care services for those adults in need of a supportive setting. The program shall provide a minimum of four and a maximum of 14 hours of operation a day. (See S.C. DHEC Regulation 61-75, Standards for Licensing—Day Care Facilities for Adults)

TERM	DEFINITION
Affordable Housing	In the case of dwelling units for sale, housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than twenty-eight percent (28%) of the annual household income for a household earning no more than eighty percent (80%) of the area median income, by household size, for the metropolitan statistical area as published from time to time by the U.S. Department of Housing and Community Development (HUD) and, in the case of dwelling units for rent, housing for which the rent and utilities constitute no more than thirty percent (30%) of the annual household income for a household earning no more than eighty percent (80%) of the area median income, by household size for the metropolitan statistical area as published from time to time by HUD.
Agriculture	The use of the land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses of packing, treating, or storing of produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the principal agriculture use.
Agricultural Processing	The preliminary processing and packaging of agricultural products, such as a packing shed. Agricultural processing shall not include slaughterhouses, butcheries, tanneries or rendering plants.
Agricultural Sales and Service	An establishment engaged in the retail or wholesale sale from the premises of feed, grain, fertilizers, pesticides and similar goods.
Agricultural Use, Bona Fide	Allowed primary uses on real property to raise, harvest or store crops, feed, breed or manage livestock, or to produce plants, trees, fowl or animals useful for human consumption, including the preparation of the products raised thereon for human consumption and disposed of by marketing or other means and which the subject property receives agricultural preferential assessment by the Charleston County Assessor's office. Such uses include agriculture, grazing, horticulture, forestry, dairying and mariculture. Uses that do not qualify as bona fide agricultural uses include recreation, hunting clubs, fishing clubs, vacant land (land lying dormant), and any other similar uses.
Alley	A minor vehicular way used primarily for access to the side or rear of properties.
Alteration, Structural	Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, or in the dimensional or configurations of the roof or exterior walls. Structural alterations shall not include the application of exterior siding to an existing building for the purpose of beautifying and modernizing.
Ambient Air Quality Standard	An acceptable concentration of an air pollutant in a community.

TERM	DEFINITION
Animal	Any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm blooded animal, which is being used, or is intended for use, for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: Birds, rats of genus <i>Rattus</i> and mice of the genus <i>Mus</i> bred for use in research, and horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes.
Animal Aquaculture	Land devoted to the hatching, raising, and breeding of fish, shrimp or other aquatic animals for commercial purposes. Animal aquaculture shall include those accessory uses and activities customarily associated with this type of operation, as determined by the Planning Director.
Animal, Exotic	Any animal not identified in the definition of "animal" that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
Animal Production	The raising of animals on pasture land or production of animal products on an agricultural or commercial basis. Animal Production shall include those accessory uses and activities customarily associated with this type of operation, as determined by the Planning Director. Animal Production shall not include concentrated animal feeding operations, slaughterhouses or butcheries.
Animated Sign	See "Sign, Animated" for definition.
Application, Complete	An application for development review and approval that: (1) has been submitted in the required format; (2) includes all information required by this Ordinance to be submitted for the subject application type; and (3) is accompanied by the required fee.
Arborist, Certified	A person certified by the International Society of Arboriculture.
Arterial Street	See "Street, Arterial" for definition.
Artisan and Craftsman	Any business establishment that produces on the premises articles of artistic quality or effect or handmade workmanship. Examples include candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.
Attached Single Family (Dwelling Unit)	See "Single Family, Attached" for definition.

TERM	DEFINITION
Aviation	Airports, landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation.
Banner	A strip of cloth containing a message or advertisement.
Bar (or Lounge)	A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, where 25 percent or more of the gross receipts are for sale of alcohol. This use includes taverns, cocktail lounges, and any member exclusive bars or lounges.
Barn	A farm building used for storing farm products or sheltering livestock. This term excludes any residential use or non-agricultural use.
Base Course	A layer or layers of specified or selected material of designated thickness or rate of application placed on a subbase or subgrade to comprise a component of the pavement structure to support the pavement or subsequent layer of construction.
Bed and Breakfast	A portion of an owner-occupied dwelling unit or detached accessory structure offering transient lodging, with or without breakfast, to paying guests on an overnight basis, usually staying less than seven days.
Berm	A man-made landscape feature generally consisting of a linear mound of soil. Temporary soil stockpiles and retaining walls shall not be considered a berm.
Billboard (Outdoor Advertising Structure)	A large, standardized third party/off premise structure displaying advertising intended for viewing from extended distances, generally more than 50 feet. Billboard /outdoor advertising displays include, but are not limited to, bulletins, wall murals, wrapped posters, 30 sheet posters, and eight sheet posters.
Boarding House	See "Rooming House" for definition.
Boat Ramp	Boat ramps provide access to the water for the launching and retrieving of watercraft. Boat ramps may be located at marinas, public access points, or at community and commercial docks subject to the applicable regulations.
Boat Slip	A docking space alongside a pier, wharf or mooring dolphins in which a waterborne boat may be moored. For purposes of this Ordinance and in the absence of an authorized quantity of boat slips by state or federal regulating agencies, a boat slip shall be considered a minimum length of 25 feet for side mooring and 15 feet for stern moorings.

TERM	DEFINITION
Boat Yard	A land-based operation primarily for the repair and service of boats, including any incidental storage of boats in the process of being repaired. This term does not include boat building. If dry stack storage for watercraft or any type of water access is provided, the facility would be considered a Water-Dependent Use (Article 5.3).
Botanical Garden	A place, generally open to the public for a fee, where a wide variety of plants are cultivated for scientific, educational, or ornamental purposes.
Brewbar	A bar, lounge, or restaurant which produces on the permitted premises a maximum of 2,000 barrels a year of beer for sale on the premises as allowed by SC Code Title 61, Chapter 4, as amended.
Bridge	A structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads.
Buffer, Landscape	A vegetated area of varying width (ranging from five to 100 feet) designed exclusively to provide screening between adjoining properties, rights-of-way, parking lots and structures, as described throughout Article 9.5.
Buffer, Wetland	An area of varying width (ranging from 15 to 35 feet), providing a visual, spatial, and ecological transition zone between the OCRM Critical Line and land development, as described in Article 9.7. The wetland buffer is designed to protect water quality and wildlife habitat.
Building	Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, plant, process, equipment, goods, or materials of any kind. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings, then each such portion shall be deemed to be a separate building.
Building Code	The building code of Charleston County.
Building Cover	The proportion, expressed as a percentage, of the area of a Zoning lot covered by all buildings located thereon, including the area covered by all overhanging roofs and swimming pools (excluding the pool decking).
Building Height	The vertical distance between the base flood elevation, or ground level if the structure is not in a Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA), and: (1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.
Building Length	The length of the facade facing the street for that unit which the sign shall apply. The Building Length (facade facing the street for the business) plus the setback from the street right-of-way/property boundary line shall determine the "Maximum Size" of the wall/facade sign for that business.

TERM	DEFINITION
Building Permit	An official document or certificate issued under the Charleston County Building Code for any carpentry, masonry, roofing, or related construction or repair. A building permit is not required for construction under \$1,000.00, unless the construction or repair involves a structural modification or work done by a contractor.
Building, Principal	A building in which is conducted the principal use of the zoning lot on which it is situated. In a Residential District, any dwelling shall be deemed to be a principal building.
Business (or Trade) School	A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, or university.
Canopy Tree	A tree, with a diameter of at least two and one-half inches (as measured six inches above grade) at the time of planting, which will grow to a minimum height of 50 feet at maturity.
Caretaker	An individual or family who resides on premises as an accessory use for the purpose of maintaining, protecting, or operating a permitted principal use on the premises.
Catering Service	An establishment that prepares and provides food and related services to off-premises locations.
Causeway	An earthen structure with at least one side adjacent to a depression, wetland, or marsh that supports a road for carrying traffic or other moving loads.
Cemetery	Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
Center Line of Street	The line surveyed and monumented as the center line of the street; or if such center line has not been surveyed, it shall be the line running midway between the curbs or ditches of such street.
Certificate of Nonconformity	A certificate issued by the Charleston County Planning Department to any sexually oriented business which is operating at the time of the enactment of the regulations of Article [Section] 6.4.18 and is not in compliance with one or more of its provisions.
Child Day Care Facility	A facility or dwelling unit that regularly (more than twice a week, for more than four hours, but less than 24 hours) provides child day care for seven or more children. This definition includes "Child Care Centers" and "Group Day Care Homes," which are licensed by the South Carolina Department of Social Services (DSS).
Child Caring Institution	A facility licensed by the South Carolina Department of Social Services (DSS) with one or more staffed residences and with a total population of 20 or more children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance.

TERM	DEFINITION
Churches and other Places of Worship	Same as definition for "Religious Assembly."
Charter Boat (or other Recreational Watercraft) Rental	A land-based operation primarily for the rental or leasing of boats or other recreational watercraft. Any operation that is associated with a marina or provides direct water access shall be considered a Water-Dependent Use (Article 5.3).
Civic/Institutional Use	A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, government-owned or government operated facility.
Civic Organization	See "Social Organization" for definition.
Collector Street	See "Street, Collector" for definition.
College or University Facility	An educational institution that offers courses of general or specialized study leading to a degree.
Commercial Nursery Operations	See "Horticultural Production" for definition.
Commercial Repair Service	See "Repair Service, Commercial" for definition.
Commercial Timber Operations	Tracts of five acres or more devoted to the production of marketable forest products through generally accepted silvicultural practices including, but not limited to, harvesting, site preparation and regeneration.
Common Open Space (and/or Conservation Area)	Land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the development.
Communication Service	An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as major utility facilities.
Communications Tower	A tower of any size that supports communication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users. This does not include communication towers for amateur radio operators licensed by the Federal Communications Commission which are exempt from local zoning restrictions or communications towers under 100 feet in height used solely for educational communications purposes.
Community Health Care Center	See "Public Health Care Center" for definition.
Community Interest Notice	Notice provided to any individual, group or organization that has submitted a written statement of interest to the Planning Director. Municipalities within the Planning Area of the subject tract are also included.
Community Recreation	A recreational facility that is the principal use of a parcel of land and that is for use by residents and guests of the following: a particular Residential Development, Planned Development, church, private primary or secondary educational facility, community affiliated non-profit organization. Community Recreation can include both indoor and outdoor facilities.

TERM	DEFINITION
Community Recreation Center	A public or quasi-public building designed for and used as a social, recreation, and cultural center. As a part of such recreation centers, there may be included craft rooms, music rooms, game rooms, meeting rooms, auditoriums, swimming pools, and kitchen facilities. Kitchen facilities and dining areas shall be used for special events only.
Community Residential Care Facility	A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) which offers room and board and provides a degree of personal assistance for a period of time in excess of 24 consecutive hours for ten or more persons, 18 years old or older, unrelated to the operator. Included in this definition is any facility (other than a hospital), which offers a beneficial or protected environment specifically for the mentally ill, drug addicted or alcoholic, or provides or purports to provide any specific procedure or process for the cure or improvement of that disease or condition. A Community Residential Care Facility with 9 or fewer residents shall be considered a "family." (See S C. DHEC Standard for Licensing, Regulation 61-84-Community Residential Care Facility)
Community Roads	Roads that serve one or more families and usually have no dedicated rights-of-way or drainage. These roads generally have a dirt surface, are not maintained on a regular basis, and are not in the state or county road system.
Complete Application	See "Application, Complete" for definition.
Concentrated Animal Feeding Operation	A confined area or facility within which the property is not grazed or cropped annually, and which is used and maintained for the purposes of engaging in the business of the reception and feeding of: more than 50 beef or dairy cattle; more than 50 horses; more than 150 hogs, sheep or goats; more than 1,000 or more birds, such as turkeys, chickens, ducks or geese; or more than 1,000 small animals, such as guinea pigs, rabbits, and minks. This term shall also include commercial feed lots.
Conditional Use Permit	A permit formerly issued by the Charleston County Planning Department authorizing a particular use in a specified location within a zoning district, upon demonstrating that such use complies with all the conditions and standards specified by the zoning Ordinance. Conditional use permit is a term used in the Charleston County Zoning Ordinance prior to April 21, 1999.
Congregate Living	A residential facility providing 24-hour supervision and assisted living for no more than 15 elderly residents (age 60 or older), not needing regular medical attention.
Conservation Area	See "Common Open Space" for definition.
Construction Permit	A series of permits required by Charleston County Building Services that may include building, electrical, plumbing, HVAC (Heating, Ventilating and Air Conditioning), or gas permits.
Consumer Convenience Service	An establishment providing services, primarily to individuals, of a frequent or recurrent nature.

TERM	DEFINITION
Consumer Goods Rental Service	An establishment, with 5,000 square feet or less of gross floor area, primarily engaged in the rental or leasing of new or used products to the general public, excluding vehicle or watercraft rentals.
Consumer Goods Rental Center	An establishment, with greater than 5,000 square feet of gross floor area, primarily engaged in the rental or leasing of new or used products to the general public, excluding vehicle or watercraft rentals.
Consumer Repair Service	See "Repair Service, Consumer" for definition.
Consumer Vehicle Repair	See "Vehicle Repair, Consumer" for definition.
Convalescent Service	A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services. This term excludes facilities providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.
Convenience Store	Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to customers who generally purchase only a few items. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.
Convention Center	A formal meeting place where the building or rooms are rented or leased to the members, representatives, or delegates of a particular group. These centers can usually accommodate large groups.
Corner Lot	See "Lot, Corner" for definition.
Correctional Institution	A facility providing judicially required detention or incarceration of people.
Counseling Service	An establishment providing counseling, guidance, or similar services to persons requiring rehabilitative or vocational assistance. This term includes job training and placement services.
Country Club	Land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, open only to members and their guests.
County Non-Standard Roads	County non-standard roads are a class of roads formerly known as community roads which have been brought into the County Maintenance System as approved by County Council.
Courtyard	An open unoccupied space, other than a yard, on the same Zoning lot with a building, unobstructed from floor or ground level to the sky.
Crop Production	The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. Crop production shall include those accessory uses and activities customarily associated with these types of agricultural operations, as determined by the Planning Director. This definition excludes any agricultural uses that are more specifically defined in this Ordinance.

TERM	DEFINITION
Cul-de-Sac	The turnaround area at the end of a dead-end street or an egress.
Cultural Event	Land use of a temporary nature to display objects or events of a community and cultural interest in one or more of the arts and sciences, such as Civil War re-enactments.
Culvert	Any structure not classified as a bridge which provides an opening under any roadway, including pipe culverts, and any structure so named in the plans.
Curb	A stone, concrete or other improved boundary marking the edge of a road or other paved area.
Data Processing Services	Establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a main frame computer.
Decibel (Db)	A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.
Decision-Making Body	The entity that is authorized to finally approve or deny an application or permit as required under this Ordinance.
Dedication	The action of a property owner or developer to transfer an interest in property to the County or other service provider. The approval of a subdivision plat by County Council is deemed to effect an acceptance by the county of a proposed dedication of a street, easement or other ground shown on the plat
Deferred Presentment Lender	A business or use that regularly accepts checks from a borrower drawn on the borrower's bank account to be presented for payment at a later date and that charges a fee for the service, such as those regulated by Chapter 39 of Title 34 of the Code of Laws of South Carolina, 1976, as amended.
Density/Intensity and Dimensional Standards	Provisions of this Ordinance controlling the size and shape of zoning lots and the location and bulk of structures thereon. Such regulations include those relating to density, lot area, lot width, setbacks, buffers, building cover, height, and open space.
Derelict Manufactured Home	A manufactured home that is not connected to electricity or not connected to a source of safe potable water supply sufficient for normal residential needs, or both; not connected to a Department of Health and Environmental Control approved wastewater disposal system; or unoccupied for a period of at least thirty days and for which there is clear and convincing evidence that the occupant does not intend to return on a temporary or permanent basis; and that is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a hazard to the health safety of the occupants, the persons using the manufactured home, or the public.
Design Professional	An individual or firm appropriately licensed and registered in the State of South Carolina.
Detached Single Family (Dwelling Unit)	See "Single Family, Detached" for definition.

TERM	DEFINITION
Detention	The temporary holding back of stormwater and releasing it at a controlled rate.
Developer	The legal or beneficial owner of a lot or of any land proposed for development; or the holder of an option or contract to purchase, or any other person having an enforceable contractual interest in such land.
Development	The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.
Developments of County Significance	Proposed developments that: (1) have a gross acreage equal to or exceeding 1,000 acres, (2) are located in the Rural Area of the County, and (3) may be considered consistent with the recommendations of the Comprehensive Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance
Diameter Breast Height (DBH)	The total diameter, in inches, of a tree trunk or trunks measured at a point four and one-half feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.
Digital or Electronic Changing Billboard(Outdoor Advertising Structure)	A Billboard designed to accommodate frequent message changes composed of images, characters or letters that can be changed electronically utilizing digital or light emitting diodes (LED's) or similar electronic methods to create a changeable image display area without altering the face or the surface of such sign.
Dock	A structure extending into or upon a waterway, marshland or other natural water feature.
Dock, Commercial	A docking facility used for commercial purposes. A commercial dock is not necessarily a marina, a boat yard or a dry storage facility. All commercial docks shall be considered a Water-Dependent Use (Article 5.3).
Dock, Community	Any docking facility that provides access for more than four families (greater than or equal to 5 watercraft slips and less than or equal to 10 watercraft slips) and is not a marina. All community docks shall be considered a Water-Dependent Use (Article 5.3).
Dock, Joint Use	Any private dock intended for the use of two to four families. Joint use docks shall be exempt from the requirements of this Ordinance.
Dock, Private	A private dock intended for the use of one family. Private docks shall be exempt from the requirements of this Ordinance.
Double-Frontage Lot	See "Lot, Double-Frontage" for definition.

TERM	DEFINITION
Drainage Easement	See "Easement, Drainage" for definition.
Drip Line	An imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.
Dry Stack Storage for Watercraft	A facility for storing boats out of water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Any type of dry stack storage facility for watercraft will be considered a Water-Dependent Use (Article 5.3).
Dumpster	An accessory use of a property where trash or recyclable material containers, or any other type of waste or refuse container is stored.
Duplex	Two single family dwelling units contained within a single building, other than a manufactured housing unit.
Dwelling (Dwelling Unit)	A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities.
Dwelling Group	Two or more principal structures, each a single dwelling unit (not including manufactured housing units), that are located on the same Zoning lot. This definition does not refer to accessory dwellings units, such as garage apartments or guest houses.
Dwelling, Multi-Family	A building containing three or more dwelling units, including residential condominiums and apartments.
Earth Roads	Those in which the traveled roadway is constructed of compacted earth material creating an earthen driving surface.
Easement	A privilege or right of use, access or enjoyment granted on, above, under or across a particular tract of land by the landowner to another person.
Easement, Drainage	The right of access of stormwater runoff from the adjacent natural drainage basin into the drainageway within the drainage easement.
Eco-Tourism	Tourism involving travel to areas of natural or ecological interest, typically under the guidance of a naturalist, for the purpose of observing wildlife and learning about the environment.
Educational Nursery	See "Pre-School" for definition.
Enlargement	An increase in the size of an existing structure or use, including physical size of the property, building, parking, or other improvements. Enlargement would also include the addition of other structures or uses on the lot.
Exotic Animal	See "Animal, Exotic" for definition.
Facade	The entire building wall, fascia, windows, doors, canopy and on any complete elevation.

TERM	DEFINITION
Family	An individual, or two or more persons related by blood or marriage living together; or a group of not more than six individuals, including live-in servants, not related by blood or marriage but living together as a single housekeeping unit. Residents of Community Residential Care Facilities licensed by the South Carolina Department of Health and Environmental Control (DHEC) for nine or fewer individuals shall be considered a family.
Family Day Care Home	An occupied residence in which child day care is provided on more than two days a week for periods of less than 24 hours, but more than four hours, for no more than six children, including those children living in the home and children received for day care who are related to the resident caregiver. Family day care homes are licensed by the South Carolina Department of Social Services (DSS). (See S.C. Code of Laws, 1976, as amended, Section § 20-7-2700).
Family, Immediate	The property owner's or property owner's spouse's, parents, children, grandparents, grandchildren, nieces, nephews, aunts or uncles.
Farm	A parcel of land five acres or more that is used for one or more of the following: the tilling of the land, the raising of crops, fruits, and vegetables, and the raising and keeping of animals and plants.
Farm Labor Housing, Dormitory	A structure designed or constructed as accommodations for transient farm workers for more than ten unrelated persons, which is not designed as an apartment building with individual attached units.
Farm Labor Housing	A building or structure which is designed or constructed as a place of residence for up to ten unrelated, transient farm workers living as a single housekeeping unit.
Farmers Market	An open air structure, other than a roadside stand, used for the retail sale of fresh fruits, vegetables, nuts, grains, eggs, flowers, herbs, or plants. No more than 50% of gross receipts may be derived from the sale of other unprocessed food stuffs; home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts; and commercially packaged handicrafts or commercially processed or packaged foodstuffs. Produce sold may be grown on the property where the Open Air Market is located or may be trucked in from area farms. Vehicles, boats, and RVs cannot be stored or sold as part of Open Air Market operations.
Fast Food Restaurant	See "Restaurant, Fast Food" for definition.
Fence (or Wall)	A structural device erected to serve as an architectural element, landscape element, visual screen or physical barrier.
Financial Guarantee	Surety intended to ensure that all improvements, facilities, or work required by this Ordinance will be completed, restored or maintained in compliance with this Ordinance. (See Article 8.14)

TERM	DEFINITION
Financial Service	An establishment primarily engaged in the provision of financial and banking services.
Flag	A piece of fabric or other flexible material, usually rectangular and of distinctive design which is used as a symbol, such as for a nation, state, locality, or corporation.
Flag Lot	See "Lot, Flag" for definition.
Flashing Sign	See "Sign, Flashing" for definition.
Floor Area	The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings, computed as follows: (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space, such as counters, racks, or closets; (2) any basement floor area devoted to the production or processing of goods or to business or professional offices. Floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including ramps, and maneuvering space, or basement floor area, other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.
Florist	A commercial activity offering for sale cut flowers, ornamental plants, floral arrangements, real or artificial, and related accessories including cards, figurines, and indoor ornamental fixtures.
Food Sales	An establishment primarily engaged in the retail sale of food for home consumption. These establishments may include the sale of beer and wine in unopened containers for off-premise[s] consumption where the sale of products other than beer and wine comprise at least 51 percent of the gross sales of the establishment, and at least 51 percent of the total display or shelf space is devoted to products other than beer and wine.
Forestry Operations, Bona Fide	"Bona fide forestry operations" shall mean that the property is eligible for, and actually used for forestry or timber operations, and written application has been approved by the County Assessor for the special assessment for agricultural use for the property in question pursuant to SC Code Section 12-43-220, SC Department of Revenue Regulation 117-1780.1., and other applicable statutes, rules and regulations.
Free-Standing Sign	See "Sign, Free-standing" for definition.
Freight Forwarding Facility	A building or area in which freight brought by truck, air, or ship is assembled and/or stored for routing or reshipment. This facility does not include permanent or long-term accessory storage of goods, but may include storage areas for trucks and repair of trucks associated with the facility. This definition includes truck terminals, marine terminals, and packing and crating facilities.
Freshwater Wetlands	See "Wetlands, Freshwater" for definition.
Front Lot Line	See "Lot Line, Front" for definition.

TERM	DEFINITION
Front Setback	See "Setback, Front" for definition.
Funeral Service	An establishment engaged in undertaking services such as preparing the human or animal dead for burial and arranging and managing funerals.
Garage (Private)	An accessory structure or space on a lot with a dwelling unit devoted to or designed for the storage of automobiles and small (one-half-ton capacity or less) trucks and not used for business purposes or occupancy.
Garage Apartment	A single dwelling unit located over a private detached garage and containing square footage no greater than that of the garage.
Garden Supplies Center	A commercial activity offering for sale indoor or outdoor plants, garden fixtures, packaged plant food, or pesticides, garden tools, manually or power operated with associated parts and accessories. Not included is farm equipment elsewhere provided for in this Ordinance.
Gasoline Service Station	Any premises used primarily for the retail sale of fuel for automobiles, light and medium trucks, motorcycles, recreational vehicles, and other consumer motor vehicles. Gasoline service stations may include light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, but shall not include heavy vehicle maintenance activities such as engine overhauls, automobile painting, and body fender work. This term may also include the sale of motor vehicle accessories, or used tires taken in trade on the premises, but does not include vehicle, moving truck, or trailer sales or rental.
General Contractor	An establishment that has the ability to furnish a variety of building materials and provide multiple construction services at a specified price.
Golf Course	A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.
Government Office	Federal, state, county or city offices, administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles.

TERM	DEFINITION
Grade	<p>For the purpose of determining building height:</p> <ol style="list-style-type: none"> 1. For buildings adjoining one street only, it is the elevation of the sidewalk directly opposite the center of that wall which adjoins the street; in such case where the average elevation of the finished ground surface adjacent to the exterior walls of the building is lower than the elevation of the sidewalk grade, or where there is no sidewalk grade, or where there are no sidewalks, the grade shall be the average elevation of the ground on the lowest side adjacent to the exterior walls of the building. 2. For buildings adjoining more than one street, it is the elevation of the sidewalk directly opposite the center of the wall adjoining the street having the lowest sidewalk elevation. 3. For buildings having no wall adjoining the street, it is the average level of the finished ground surface adjacent to the exterior walls of the building. 4. All walls which are approximately parallel to and not more than 25 feet from a front lot line shall be considered as adjoining the street. In alleys, the surface of the paving shall be considered to be the sidewalk elevation. Where the elevation of the sidewalk or alley paving has not been established, the Public Works Director shall determine such elevation for the purpose of this Ordinance.
Grand Tree	Any tree with a diameter breast height of 24 inches or greater, with the exception of pine tree and Sweet Gum tree (<i>Liquidamber styraciflua</i>) species.
Greenhouse	A partially or fully enclosed structure which is used for the growth of plants.
Greenhouse Production	Ornamental plants or food crops grown for wholesale sale within an enclosed structure or under cover.
Ground Cover	Low-growing plant material less than 18 inches in height.
Group Care Home, Residential	A staffed residence, licensed by the South Carolina Department of Social Services (DSS), with a population of fewer than 20 children who are in care apart from their parents, relatives, or guardians on a full-time basis. Group Care Homes are classified by different levels of care ranging from independent to assisted living.
Group Residential	The residential use of a site, on a weekly or longer basis, for occupancy by groups of more than six persons not defined as a family, such as fraternity or sorority houses, dormitories, or residence halls. This term does not include rooming or boarding houses.
Health Care Laboratory	A facility primarily involved in the testing, diagnosis, or observation of medical or dental samples collected at health care facilities. The samples are generally sent to the laboratory from off-premises facilities.

TERM	DEFINITION
Heavy Commercial Trailer	A trailer vehicle used for any commercial purpose and having more than four (4) tires and which is greater than fifteen (15) feet in overall length. Examples of heavy trailers include, but shall not be limited to "container chassis", "dump bodies", "reefers", and other trailers commonly utilized within the commercial shipping industry.
Heavy Commercial Vehicle	A Class 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Vehicle as defined by the Federal Highway Administration (FHWA). For the purposes of this Ordinance, this definition does not include 6-wheel pickup trucks, motor homes, campers, or recreational vehicles.
Heavy Construction Services	Services involved in road, bridge, building, or other infrastructure construction.
Height (of Signs)	The vertical distance measured from ground level at the base of the sign structure to the highest point of sign structure.
Historic Site	A structure or place of outstanding historical and cultural significance and designated as such by Charleston County, the State of South Carolina, or the National Register of Historic Places.
Home Occupation	An accessory use of a dwelling unit or its accessory structure for gainful employment.
Home Health Agencies	A public, nonprofit, or proprietary organization licensed by the South Carolina Department of Health and Environmental Control (DHEC) which furnishes or offers to furnish home health services. These services include part-time or intermittent skilled nursing care, as ordered by a physician and provided by or under the supervision of a registered nurse, and at least one other therapeutic service. The majority of home health services are furnished on a visiting basis in a place of temporary or permanent residence used as the individual's home. (See S.C. DHEC Regulation 61-77, Standards for Licensing Home Health Agencies)
Home Improvement Center	A facility with over 5,000 square feet of floor area engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and garden supplies. Facilities under 5,000 square feet shall be considered a "hardware store."
Homeowners' (or Property Owners') Association	A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area. The Homeowners' or property owners' association may take responsibility for costs and upkeep of common open space or facilities, or enforce certain covenants and restrictions.

TERM	DEFINITION
Horticultural Production	Land used to grow horticultural and floricultural specialties (such as flowers, shrubs, or trees intended for ornamental or landscaping purposes) for wholesale or retail sale in order to be transplanted to a different location. Retail sales shall not comprise more than 25 percent of gross sales. This definition excludes crop and greenhouse production that have been identified elsewhere in this Ordinance.
Horticulture and Landscaping Services	This activity shall include landscaping, tree trimming, tree removal, and other similar services together with associated equipment and machinery directed toward the care of trees, plants, or lawns.
Hospital	A licensed facility primarily providing in-patient medical, surgical, or psychiatric care for a period exceeding 24 hours. Hospital facilities may also include out-patient services and the following types of accessory activities: out-patient diagnostic and treatment centers, rehabilitation facilities, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, and parking facilities. This definition includes General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric and Substance Abuse Hospitals or Hospices. (See S.C. Department of Health and Environmental Control Regulation 61-16, Standards for Licensing—Hospital and General Infirmaries, and Regulation 61-78, Standards for Licensing—Hospices.)
Hotel-Motel	A building or portion thereof, or a group of buildings, which provides sleeping accommodations, with or without meal service, for transients on a daily or weekly basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or tourist home.
Household	Same as definition for "Family."
Household Pet	See "Pet, Household" for definition.
Hydroponics	Land used to produce, for wholesale sale, plants grown in nutrient-enriched water, where no soil is used.
Illuminated Sign	See "Sign, Illuminated" for definition.
Immediate Family	See "Family, Immediate" for definition.
Impound Yard	A facility that provides temporary outdoor storage for: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked motor vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: scrap and salvage yards/services; junk yard; towing facilities; vehicle storage; and accessory storage of inoperable vehicles.
Indigenous Produce	Fresh fruit, vegetables, and agronomic crops (crops such as field corn, soybean, wheat, and oats) grown in, or [which] are characteristic of Charleston County. This term specifically excludes livestock, animals, or seafood.
Indoor Recreation and Entertainment	See "Recreation and Entertainment, Indoor" for definition.

TERM	DEFINITION
Inoperable Vehicle	Any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the County or which does not meet the requirements for operation upon the public streets, including a current motor vehicle registration.
Interior Lot Line	See "Lot Line, Interior" for definition.
Interior Lot	See "Lot, Interior" for definition.
Interior Setback	See "Setback, Interior" for definition.
Intermediate Care Facility for the Mentally Retarded	A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) that serves four or more mentally retarded persons or persons with related conditions. This facility provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their mental retardation or related conditions. (See S.C. DHEC Regulation 61-13, Standards for Licensing-habilitation Centers for the Mentally Retarded or Persons with Related Conditions)
Junk Yard	See "Salvage Yard" for definition.
Kennel	A facility that provides boarding for three or more dogs, cats, or other household pets for a fee, and may include grooming, breeding, training, or selling of animals.
Landfill	A disposal facility or part of a facility where solid waste is placed in or on land.
Landscape Buffer	See "Buffer, Landscape" for definition.
Letter of Coordination	Formal correspondence from an agency, organization, or individual which expresses acknowledgement and/or consent of an application, project, or proposal.
Liquor, Beer, or Wine Sales	An establishment primarily engaged in the retail sale of alcoholic beverages for off-premises consumption. This definition includes all retail stores where the sales of alcoholic beverages comprise 49 percent or more of gross sales.
Lodge	See "Social Club" for definition.
Lot	A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon and is recorded with the Register of Mesne Conveyance of Charleston County.
Lot Area	The total area included within the boundaries of a Zoning lot, measured in a horizontal plane.
Lot, Corner	Either a Zoning lot bounded entirely by streets or a Zoning lot which adjoins the point of intersections or meeting of two or more streets and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersection of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.

TERM	DEFINITION
Lot, Double-Frontage	An interior lot that abuts on two parallel streets or that abuts on two streets that do not intersect at the boundaries of the lot. Lots with access on a street and alley shall not be considered double-frontage lots.
Lot, Flag	A lot with access provided to the bulk of the lot by means of a narrow corridor.
Lot Frontage	The distance for which a Zoning lot abuts on a street.
Lot, Interior	A lot with only one front lot line.
Lot Line	A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
Lot Line, Front	The lot line separating a lot from the street that is used as the primary access point to the lot.
Lot Line, Interior	The lot line other than a front lot line.
Lot Line, Rear	The lot line opposite and most distant from the front lot line.
Lot Line, Side	Any lot line other than a front or rear lot line.
Lot, Through	See "Lot, Double-Frontage" for definition.
Lot Width	<ol style="list-style-type: none"> 1. Width of an Interior lot: the length of the front lot line or its chord. 2. Width of a Corner or Double-Frontage Lot: <ol style="list-style-type: none"> (a) if there are two front lot lines, the shorter of such lines or its chord; (b) if there are more than two front lot lines, the average length of the two shortest of such lines or their chords. 3. Width of lots served by a cul-de-sac: width shall be measured at the building line.
Lots of Record, Approved	A platted parcel or parcels of land created and recorded with the Register of Mesne Conveyance of Charleston County since January 1, 1955, in conformance with the subdivision regulations and bearing the Planning Commission or County Council stamp of approval, or identical parcels created and recorded by plat or meets and bounds prior to January 1, 1955.
Lot, Zoning	Any lot that falls within the jurisdiction of Charleston County's Zoning and Land Development Regulations.
Lounge	See "Bar" for definition.
Low Intensity Lighting	Required lighting associated with LED electronic message boards. LED lighting shall automatically provide day and night dimming to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise and provide adjustments in the light levels to a maximum of 0.3 foot candles over ambient light levels as measured head on (at a ninety (90) degree angle) 150 feet away from the sign.
Main Utility Lines	Those facilities including piping, conduits, outlets, and other appurtenances necessary for the proper functioning of essential services to a development including water, electricity, gas, sanitary sewer, storm sewer, cable, communications, etc.

TERM	DEFINITION
Maintenance Guarantee	Any security which may be required and accepted by the County to ensure that necessary improvements are maintained and will function as required for a specific period of time.
Major Recreational Equipment	Any boat, boat trailer, camper or other recreational vehicle with a length of more than 25 feet.
Manufactured Housing Park	A zoning lot on which two or more manufactured housing units are parked or any zoning lot on which space for the parking of manufactured housing unit is rented. The term does not include manufactured housing unit subdivisions or premises where unoccupied manufactured housing units, whether new or used, are parked for the purpose of inspection, sale, storage, or repair; or recreational vehicle parks.
Manufactured Housing Unit	Any residential dwelling Unit Constructed to Standards and Codes Set Forth by the United States Department of Housing and Urban Development, including the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Article 5401). The term does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of South Carolina Modular Buildings Construction Act.
Manufactured Housing Unit, Replacement	A manufactured housing unit that replaces a legally established manufactured housing unit located on an individual lot.
Manufacturing and Production	An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.
Marina	A marina is any of the following: (a) lock harbor facility; (b) any facility which provides fueling, pump-out, maintenance or repair services; or (c) any facility which has permanent docking space for 11 or more watercraft slips (d) any water area with a structure which is used for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than ten boats; (e) a dry stack facility. All marinas shall be considered a Water-Dependent Use (Article 5.3).
Maximum Extent Feasible	The point at which all possible measures have been undertaken by the applicant, at which point further measures would involve physical or economic hardships that would render a development project unfeasible or would be unreasonable in the judgment of a review or Decision-Making Body.
Mean Sea Level	Elevation 0.0 as determined by NGVD29 datum.

TERM	DEFINITION
Medical Office (or Outpatient Clinic)	An office or clinic for the private practice of health care professionals licensed by the State of South Carolina. The majority of patient encounters in the office or clinic involve examination, diagnosis, treatment, or surgical procedures on an outpatient basis not extending beyond a 24 hour period. This definition excludes any facilities that have been more specifically defined in this Ordinance.
Medical Services	Any services provided by a licensed medical practitioner.
Microbrewery	A facility for the production and packaging of beer as allowed by SC Code Title 61, Chapter 4, as amended, with a capacity of not more than 5,000 barrels per year.
Mini Warehousing	Same definition as "Self-Service Storage."
Minor Street	See "Street, Minor" for definition.
Mixed Use/Occupancy	Occupancy of a building or land for more than one use.
Mixed-Use Structure	A structure containing both residential and nonresidential uses.
Modular Building Unit	A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. A modular Building Unit must meet the applicable requirements of the South Carolina Modular Buildings Construction Act. This term is not to be limited to residential dwellings.
Motor Vehicle	Every vehicle that is self-propelled that can be licensed and registered to be driven on public streets, roads or rights-of-ways, except mopeds, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
Monument Sign	See "Sign, Monument" for definition.
Mulching Operation	An operation that produces mulch. Mulch consists of organic substances placed on the earth as a protective covering around plants to retard weed growth and prevent moisture evaporation and freezing of roots.
Multi-Family Dwelling	See "Dwelling, Multi-Family" for definition.
Museum	A registered nonprofit organization displaying, preserving, and/or exhibiting objects of community and cultural interest in one or more of the arts and sciences.
Nature Exhibition	A public display of materials or living things of the outdoors, including the re-creation of natural wildlife habitats native to the Charleston area. This term does not include facilities, such as zoos, where the primary purpose is the display of live animals.
Non-Commercial Copy	Material written for informational purposes only. This material is non-promotional and does not advertise a business or service.

TERM	DEFINITION
Nonconforming Lot	A tract of land, designated on a duly recorded subdivision plat, or by duly recorded deed, or by other lawful means, that complied with the lot area, lot width and lot depth standards of the zoning district in which it was located at the time of its creation, but which does not comply with the minimum lot area, lot width or lot depth requirements of the zoning district in which it is now located.
Nonconforming Sign	A sign that was legally established but which no longer complies with the Sign Regulations of Article 9.11.
Nonconforming Structure	A building or structure that was legally established but which no longer complies with the Density/Intensity and Dimensional Standards of the underlying zoning district.
Nonconforming Use	A use that was legally established but which is no longer allowed by the use regulations of the zoning district in which it is located.
Nursery (Plant)	Same as definition for "Horticultural Production."
Office	Unless the context clearly suggests a more specific meaning, the term office shall mean any of the following: Government Office, Administrative or Professional Office or Medical Office.
Office of Ocean and Coastal Resource Management (OCRM) Critical Line Area	This line is defined by South Carolina Office of Ocean and Coastal Resource Management at the date of application and determines their jurisdiction.
Office/Warehouse Complex	A structure or group of structures offering compartments of varying size for rental to different tenants for the storage of commercial goods or wares, conducting of certain retail trade activities, or provision of those personal or business services permitted by zoning.
Off-Premises Sign	See "Sign, Off-Premises" for definition.
Opaque Screening	See "Screening, Opaque" for definition.
Open Space	Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.
Open (Or Field) Storage	The location of bulk items, assemblies or sub-assemblies in areas exposed to weather, in whole or in part, for the end use of further manufacturing process, sale or transportation. This shall include, but not be limited to, open display of transportation vehicles, marine craft, aircraft, manufactured housing units, modules, recreation vehicles, junk yards, or "piggy-back" containers. It does not include uses that are totally enclosed.
On-Premises Sign	See "Sign, On-Premises" for definition.

TERM	DEFINITION
Outdoor Living Space	<p>Uncovered, horizontal open space on a Zoning lot, which space:</p> <ol style="list-style-type: none"> 1. Does not include loading or parking areas, driveways, or refuse storage area and is so arranged as to prevent entry by motor vehicles; 2. Is paved, landscaped, or otherwise improved to make it suitable for passive or active outdoor recreational use and in the case of roofs and balconies is so arranged as to be safe for use by children; 3. Is readily accessible to the residents of the building for which it is required; and 4. May include land, balcony, and roof areas.
Outdoor Recreation and Entertainment	See "Recreation and Entertainment, Outdoor" for definition.
Outpatient Clinic	See "Medical Office" for definition.
Outpatient Facilities for Chemically Dependent or Addicted Persons	A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) providing specialized non-residential services for chemically dependent or addicted persons and their families. The outpatient services are based on an individual treatment plan in a non-residential setting including diagnosis, treatment, individual and group counseling, family therapy, vocational and educational development counseling and referral services. (See Standards for Licensing, S.C. DHEC Regulation 61-93.)
Parcel	A contiguous lot or tract of land owned and recorded as the property of the same person or persons, or controlled by a single entity.
Parking Lot	An open area providing off-street parking for the motor vehicles of residents, tourists, customers, or employees on a temporary, daily, or overnight basis.
Parking Garage	A building where residents, tourists, customers, or employees park their motor vehicles on a temporary or daily basis with a service charge or fee being paid to the owner or operator.
Parking, Off-site	The minimum number of required parking spaces for the existing or proposed use(s) not on the parcel for which the use(s) is located.
Parking, On-site	The minimum number of required parking for the existing or proposed use(s) on the parcel for which the use(s) is located.
Parking, Required	The minimum number of parking spaces for a specific use(s) as defined in this Ordinance. Required parking spaces cannot be located within public right-of-ways.
Parking, Shared	Parking for uses with different operating hours or peak business periods that share required off-street parking spaces.
Parks and Recreation	Parks, playgrounds, swimming pools, recreation facilities, and open spaces available to the general public, either without a fee or under the management or control of a public agency.
Parole or Probation Office	An office for those who supervise parolees or persons placed on probation by a court in criminal proceedings.

TERM	DEFINITION
Parties in Interest	Any individual, associations, corporations or others who have expressed an interest in writing in an application pending before the Planning Department and that has been received by the Planning Director.
Passive Recreation Area	Areas in and located due to the presence of a particular natural or environmental setting and that may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition such as boating, fishing, camping, nature trails and nature study. Farms are considered as passive open space if they are protected from development by a conservation easement.
Paved Streets	Those in which the traveled roadway is constructed of a layer or layers of materials with the surface usually being constructed of Portland cement concrete or asphaltic concrete.
Pavement	The uppermost layer of material placed on the street usually as the wearing or riding surface. This term is used interchangeably with "surface course" or "surfacing" and will usually imply Portland cement concrete or asphalt concrete, but may include "rocking."
Pawn Shop	A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.
Pedestal Sign	See "Sign, Pedestal" for definition.
Pennants, Streamers, and Other Moving Devices	Pennants, ribbons, streamers, spinners, light bulbs, or other similar moving devices when part of a sign, or when used to draw attention to a business or its signs.
Person	Individual, proprietorship, partnership, corporation, association, or other legal entity.
Personal Improvement Education	An establishment primarily engaged in the provision of information or instruction relating to a particular subject or hobby. This term excludes any educational services more specifically defined in this Ordinance.
Personal Improvement Service	An establishment primarily engaged in the provision of informational, instructional, personal improvements or similar services, excluding any services that have been more specifically defined in this Ordinance.
Pet, Household	Domestic animals typically kept for company or enjoyment within the home. Household pets shall include, but not be limited to: domestic cats; domestic dogs; domestic ferrets; gerbils; guinea pigs; hamsters; domestic laboratory mice; domestic rabbits; goldfish, canaries and parrots.
Pet Grooming Salons	An establishment primarily engaged in the grooming of household pets.
Pet Store	An establishment primarily engaged in the retail sale of household pets.

TERM	DEFINITION
Planning Director	Planning Director shall mean the Director of the Planning Department of Charleston County or the authorized designee or representative of the Director.
Plants	The term plants is meant to include seed, seedlings, nursery stock, roots, tubers, bulbs, cuttings, and other plant parts used in the propagation of field crops, vegetables, fruits, flowers, or other plants.
Plat	A diagram drawn to engineer's scale showing all essential data pertaining to the boundaries and subdivision of a tract of land as determined by a professional land surveyor.
Plat, Approved and Recorded	A diagram drawn to engineer's scale showing all essential data pertaining to the boundaries and subdivision of a tract of land as determined by a professional land surveyor, illustrating the boundaries that correspond with the current recorded deed, is approved by the Planning Department and recorded in the Register Mesne Conveyance (RMC) Office.
Portable Sign	See "Sign, Portable" for definition.
Permanent Storage Unit	Any manufactured housing unit, modular building unit, or pre-manufactured container unit exceeding 120 square feet in size that is used solely for non-residential purposes.
Postal Service, United States	Postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.
Pre-Manufactured Container Unit	A standardized, reusable vessel that is or appears to be (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.
Pre-School	A school, with an accredited training program and staffed with certified teachers, for children who are not old enough to attend kindergarten.
Preserved	To remain relatively unchanged. In relation to open space, preserved shall mean land placed in a Conservation Easement with a permanent deed restriction that prohibits further development.
Principal Use	The primary or predominant use to which a property is or may be devoted and to which all other uses on the premises are accessory.
Principal Building	See "Building, Principal" for definition.
Professional Office	A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions. This term does not include "Medical Office or Clinic" or "Parole or Probation Office."
Property Owners' Association	See "Homeowners' Association" for definition.
Property Owner	The holder of the title in fee simple and every mortgagee of record.

TERM	DEFINITION
Prosthetic Manufacturing (limited)	A business which performs technical procedures related to the design, fabrication and fitting of custom-made artificial limbs or denture/orthodontic devices, and does not use hazardous materials in the manufacturing process. The majority of processes undertaken in this setting involve device design and manufacturing as prescribed by a health care professional licensed by the State of South Carolina, with no patient interaction.
Protected Tree	Any tree on a parcel with a diameter breast height of eight (8) inches or greater prior to development and all trees within required buffers or required landscape areas.
Publicly Designated Area	An area set aside for public use, by any federal, state, or local government.
Public (or Community) Health Care Center	A publicly owned facility or not-for-profit organization providing health services for ambulatory patients. These centers can include related facilities, such as laboratories, clinics, and administrative offices typically operated in connection with such care centers. This term does not include facilities to treat mental health or substance abuse.
Public Project	Any project by or for a public agency using real property, as owner or tenant that falls within the jurisdiction of Charleston County. These public agencies include: <ol style="list-style-type: none"> 1. Agencies and departments of the State of South Carolina, 2. Counties, county agencies and departments, and 3. Municipalities, municipal agencies, and departments.
Public Works Director	The Director of the Department of Public Works of the County of Charleston or an authorized representative.
Rack	A storage slip for a boat in a dry stack storage facility.
Railroad Facility	Railroad yards, equipment servicing facilities, and terminal facilities.
Real Estate Sign	See "Sign, Real Estate" for definition.
Rear Lot Line	See "Lot Line, Rear" for definition.
Rear Setback	See "Setback, Rear" for definition.
Recreation and Entertainment, Indoor	Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building, excluding any sexually oriented businesses.
Recreation and Entertainment, Outdoor	Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities, excluding any sexually oriented businesses.
Recreation (or Vacation) Camp	An area or tract of land primarily used for recreational purposes that retains an open air or natural character. Accommodations for temporary occupancy, such as cabins and tents, may be located or placed in these areas. This definition does not include areas for recreational vehicles or motorized campers.
Recreational Vehicle	A highway vehicular, portable structure designed as a temporary dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers; the term does not include manufactured housing units.

TERM	DEFINITION
Recreational Vehicle Park	Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation. This term does not include any premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.
Recreation Watercraft Rental	See "Charter Boat Rental" for definition.
Recycling Center	An establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include: glass, paper, plastic, cans, motor oil, or other source-separated, non-decayable materials.
Recycling Collection (Drop-Off) Facility	A facility used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, non-decayable materials. "Recyclable materials" at a Recycling Collection Facility shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or decayable materials.
Rehabilitation Facility	A facility operated for the primary purpose of assisting in the rehabilitation of disabled individuals through an integrated program of medical, psychological, social, or vocational evaluation and services under competent professional supervision.
Religious Assembly	A church, synagogue, temple, monastery, convent, retreat center or any permanent or temporary building providing regular, organized religious worship of any denomination and religious education incidental thereto, but excluding private primary or secondary educational facilities day care facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of religious assembly use.
Relocated Tree	A protected tree that has been relocated in accordance with the requirements of this Ordinance.
Remodel	The internal or external alteration or change, in whole or in part, of a structure or thing that changes its characteristic appearance or the fundamental purpose of its existing design or arrangement and the uses contemplated. Not included in this meaning are the terms "enlargement" and "extension".
Repair	The mending or restoration of a building or structure to a sound or good state, at or nearest to its original designed condition, due to decay, dilapidation, damage or partial destruction. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation", "rebuilding" and "reconstruction" for purposes of this Ordinance.
Repair, Minor	A repair affecting 25 percent or less of the gross floor area of a structure.

TERM	DEFINITION
Repair Service, Commercial	An establishment engaged in the repair or servicing of industrial, business or consumer machinery, equipment, tools, scientific or professional instruments, or similar products or by-products. Firms that service consumer goods do so mainly by providing centralized services for separate retail outlets.
Repair Service, Consumer	An establishment primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding vehicle and commercial repair services.
Replacement Manufactured Housing Unit	See "Manufactured Housing Unit, Replacement" for definition.
Required Tree	Term used to refer, either collectively or separately, to all trees required to be retained or replaced by Article 9.4 including: all grand trees, all protected trees and all trees required by Article 9.5.
Residential Building or Use	A residential building is a building containing only residential uses and uses accessory thereto.
Residential Group Care Home	See "Group Care Home, Residential" for definition.
Residential Treatment Facility for Children and Adolescents	A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) operated for the assessment, diagnosis, treatment, and care of two or more children and/or adolescents in need of mental health treatment. The services include a special education program, recreational facilities, and residential treatment. This definition excludes facilities that are appropriately licensed by the State Department of Social Services. (See S.C. DHEC Regulation 61-103, Standards for Licensing—Residential Treatment Facilities for Children and Adolescents)

TERM	DEFINITION
Resource Extraction	<p>(a) the breaking of the surface soil to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business;</p> <p>(b) removal of overburden lying above natural deposits of ore or mineral solids and removal of the mineral deposits exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state.</p> <p>Removal of overburden and the mining of limited amounts of ores or mineral solids are not considered mining when done only for the purpose of determining location, quantity, or quality of a natural deposit if no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business and if the affected land does not exceed two acres in area. Mining does not include plants engaged in processing minerals except as the plants are an integral on-site part of the removal of ores or mineral solids from natural deposits. Mining does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction. Mining does not include dredging operations where the operations are engaged in the harvesting of oysters, clams, or the removal of shells from coastal bottoms.</p>
Responsible Entity	<p>Defined as either (1) the unit of local government responsible under South Carolina law for the maintenance of the roadway; or 2) in the case of private roadways (non-publicly maintained), the owner of the property on which the roadway is located, or if existing, a homeowners association previously created to maintain the roadway.</p>
Restaurant, Fast Food	<p>An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. A Fast-Food Restaurant generally has one or more of the following characteristics:</p> <ol style="list-style-type: none"> 1. It serves ready-to-eat foods, frozen deserts, or beverages in edible or paper, plastic or disposable containers; 2. It serves foods that customers carry to the restaurant's seating facilities, to motor vehicles, or off-premises; or 3. It serves foods through a pass-through window, (which includes any and all drive-in restaurants) Alcoholic beverages shall not comprise more than 25 percent of gross receipts.
Restaurant, General	<p>An establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption, where the sales of alcoholic beverages does not comprise more than 25 percent of gross receipts. This definition does not include Fast-Food Restaurants.</p>

TERM	DEFINITION
Retail Sales and Service, General	An establishment primarily engaged in the sale of new or used products to the general public, but excluding those establishments more specifically defined in this Ordinance.
Retirement Housing	The use of a site for one or more dwelling units designed for independent living and marketed specifically for the elderly, persons with physical disabilities or both.
Retirement Housing, Limited	The use of an existing dwelling unit for independent living and marketed specifically for the elderly, persons with physical disabilities or both, with ten or fewer residents.
Review Body	The entity that is authorized to recommend approval or denial of an application or permit required under this Ordinance.
Right-of-Way	Land that has been, or is being, dedicated for the construction and maintenance of a street. "Right-of-Way" may also be used to identify an area dedicated for use as part of a drainage system or utility corridor.
Road, Major	Major roads include interstates, arterial roads, and collector roads, all as defined in this Ordinance.
Roadside Stand	A small open air structure for the retail sale of sweetgrass baskets or indigenous produce grown or produced on the property where the Roadside Stand is located. This definition does not include Farmers Markets.
Roadway	The entire area between the outside limits of construction, including appertaining structures, all slopes, ramps intersections, drive, and side ditches, channels waterways, etc., necessary for proper drainage. This term shall in general be considered synonymous with "street" or "road".
Rock Road	Those in which the traveled roadway is constructed of compacted rock material creating a rock driving surface.
Roof Sign	See "Sign, Roof" for definition.
Rooming House	A residential building other than a Hotel-Motel in which rooms are provided for compensation for three or more, but not exceeding 20, adult persons not related by blood, marriage, or adoption to the owner. The rooms must be booked by pre-arrangement for definite periods of time on either a weekly or monthly basis.
Rural Area	The area designated as the "Rural Area" in the <i>Comprehensive Plan</i> .
Safety Service	Facilities for the conduct of public safety and emergency services.
Scenic Road	A road or highway designated scenic by Charleston County or by the State of South Carolina.
School, Primary	A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of South Carolina.
School, Secondary	A public, private or parochial school offering instruction at the middle (junior) and senior high school levels in the branches of learning and study required to be taught in the public schools of South Carolina.

TERM	DEFINITION
Scrap and Salvage Service (or Junk Yard)	An establishment primarily engaged in the storage, retail or wholesale sale, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials. This term excludes impound yards and towing facilities.
Screening (Elements)	Various combinations of walls, fences, earthen berms, trees, shrubbery, and landscape materials which comprise a screening plan approved by the Planning Director to fulfill the requirements and serve the purposes of Article 9.5.
Screening, Opaque	A combination of screening elements, approved by the Planning Director, designed to substantially or completely obscure horizontal views between abutting or adjacent properties. When plant materials are used for screening, the screening shall be opaque at the time of plant maturity.
Screening, Semi-Opaque	A combination of screening elements in compliance with the requirements of Article 9.5 designed to partially obscure horizontal views between abutting or adjacent properties.
Self-Service Storage (or Mini Warehousing)	Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity.
Semi-Opaque Screening	See "Screening, Semi-Opaque" for definition.
Service Station	See "Gasoline Service Station" for definition.
Setback	A required minimum distance from a lot line or street right-of-way, or OCRM Critical Line that establishes an area within which a structure shall not be erected.
Setback, Front	The setback measured from a street right-of-way
Setback, Interior	The setback measured from any interior lot line
Setback, OCRM Critical Line	The setback measured from the Critical Line, as determined by the Office of Ocean and Coastal Resource Management at the time of application.
Setback, Rear	The setback measured from the rear lot line, or if the rear lot line is not located on high ground, the OCRM Critical Line Setback shall apply (See "Setback, OCRM Critical Line" definition)
Setback, Side	Any setback other than a rear or front setback.
Settlement Areas	The areas designated as "settlement areas" by the adopted Charleston County <i>Comprehensive Plan</i> .
Sewage Collection Service Line	A non-lateral line connecting development to a sewage collector or trunk line.
Sexually Oriented Businesses	Definitions provided in Section 6.4.18C.
Short-term Lender	A Deferred Presentment Lender or a Title Loan Lender.
Shrub	A self-supporting perennial plant of low stature characterized by multiple stems and branches running continuous from the base.
Side Lot Line	See "Lot Line, Side" for definition.
Side Setback	See "Setback, Side" for definition.
Sign	Any device or visual communication that is used to announce, direct attention, inform, or advertise to the public.

TERM	DEFINITION
Sign, Abandoned	A sign advertising a person, business, service, event or other activity that is no longer available or a sign containing inaccurate or outdated information.
Sign, Animated	Any sign so designed as to facilitate or permit the rotation, oscillation, or other movement of the sign or of any of its visible parts.
Sign, Area of	The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The area of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices. Area devoted to required house numbers shall not be included in the calculation of maximum sign area. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be constructed so that both faces are either parallel or have an interior angle of less than 90 degrees, and the two faces shall not be more than 12 inches apart.
Sign, Bona Fide Agricultural Use	A sign specifically used for the advertisement of products from bona fide agricultural uses, related activities and farm identification that meets the requirements of this Ordinance.
Sign, Flashing	Any lighted or electrical sign that emits light in sudden transitory bursts. For purposes of this Ordinance, strobe lights in window fronts visible from public rights-of-way are included in this definition. On/off time and temperature signs and message boards are not considered flashing signs for the purpose of this Ordinance.
Sign, Free-Standing	A sign supported by a sign structure secured in the ground and which is wholly independent of any building, other than the sign structure, for support. A sign on a fence shall be considered a freestanding sign.
Sign, Height of	The vertical distance measured from the street grade elevation at the base of the sign structure to the highest point of the sign structure.
Sign, Illuminated	A sign designed to give forth artificial light or to reflect artificial light from a source incorporated in or associated with such sign.
Sign Imitating Traffic Devices (Signals)	Signs of such size, location, movement, content, coloring or of a manner of illumination that could be confused with or construed to be traffic control devices; or hide from view any traffic or street signal; or obstruct the view in any direction from a street intersection.
Sign Imitating Traffic Signs	Signs that imitate official traffic signs or signals or signs that contain the words 'stop', 'go', 'danger', 'slow', 'caution', 'warning', or similar words in such a fashion as to imitate official traffic signs or signals.

TERM	DEFINITION
Sign in Disrepair	Any sign that contains damaged or defective parts, or otherwise presents an unsightly appearance due to lack of maintenance.
Sign in Marshes	Signs erected or displayed in a marsh area or on land subject to periodic inundation by tidal action.
Sign, Campaign	A sign that identifies or urges support for a specific political issue scheduled for inclusion on an upcoming election ballot or a sign that identifies or urges support for a political party or candidate for national, state, or local public office.
Sign, LED (Light Emitting Diode) Message Board	An electronic portion of a free standing sign that channels light through tubes to create patterns that can produce changing display. LED signs must comply with all regulations of this Ordinance.
Sign, Monument	A free-standing sign with a sign (support) structure that: (1) is designed as one architecturally unified and proportional element with the sign itself, (2) is at least 90 percent of the width of the sign face and (3) is solid from grade at the base of the sign to the top of the sign structure.
Sign, Nonconforming	See "Nonconforming Sign" for definition.
Sign, Off-Premises Bona Fide Agricultural Use	Off-premises signs advertising products from Bona Fide Agricultural uses, related activities and farm identification.
Sign, Off-Premises	Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being identified on such sign is itself located or conducted.
Sign, On-Premises	A sign which directs attention to a business or profession conducted, or to a principal commodity, service or entertainment sold or offered on the premises where such sign is located.
Sign, Pedestal	A free-standing sign with a sign (support) structure that: (1) is designed as one architecturally unified and proportional element with the sign itself, (2) is at least 50 percent of the width of the sign face and (3) is solid from grade at the base of the sign to the top of the sign structure.
Sign, Political	A sign containing language that expresses a point of view on a political issue or identifies a specific political party, political organization, or political official unrelated to an upcoming election.
Sign, Portable	Signs which usually rest on the ground on wheels or metal legs, and may be temporarily anchored by weights and/or cables attached to stakes driven into the ground.
Sign, Real Estate	Temporary sign advertising the real property upon which the sign is located for rent or lease or sale; advertising a business or businesses to be located on the premises; or advertising the architect, contractor, developer, finance organization, subcontractor or material vendor upon which property such individual is furnishing labor, services or material.

TERM	DEFINITION
Sign, Roof	Any sign erected upon, against, or directly above a roof or roof eave, or on or above any architectural appendage above the roof or roof eave.
Sign, Sandwich Board	A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of the letter "A" when viewed from the side.
Sign, Shared Free-Standing	A free standing sign shared by one or more businesses or residential developments on separate parcels that also share a common property boundary or are located within an approved multi parcel development. One shared sign is allowed per jointly used shared curb cut/entry drive with an allowable maximum of two shared signs per multi tenant development.
Sign, Snipe	A non-permitted sign pasted or attached to utility poles, trees, fences, or other locations.
Sign, Special Sales Event	A temporary sign advertising a Special Sales Event on a parcel with a legally established business. A temporary Special Sales Event Sign may be obtained for a maximum of five Special Sales Events per calendar year with each event not to exceed ten consecutive days.
Sign, Temporary	Signs that are not permanently attached to a building, other structures or the ground and do not meet structural standards recognized and enforced by the Charleston County Building Inspections Services Department.
Sign, Vehicle	A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed to attract the attention of the motoring public or pedestrian traffic.
Sign, Wall/Facade	A sign painted on or attached to the outside of a building, and erected parallel to the face of a building and supported throughout its length by such building.
Silviculture	The cultivation of a forest for the purpose of harvesting timber.
Single Family, Attached	The use of a site for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot. Also known as townhouses or rowhouses.
Single family, Detached	The use of a site for only one dwelling unit, other than a manufactured housing unit, that is not attached to any other dwelling units.
Single Family, Detached [Affordable]	See Section 6.4.19 for definition.
Single Family, Detached/ Manufactured Housing Unit (Joint Use)	The use of a site for one detached single family dwelling unit and one manufactured housing unit.
Small Animal Boarding	An establishment primarily engaged in the boarding of household pets within an enclosed building.
Snipe Sign	See "Sign, Snipe" for definition.

TERM	DEFINITION
Social (or Civic) Organization	An establishment providing meeting, recreational, or social facilities for a nonprofit association, primarily for use by members and guests of youth organizations, fraternal organizations, and other similar groups. This use does not include any type of residential facility, such as fraternity or sorority houses.
Social Club (or Lodge)	A building, structure, or grounds, or portion thereof, which is owned by or leased to private organizations, social clubs, or non-profit associations for meeting, recreational, or social purposes. The use of such premises is restricted to the members of these organizations and their guests.
Solid Waste Disposal Facility (Public or Private)	All land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A Solid Waste Disposal Facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.
Special Exception	An exception issued by the Board of Zoning Appeals authorizing a particular use in a specified location within a Zoning district, upon demonstrating that such use complies with all the conditions and standards specified by the Zoning and Land Development Regulations.
Special Event	An activity (occurring one or more times) involving the assembly or the intention of attracting 100 or more people for cultural, ceremonial, educational, or celebratory purposes, which generates revenue, regardless of status. Such assembly includes, but is not limited to: weddings, receptions, recitals, art exhibits, religious ceremonies, limited youth activities, book readings, wine/food tasting events, executive retreats, circuses, fairs, carnivals, festivals, auctions, concerts, and any event which is advertised or marketed in any form including, but not limited to: posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services (e.g. food & drink); and whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria.
Special Trade Contractor	An establishment that specializes in a specific aspect of construction, such as carpentry, electrical, painting, plumbing, roofing, or tile
Stable, Commercial	A building or land where horses are kept for commercial use including boarding, sale, rental, breeding or raising of horses.
Stable, Private	A building or land where horse(s) are kept for private use.
Standard Billboard (Outdoor Advertising Structure)	A Billboard designed to accommodate messages composed of non- digital or electronic copy that utilizes wrapped posters, 30 sheet posters, and eight sheet posters.
Standard Cubic Foot (Scf)	A cubic foot of gas at standard temperature and pressure, which are 68 degrees Fahrenheit and 29.92 inches of mercury.

TERM	DEFINITION
Street	A vehicular way which may also serve in part as a way for pedestrian traffic, whether called a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, alley, mall, or otherwise designated, including the entire area within the right-of-way.
Street, Arterial	A street used primarily or designed to conduct traffic between communities and activity centers, and to connect communities to major state and interstate highways. An arterial is a primary road characterized by high traffic volumes and high speeds.
Street, Collector	A street used or designed to carry traffic from minor streets to arterial or major streets for purposes of this Ordinance. Such streets include those designated as collectors in any <i>Comprehensive Plan</i> or element thereof officially adopted.
Street Line	A lot line separating a street from a lot.
Street, Minor	A street other than an arterial street or collector street used or designated primarily to provide access to abutting property. The term includes marginal access streets which are generally parallel and adjacent to arterial streets, serve abutting properties and provide protection from friction with through traffic. The term minor street includes loop streets and cul-de-sac streets.
Stub Street	A street that intersects with another local street and extends, usually one lot deep, to the property line of the development or rear of the block being developed.
Structure	Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground.
Structural Alteration	See "Alteration, Structural" for definition.
Subdivision	All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combination of lots of record.
Subgrade	The top surface of a roadbed upon which the roadway structure and shoulders are constructed.
Suburban Area	The area designated as the "Suburban Area" in the adopted Charleston County <i>Comprehensive Plan</i> .

TERM	DEFINITION
Subject Property	Property, which may or may not include one or more tax parcels, or the total area impacted by a specific use, e.g., utility service area, facility, easement, or right-of-way. In the case of a utility trunk or service line, the "subject property," for the purpose of Posted Notice, shall be the entire distance or length of the trunk or main line right-of-way or easement and shall be treated as one "subject property."
Sweetgrass Basket Stand	A sweetgrass basket stand is an open air stand that sells handmade baskets from locally grown sweetgrass. Sweetgrass basket stands shall be limited to a 500 square foot covered area.
Swimming Pool	A structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.
Tattoo or Tattooing	To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, nor the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.
Tattoo Facility	Any room, space, location, area, structure, or business, or any part of any of these places where tattooing is practiced or where the business of tattooing is conducted and which is licensed by the Department (SC DHEC) as a tattoo facility.
Temporary Portable Storage Unit	Any structure that is used for storage that is portable and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.
Temporary Sign	See "Sign, Temporary" for definition.
Tenant Dwelling	A dwelling located on a bona fide farm and which is occupied or designed to be occupied by a non-transient farm worker employed by the owner or operator of the farm.
Through Lot	See "Lot, Double-Frontage" for definition.
Title Loan Lender	A lender which regularly extends short-term non-purchase money loans secured by titles to motor vehicles, such as those regulated by S.C. Code § 37-3-413 (Cum. Supp. 2011). The term does not include other federal or state regulated lenders, banks, credit unions, savings banks and like depository institutions.
Towing Facility	An establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1) mechanically operable/driveable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked motor vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: automotive services that have a tow truck on-site; scrap and salvage yards/services; junk yards; impound yards; vehicle storage; and accessory storage of inoperable vehicles.
Trade School	See "Business School" for definition.

TERM	DEFINITION
Traditional Neighborhood Design	Development designs intended to enhance the appearance and functionality of the new development so that it functions like a traditional neighborhood or town. These designs make possible reasonably high residential densities, a mixture of residential and commercial land uses, a range of single and multi-family housing types, and street connectivity both within the new development and to surrounding roadways, pedestrian, and bicycle features.
Transitional Housing	A facility providing supervision or detention, or both, for residents making the transition from institutional to community living. This classification includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders. This classification also includes overnight shelters for the homeless and emergency shelters during crisis intervention for victims of crime, abuse, or neglect.
Tree	Any self-supporting woody plant having a single trunk or trunks of two inches DBH or greater and usually having branches.
Tree Protection Fencing	A fence or wall at least four feet in height that ensures the protection of protected and grand trees during development.
Truck Stop	Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuels or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. Any overnight accommodations and restaurant facilities primarily for the use of truck crews shall be considered as a separate use, and shall follow the use requirements for that particular use as provided for in this Ordinance.
Understory Tree	A tree, ten to twelve feet tall at the time of planting, which will grow to a minimum height of 20 feet at maturity.
Use Allowed by Right	A principal use allowed without the requirement of a special exception.
Utility	A provider of electricity, gas, water, sewage service, telephone, cable or other similar service for principal development, and the provider of the service is publicly regulated.
Utility Service, Major	Facilities and structures that are necessary for the generation, transmission, and/or distribution of utilities to support principal development, such as generation facilities, electrical and telephone switching facilities, electric substations, pumping stations, sewage collection or disposal facilities, water or sewage treatment plants, water storage tanks, sewage collector or trunk lines, water mains, and similar facilities.
Utility Service, Minor	Minor structures, such as lines and poles, that are necessary to distribute utilities and provide service.
Vacation Camp	See "Recreation Camp" for definition.

TERM	DEFINITION
Variance	A relaxation by the Board of Zoning Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship; and such variance is consistent with Section 6.29.800 of the Code of Laws of South Carolina, Title 6, Chapter 29.
Vehicle Rental and Leasing	The rental or leasing of automobiles, light or medium trucks, motorcycles, recreational vehicles, or utility trailers, including incidental storage, maintenance, and servicing. This use does not include boats or other watercraft.
Vehicle Repair, Consumer	An establishment that primarily provides service to automobiles, light and medium trucks, motorcycles or recreational vehicles. These services include the maintenance, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint and body work. Generally, the customer does not wait at the site while the service or repair is being performed. This term excludes any dismantling or scrap and salvage service.
Vehicle Sales	The sale of automobiles, light or medium trucks, motorcycles, recreational vehicles, or boats, including incidental storage, maintenance, and servicing.
Vehicle Service, Limited	An establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the vehicle or nearby while the service is performed.
Vehicle Sign	See "Sign, Vehicle" for definition.
Vehicle Storage	An establishment offering long or short term storage of operating vehicles or vehicles contracted for repair. This term excludes impound yards, towing facilities, and any dismantling, scrap and salvage service, or junked vehicle yards.
Veterinary Service	An establishment offering veterinary services and hospitals for animals.
Vibration	The periodic displacement or oscillation of the earth.
Vision Clearance Triangle	A triangular area of unobstructed visibility extending from the intersection of a driveway and roadway between three (3) and ten (10) feet in height above grade. The minimum area is 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.
Wall/Facade Sign	See "Sign, Wall/Facade" for definition.
Wall (or Fence)	A structural device erected to serve as an architectural element, landscape element, visual screen or physical barrier.

TERM	DEFINITION
Warehouse and Distribution Facility	An establishment engaged in the storage or movement of goods, such as manufactured products, supplies, equipment or food. This term excludes bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
Waste-Related Use	Uses that collect or receive solid or liquid waste for disposal, treatment, transfer to another location or production of energy from the waste. This term does not include uses otherwise defined as utilities.
Water Service Line	A non-lateral line connecting development to a water main.
Waterfront (Property)	Property within 500 feet of any river, tidal wetland or waterway, including saltwater marshes. Property abutting freshwater wetlands shall not be considered "waterfront" property.
Wetland Buffer	See "Buffer, Wetland" for definition.
Wetlands, Freshwater	Those areas of land that are inundated or saturated by fresh water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and delineated as freshwater wetlands by the U.S. Army Corps of Engineers.
Wholesale Sales	An establishment engaged in the wholesale sale of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
Winery	An agricultural processing facility used for the commercial purpose of processing grapes, other fruit products or vegetables to produce wine or wine related spirits, excluding beer and liquor. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items and winery tours may be permitted as part of the winery operations.
Wine-Tasting Room	An area limited to 1,500 square feet that is devoted to the sampling and sales thereof of wine produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.
Workforce Housing	Housing affordable to low and moderate income families (those earning up to 120% of the Charleston-North Charleston Metropolitan Statistical Area (MSA) median family income, as defined in the schedule published annually by the U.S. Department of Housing and Urban Development).

TERM	DEFINITION
Written Interpretation	Any review or evaluation by the Planning Director, in written form, concerning the Charleston County Zoning and Land Development Regulations, <i>Comprehensive Plan</i> , or any other relevant documents.
Written Notice	Notice may be sent via U.S. mail or email.
Zoning District	A specifically delineated geographic area or zone in Charleston County within which uniform development regulations and requirements govern the use, density, and the placement, spacing, or size of buildings.
Zoning Lot	See "Lot, Zoning" for definition.
Zoning Permit	A permit issued by the Charleston County Planning Department that acknowledges that the intended land use, structure, building, or construction complies with the provisions of the Zoning and Land Development Regulations or authorized variance therefrom. A Zoning Permit shall be required prior to the activities described in Article 3.8.1 of the Ordinance.
Zoo	A facility where live animals are kept for display.

ARTICLE 12.2 INTERPRETATION

For the purpose of this Ordinance, certain words and terms used herein are defined as set forth in this Section. If not specifically defined herein, words and terms shall be defined in Merriam-Webster's Collegiate Dictionary, 11th Edition.