2014 / 24

AN ORDINANCE TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN CHEROKEE BEAUFORT, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, AND THE COUNTY OF BEAUFORT, SOUTH CAROLINA PURSUANT TO SECTION 6-31-30 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED.

WHEREAS, the General Assembly of the State of South Carolina has enacted the "South Carolina Local Government Development Agreement Act" as set forth in Section 6-31-10 through 6-31-160 of the *Code of Laws of South Carolina*, 1976, as amended; and

WHEREAS, the Act authorizes local governments, including Beaufort County through its County Council, to enter Development Agreements with developers for the purpose of providing a continuous agreement for development of projects and for the protection and advance payments for the impact upon the citizens of Beaufort County.

NOW, THEREFORE, in consideration and pursuant to Section 6-31-10, of the *Code of Laws of South Carolina*, 1976, as amended, Beaufort County Council herein adopts this Ordinance, which is necessary to provide the authority to execute a Development Agreement with Cherokee Beaufort, LLC, a South Carolina Limited Liability Company, authorized to conduct business in South Carolina.

Adopted this 25th day of August, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

_____
Joshua A. Gruber, County Attorney

ATTEST:

_____
Suzanne M. Rainey, Clerk to Council

First Reading: July 28, 2014
Second Reading: August 11, 2014
Public Hearings: August 11, 2014 and August 25, 2014
Third and Final Reading: August 25, 2014

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DEVELOPMENT AGREEMENT

FOR

CHEROKEE FARMS

BEAUFORT COUNTY, SOUTH CAROLINA

December 15, 2014

BURTON DEVELOPMENT, LLC

STATE OF SOUTH CAROLINA	)	
	)	**DEVELOPMENT AGREEMENT**
COUNTY OF BEAUFORT	)	**FOR CHEROKEE FARMS**

This Development Agreement (the "**Development Agreement**" or the "**Agreement**") is made and entered into this 15th day of December, 2014 (the "**Effective Date**"), by and between Cherokee Beaufort, LLC, a South Carolina limited liability company (hereinafter sometimes referred to as "**Cherokee Beaufort**"), Burton Development, LLC, a South Carolina limited liability company (hereinafter sometimes referred to as "**Burton Development**" or "**Developer**"), and the governmental authority of the County of Beaufort, South Carolina ("**Beaufort County**" or the "**County**").

WHEREAS, the legislature of the State of South Carolina has enacted the South Carolina Local Government Development Agreement Act (the "**Act**") as set forth in Section 6-31-10 through Section 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, the Act recognized that "The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning." (Section 6-31-10(BB)(1) of the Act); and

WHEREAS, the Act also states: "Development Agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the Development Agreement or in any way hinder, restrict, or prevent the development of the project. Development Agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health and general welfare of the citizens of our State" (Section 6-31-10 (B)(6)); and

WHEREAS, the Act further authorizes local governments, including counties, to enter into development agreements with developers to accomplish these and other goals as set forth in Section 6-31-10; and

WHEREAS, Cherokee Beaufort owns two (2) adjacent tracts of land, each as more particularly described in Exhibit "A", which is attached hereto and made a part hereof, which together consist of approximately 105 acres, more or less (collectively referred to as the "**Property**"), and Cherokee Beaufort has entered into a joint venture agreement with Cherokee Investments, which joint venture agreement resulted in the formation of Burton Development to serve as master developer for the Property (hereinafter, "**Owner**" or "**Developer**" shall refer collectively to Cherokee Farms, Cherokee Investments, and Burton Development, unless the context requires otherwise). The Owner proposes to sell, develop, or cause to be developed, a mixture of residential, commercial and/or other uses on the Property as more particularly described in this Agreement; and

WHEREAS, in February 2004, Cherokee Investments submitted a development agreement to the County in which certain matters, including traffic mitigation and Air Installations Compatible Use Zone ("**AICUZ**") application to the Property, were initially addressed (the "**2004 Draft Agreement**"); and

WHEREAS, the 2004 Draft Agreement was held in abeyance while certain matters were addressed, including: matters arising from revised impact traffic mitigation studies; the amendment of the

planned unit development adjacent to the south of the Property and known as Habersham (hereinafter "**Habersham**" or the "**Habersham PUD**"), which amendment included additional property in the planned unit development while the Property was re-zoned to a Suburban zoning district; discussions with Beaufort County regarding designing the Property in the same manner or in a similar manner as Habersham; discussions and negotiations regarding the need for the submission of a planned unit development rather than re-zoning to a Suburban zoning district; and, various other related matters; and

WHEREAS, to better adhere to the aesthetic quality, connectivity and continuity between the Property and the adjacent Habersham PUD, Cherokee Investments has developed and submitted to the County a Unified Development Plan (the "**Unified Development Plan**"), attached hereto as Exhibit "B", for the Habersham PUD and the Property (collectively hereinafter sometimes referred to as the "**Unified Development**"), which was approved by the County on October 30, 2013; and

WHEREAS, the County acknowledges and agrees that in the area of the Property, the character of the land: supports the development proposed by the Unified Development Plan; furthers the objectives of the Beaufort County Comprehensive Land Use Plan; increases the number of available lots; creates affordable housing opportunities for its citizens; improves traffic conditions; and, secures for its citizens a quality, well-planned and well-designed real estate development, while also increasing the County's tax base; and

WHEREAS, the Development of the Property results in the imposition of certain impact fees (collectively, and not intending to be limiting, hereinafter "**Impact Fees**") in accordance with applicable County ordinances and state law; and

WHEREAS, the County finds that the Owner's proposed development of the Property, as described in this Development Agreement and in the Unified Development Plan, is consistent with Beaufort County's Comprehensive Land Use Plan and will further the health, safety, welfare and economic well-being of the County and its citizens; and

WHEREAS, Owner has proposed the construction of certain road infrastructure on and off the Property and has agreed to the dedication thereof to the County; and

WHEREAS, the proposed Development of the Property presents the County with an exceptional opportunity to receive public road system improvements; secures quality planning and a well-designed and constructed mixed use real estate development; enhanced protection of the environment; and, a strengthened and revitalized tax base; and,

WHEREAS, this Development Agreement is being made and entered into between the Owner and the County under the terms of the Act for the purpose of providing assurances to the Owner so that the Owner may proceed with Development of the Property according to the terms of this Agreement and as depicted in the Unified Development Plan without encountering future changes in law that may materially affect the Owner's ability to develop the Property according to the terms of this Development Agreement and as depicted in the Unified Development Plan.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both the County and the Owner by entering this Agreement, and to encourage well-planned development by Owner, the receipt and sufficiency of such consideration being hereby acknowledged, the County and Owner hereby agree as follows:

I. INCORPORATION

The above recitals are hereby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(6) of the Act.

II. DEFINITIONS

In addition to the terms defined herein, the following terms shall be defined as follows:

"**Act**" means the South Carolina Local Government Development Agreement Act, as codified in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended.

"**Covenants**" means and refers to one (1) or more declaration of covenants and restrictions for all of or portions of the Property to be recorded in the Office of the Register of Deeds Office for Beaufort County, South Carolina, and all amendments and supplements thereto.

"**Density**" means the total number of residential dwelling units ("**Dwelling Units**", as herein defined) or the total area of commercial square feet permissible for a specific parcel of the Property or for the Property as a whole under the terms of this Agreement, as context dictates. No other density requirements shall be applicable to the Property.

"**Develop**" or "**Development**" means the definition of development as set forth in the ZDSO (as defined herein).

"**Developer**" means the Owner, the master developer, Burton Development, LLC, and all successors in title or lessees of the Owner who undertake Development (as defined herein) of the Property or who have transferred Development Rights (also as defined herein).

"**Development Agreement Ordinance**" means all terms and conditions of this Development Agreement and all attachments hereto, including but not being limited to the Unified Development Plan and all narratives, applications, site development plans, standards, exhibits and applicable ordinances as the same may be hereafter amended by mutual agreement of the County and the Owner. Specifically, it is noted that the adoption of the Development Agreement Ordinance after public hearings shall have the effect of a properly adopted land use ordinance. To the extent that any provision of the Development Agreement Ordinance may be deemed to be a modification of presently existing Beaufort County law, such modification shall be hereby approved, ratified and adopted as binding upon the Property and the parties hereto by the approval of this Development Agreement.

"**Development Application**" or "**Initial Development Application**" means an application for the Development of individual portions or phases of the Property, being the concept (if required) or preliminary application (if required) for land development or subdivision referenced in Sections 106-369 and 106-370 of the ZDSO (as defined herein).

"**Development Rights**" means the Owner's or Developer's right to Develop the Property, or portions thereof, in accordance with the ZDSO (as defined herein), this Development Agreement and the Unified Development Plan.

"**DRT**" means Beaufort County's Development Review Team or a similar planning review authorized and described in the ZDSO (as defined herein).

"**Dwelling Units**" means residential dwellings.

"**Effective Date**" means the date of complete execution of this Agreement after the County's approval of the Development Agreement Ordinance.

"**Impact Fees**" or "**Development Impact Fee**" means a payment of money imposed as a condition of approval for Development, as defined in Section 6-1-920(8) of the South Carolina Code of Laws, 1976, as amended.

"**Habersham Amended PUD**" means that certain planned unit development for Habersham, which was approved on December 9, 1996, as amended by that certain amendment thereto, which was approved on March 13, 2006.

"**ITE**" means Institute of Traffic Engineers.

"**Owner**" means Cherokee Beaufort, LLC, its successors and/or assigns.

"**Owners Association**" means an entity or entities formed pursuant to applicable law and/or restrictive land use covenants, which may be responsible for the construction and/or maintenance and/or upgrading of some or all of the infrastructure contemplated in this Development Agreement and the Unified Development Plan, to include, but not be limited to, some or all of the roads, common areas, water, sewer and stormwater management systems proposed to be constructed on or for the benefit of the Property.

"**Property**" means those certain parcels of land depicted on Exhibit "A" of the Development Agreement.

"**Term**" means the duration of this Agreement as set forth in Article III hereof.

"**Unified Development Plan**" means the document entitled "Habersham Unified Development Plan" as well as all exhibits and attachments thereto as approved by the DRT on October 30, 2013, and as the same may be modified or amended from time to time in accordance with this Development Agreement and the ZDSO (as defined herein).

"**ZDSO**" means the Zoning and Development Standards Ordinances (ZDSO) of Beaufort County adopted April 26, 1999, existing as of the Effective Date and attached hereto as Exhibit "H" and made a part hereof. References in the ZDSO to the latest version of County manuals shall mean and refer to the latest version of such manual as of the date of this Agreement, and shall include any and all zoning and development ordinances subsequently adopted or approved by Beaufort County.

III. TERM

The Term of this Development Agreement shall commence on the Effective Date and shall terminate five (5) years thereafter; or, if renewed and described herein, at the end of three (3) additional five (5) year periods. During the Term, the provisions of this Development Agreement shall be vested against any future changes to the ZDSO, Beaufort County law or ordinances and changes to any now existing or future airport overlay zoning district, including but not limited to any AICUZ noise zone or overlay district, which would affect the ability of Owner to carry out the Development contemplated in this Development Agreement and in the Unified Development Plan. Further, at the end of the third five (5) year period, the provisions of this Development Agreement shall be vested against any future changes to Beaufort County law or ordinances if Owner shall have achieved Substantial Development. "**Substantial Development**" shall mean the completion of construction (the receipt of a certificate of occupancy) or construction that is underway (the receipt of applicable building or development permits)

of not less than twenty-five percent (25%) of the total Development proposed for the Property, as shown and depicted on the Unified Development Plan.

IV. DEVELOPMENT OF THE PROPERTY

The Property shall be developed in accordance with this Development Agreement and the Unified Development Plan. Certain provisions of the ZDSO may be interpreted, enhanced, supplemented or modified by this Agreement and the Unified Development Plan in accordance with Article XIV of this Agreement.

V. DEVELOPMENT SCHEDULE

The Property shall be developed generally in accordance with the Development Schedule, which is attached hereto as Exhibit "C" of this Agreement. The Development Schedule is an estimate, and may be modified to acknowledge market conditions, permitting requirements, or other considerations. It is acknowledged that the Property is anticipated to be developed in phases which include the Development of one (1) block of the Property at a time, in order to provide flexibility for the Owner and Developer to meet market demands.

In accordance with the Act, the failure of the Owner and Developer to meet the terms of the Development Schedule shall not, in and of itself, constitute a material breach of this Agreement, and shall be judged by the totality of circumstances, including, but not limited to, the Owner's and Developer's good faith efforts toward compliance with the terms of the Development Schedule and the Owner's and Developer's proof of good cause for modifying the Development Schedule. Further, the acceleration of the Development Schedule shall not constitute a material breach of this Agreement. It is expected that the actual Development of the Property may occur at a different pace, as determined in the sole reasonable discretion of Owner and based upon market conditions, and shall not constitute a default of this Agreement. In the future, the Owner or Developer my submit unilaterally to the County periodic adjustments to the Development Schedule, which shall not be considered an amendment or breach of this Agreement.

VI. DENSITY AND USE

Mixed use, residential and commercial Development of the Property shall be in accordance with the densities and uses as set forth in the approved Unified Development Plan.

VII. ACCESS

The Property shall be accessed by Cherokee Farms Road (S-83), which runs along the southern boundary of the Property, and by Joe Frazier Road (S-40) to the northeast, as approved and depicted in the Unified Development Plan and as described herein. At such time other interconnectivity to the west is completed as contemplated in this Development Agreement, the Property shall have the access as shown in the Unified Development Plan.

VIII. INFRASTRUCTURE AND SERVICES

County and Owner recognize that the majority of the direct costs associated with the Development of the Property shall be borne by the Owner and Developer, and that many necessary services shall be provided by other governmental or quasi-governmental entities, and not by the County. For further clarification, the parties make specific note of and acknowledge the following:

A. **Roads/Facilities**.

(i) **Private Roads**. Roads constructed within the Property may be constructed by the Owner and/or Developer, and shall be maintained by them and/or an Owners Association, or dedicated to other appropriate entities or the County, as provided in Article IX of this Agreement. Except as otherwise provided herein, the County shall not be responsible for the construction or maintenance of any private roads within the Property, unless the County specifically agrees to do so in the future.

(ii) **Public Roads**. The Property shall not have restricted access roads and shall be served by direct access to Joe Frazier Road (S-40) and Cherokee Farms Road (S-83) provided, however, that portions of the Property shall be Developed as separate housing and/or parking areas.

B. **Potable Water**. Potable water shall be provided to the Property by the Beaufort Jasper Water and Sewer Authority ("BJWSA") on the same basis as is provided to other residents and businesses within the County. Each Owner or Developer shall construct, or cause to be constructed, all necessary water service infrastructure within the Property (or such applicable portion thereof), which shall be maintained by it or the provider of the service. The County shall not be responsible for any construction, treatment, maintenance or costs associated with water service to the Property, except as set forth herein, unless it otherwise agrees. Nothing herein shall be construed as precluding the County or other local governmental entity from providing potable water to its residents in accordance with applicable provisions of law.

C. **Sewage Treatment and Disposal.** Sewage treatment and disposal shall be provided by BJWSA on the same basis as is provided to other residents and businesses within the County. Each Owner or Developer shall construct, or cause to be constructed, all necessary sewer-related service infrastructure within the Property (or such applicable portion thereof), which shall be maintained by it or the provider of the service. The County shall not be responsible for any treatment, maintenance or costs associated with sewage treatment within the Property, except as set forth herein, unless it otherwise agrees. Nothing herein shall be construed as precluding the County or other local governmental entity from providing sewer services to its residents in accordance with applicable provisions of law.

D. **Stormwater Drainage System**. All stormwater runoff and drainage improvements within the Property shall be designed in accordance with the ZDSO and the most current edition available of the Beaufort County Best Management Practices manual, and best efforts shall be made to coordinate such stormwater runoff and drainage systems with the County's master drainage program. All stormwater runoff and drainage system improvements shall be constructed by the Owner or Developer and maintained by the Owner, Developer and/or an Owners Association, except as otherwise contained herein. The County shall not be responsible for any construction or maintenance costs associated with the stormwater runoff and drainage systems solely within the Property, unless proper dedications and easements are granted in accordance with the ZDSO.

E. **Solid Waste Collection**. The County shall provide solid waste collection to the Property on the same basis as it provides to other residents and businesses within the County. The Owner acknowledges that the County does not currently provide waste disposal on an individual basis for single, multi-family or commercial developments or uses.

F. **Utility Easements**. The Owner shall furnish necessary easements for water, sewer, gas, electricity, telephone, cable television, and other utilities when the Owner determines that the same are required. Adequate easements for utilities shall be reserved by the Owner in the conveyances of

lots and parcels to be Developed. All utilities (except main electrical distribution lines) shall be installed underground.

G. **Police Protection.** The County shall provide police protection services to the Property on the same basis as it provides to other residents and businesses within the County. The Owner or a successor Owners Association may elect to provide private security services for all or a portion of the Property.

H. **Recycling Services**. The County shall provide recycling services to the Property on the same basis as it provides to the residents and businesses within the County. The County shall reserve the right to require that recycling materials generated from the Property comply with those standards promulgated by the County applicable to all residents and businesses within the County.

I. **Emergency Medical Services**. The County shall provide emergency medical services to the Property on the same basis as it provides to other residents and businesses within the County.

J. **Fire Services**. The County shall provide fire protection services to the Property on the same basis as it provides to other residents and businesses within the County; such services are currently provided by the Burton Township Fire District.

K. **Library Services**. The County shall provide library services to the Property on the same basis as it provides to other residents within the County.

L. **School Services**. The Beaufort County School District shall provide educational and school services to the Property on the same basis as it provides to other residents within the County.

M. **AICUZ Requirements**. Approximately 45.5 acres of the Property are located within AICUZ Noise Zone 2A (65-69 DNL), as defined in Appendix A1 of the ZDSO, Airport Overlay District, Section 3 et seq. No portion of the Property is located within any aircraft accident potential zone, as defined therein. In order to minimize the intrusion of noise into the proposed homes, Owner agrees that homes constructed within AICUZ Noise Zone 2A shall include construction measures, which should result in a 25db reduction of noise. Owner shall also notify any prospective purchaser of a property or lot within AICUZ Noise Zone 2A to comply with the notification requirements of Appendix A1, Section 4 of the ZDSO.

IX. FEES, DEDICATIONS, SYSTEM IMPROVEMENTS, CONVEYANCES, CREDITS AND RELATED AGREEMENTS

The following items are hereby agreed upon by the parties:

A. **Impact Fees**. Except as otherwise provided herein, Impact Fees which shall be payable to Beaufort County to support County infrastructure such as, but not limited to, fire, library, parks and roads, shall not be affected by this Agreement.

B. **Dedications**.

(i) **Permissive**. Except as otherwise contained herein, the County shall consider all requests to accept the dedication of any road or road right-of-way within the Property constructed to the standards contained in the Cherokee Farms Conceptual Master Plan approved on October 30, 2013 (the "Cherokee Farms Conceptual Master Plan") or to the specific requirements of the

County contained in this Agreement. The County shall also consider a request to take ownership of any drainage systems by dedication.

(ii) **No Implied Dedication**. The recording of a final plat or a plan subdividing any portion of the Property shall not constitute an offer to deed or dedicate any or all streets and rights-of-way shown thereon to the County, unless the plat or plan specifically and expressly makes such an offer, which offer is accepted by the County.

C. **System Improvements**.

(i) **Joe Frazier Road**. Beaufort County acknowledges the need for future improvements to Joe Frazier Road to accommodate new development and improved pedestrian access; and Impact Fees are the major revenue source for costs incurred by the County for such improvements. As depicted in the Unified Development Plan, the Owner has proposed and completed the design and engineering of a round-a-bout to access the Property directly from Joe Frazier Road. The engineering plans for the round-a-bout, prepared by Davis & Floyd, Inc., are attached hereto as Exhibit "D" (the "Joe Frazier Road Round-a-bout"). The Joe Frazier Road Round-a-bout also benefits Burton Wells Park by providing an improved entrance, an adjacent fire station, and other nearby residential developments. Owner shall assign to the County the engineering plans and any rights thereto, as well as fee title for any portion of the real property it owns, which portion is reasonably necessary or appropriate for the construction of the Joe Frazier Road Round-a-bout. Construction of the Joe Frazier Road Round-a-bout shall occur as set forth in Article IX (C) (iv) (a) below.

(ii) **Cherokee Farm Road**. The Property is also accessed and bounded to the south by Cherokee Farms Road (S-83) as depicted in the Unified Development Plan. Owner shall improve Cherokee Farms Road with the addition of on-street parking, street landscaping and trees, and such improvements shall be constructed in accordance with the standards contained in the Cherokee Farms Conceptual Master Plan. All such improvements (the "Cherokee Farms Road Improvements") shall adhere to applicable road and right-of-way construction standards. To the extent that all or any portion of Cherokee Farms Road is not owned by the County or the State of South Carolina, the same shall be dedicated to and accepted by the County.

(iii) **Intersection of Joe Frazier Road and Cherokee Farms Road**. The existing intersection at Cherokee Farms Road and Joe Frazier Road (the "Intersection") shall be reconfigured and aligned at a 45-degree angle. The Owner has proposed and completed the design and engineering of improvements to this intersection which engineering and designs were prepared by Davis & Floyd, Inc., and are attached hereto as Exhibit "E" (the "Joe Frazier Road and Cherokee Farms Road Intersection Redesign"). The improvement creates a turning lane that improves traffic flow and also corrects intersection alignment as depicted in the Unified Development Plan. Owner shall assign to the County the engineering plans and any rights thereto, as well as fee title for any portion of the real property it owns, which portion is reasonably necessary or appropriate for the construction of the improvements depicted in the Joe Frazier Road and Cherokee Farms Road Intersection Redesign (the "Intersection Improvement"). Construction of the Intersection Improvement shall occur as set forth in Article IX (C) (iv) (c) below.

(iv) **Timing**. The System Improvements shall be constructed as described below:

(a) Joe Frazier Road Round-a-bout. The Joe Frazier Road Round-a-bout shall be constructed as provided in this Article IX (C) at such time the County deems the round-a-bout necessary and sufficient funds become

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available from the Road Impact Fees, which may be used for System Improvements.

(b) Cherokee Farms Road Improvements. The Cherokee Farms Road Improvements shall be constructed by and at the expense of the Owner and dedicated to the County prior to the expiration of the Term of this Agreement but only if the Development proposed in the Unified Development Plan is commenced.

(c) Intersection of Joe Frazier Road and Cherokee Farms Road. This intersection shall be improved upon the earlier of:

A. A date, which is after the first building permit is issued by the County for Development for all or any portion of the Property, which the County deems necessary and appropriate to commence the Intersection Improvement, and, a traffic analysis or study prepared in accordance with the standards of the ITE recommends the construction of the Intersection Improvement prior to the date sufficient funds become available from the collection of Road Impact Fees which may be used for this System Improvement and no other alternative source of funding is available (i.e. derived from sales tax increases for transportation projects). Then, upon not less than thirty (30) days' prior written notice to the Owner, the County may cause the construction of the Intersection Improvement with its own funds, and the Owner shall be responsible for and shall pay not more than the interest expense for the use of such funds for a period of three (3) years or for a total cost of Fifty Thousand and No/100 Dollars ($50,000.00), whichever is less;

B. The date, which the County deems necessary and appropriate to commence the Intersection Improvement, when sufficient funds have become available from the collection of Road Impact Fees which may be used for this System Improvement without any cost or liability to the Owner;

C. The date when the total number of Dwelling Units in the Unified Development Plan exceeds 1,000;

D. The date of the commencement of the construction of a school by the Developer upon the school site located within the Habersham Unified Development Plan;

E. The date of the issuance of the development permit by the DRT permitting the 84-unit multi-family phase of Habersham Amended PUD Tract; or

F. January 1, 2025.

D. **Credit for System Improvements**. The County agrees that the Owner or Developer shall receive a credit for Impact Fees against the cost of and up to the total value of the Joe Frazier Road Round-a-bout, the Joe Frazier Road intersection upgrade and the Cherokee Farms Road Improvements (herein collectively the "System Improvements"). The total value of the System Improvements shall equal the cost of the design, engineering, planning and construction, except any construction of any System Improvements undertaken by the County in accordance with this Agreement. In the event the information submitted is deemed by the County to be inaccurate or unreliable, the County may prepare and provide to Owner or Developer alternative design, engineering and planning cost estimates. If the alternative cost estimates are deemed by the Owner to be inaccurate or unreliable, a third party shall be hired at the shared expense of the Owner and the County to develop cost estimates. Upon approval of this Development Agreement, all Impact Fees collected from any residential or commercial uses within any portion of the land subject to the Unified Development Plan shall be deposited into and held in a separate account that has been established by the County to be used to refund the Owner or the County, as the case may be, for the cost of constructing System Improvements when such System Improvements are constructed as described in this Agreement. The Owner or the County shall construct the System Improvements at such time described in Article IX (C) (iv). If constructed by the Owner, Owner shall be reimbursed with the Impact Fees collected. If the Joe Frazier Road Round-a-bout is constructed and completed through any means other than described above, all Impact Fees collected and being held by the County may be used to pay for the project or redistributed into the County's Capital Improvements Program. If, for any reason, the County deems any of the System Improvements unwarranted, the Owner shall be relieved of any responsibility as previously set forth in this Development Agreement, and all previously earmarked funds shall be redistributed into the County's Capital Improvements Program.

E. **Access**. The Owner agrees to cooperate with the appropriate governmental entities in locating and dedicating to the County, or its assigns, sufficient rights-of-way on the Property, in order to construct the access point improvements as depicted in the Unified Development Plan.

F. **Other Charges or Fees**. Nothing herein shall be construed as relieving the Owner, its successors and assigns, from payment of any such fees or charges in effect at the time of collection as may be assessed by entities other than the County. Moreover, the Owner, its successors and assigns, shall be subject to the payment of any and all present or future fees enacted by the County that are of County-wide application and that relate to processing applications, development permits, building permits, review of plans, or inspections or other matters, other than Development Impact Fees.

G. **Service Districts**. Nothing in this Agreement shall be construed to prevent the establishment by the County of a tax increment or other district on the Property in accordance with applicable provisions of the Code of Law of South Carolina, 1976, as amended.

H. **Landscaping**. The Owner or Developer shall, at its own expense, install landscaping as generally depicted in the "Joe Frazier Road Round-a-bout Landscape Plan" attached hereto as Exhibit "F". The Owner, its successors and assigns shall be responsible for and shall maintain landscaping of both the Joe Frazier Road Round-a-bout and the intersection realignment.

X. PERMITTING PROCEDURES

A. Development Applications for the individual parcels or tracts, or portions or phases thereof, shall be submitted to the DRT for processing under the provisions of this Agreement. It is acknowledged that the Property is anticipated to be developed in multiple phases which includes the Development of one (1) block of the Property at a time, in order to provide the Owner or Developer flexibility to meet market demands. Developer has conducted traffic studies and created a master plan for

the entire Property. Separate traffic studies shall not be required for individual residential phases of Development. Development Rights to the land encompassed by an Initial Development Application or master plan may be transferred to any other portion of the Property, or to another Developer of the Property, provided that such does not increase the proposed ranges of densities and intensities beyond that which would otherwise be allowed under the provisions of this Agreement. Such transfer of Development Rights shall require written notice to the County and written acknowledgment by the DRT, as set forth below, and which shall not be unreasonably withheld. The Unified Development Plan, which generally allocates building types, may be modified to accommodate market conditions, subject to the overall density and use maximums set forth in the ZDSO and in this Agreement.

B. The County agrees that the Owner shall have the unlimited right to phase the Development of the Property in accordance with the Development Schedule.

C. The County agrees to use its best efforts to review in an expeditious manner all reviews contemplated by or required by the ZDSO, including but not limited to land use changes, Development applications, and plats and subdivisions for the Development of the Property. The Owner may submit these items for concurrent review by Beaufort County and other governmental authorities.

D. The County agrees that the Property is approved and fully vested for intensity, commercial density, Impact Fees, uses and height, setbacks, and parking and signage, and shall not have any obligations for onsite or offsite transportation or other facilities or improvements other than as specifically provided in this Agreement, but shall adhere to the Unified Development Plan as modified or amended from time to time. The County shall not impose additional obligations or regulations in connection with the ownership or Development of the Property, except in accordance with the procedures and provisions of Section 6-31-80 (B) of the Act, which Owner shall have the right to challenge.

XI. PROTECTION OF ENVIRONMENT AND QUALITY OF LIFE

Contained herein are those conditions, terms, restrictions or other requirements determined to be necessary by the County for the public health, safety and welfare of its citizens. Specifically, the County considers the protection of the natural environment and nearby waters and the preservation of Beaufort County's character and unique identity to be mandatory goals and to be achieved without compromise. The Owner shares this commitment and therefore agrees to the following:

A. **Stormwater Quality**. A primary goal of the County is the protection of the quality of nearby waters. The Owner and Developer shall be required to abide by all provisions of Federal, State and County laws and regulations for the handling of stormwater, including those established by the Department of Health and Environmental Control, the Office of Ocean and Coastal Resource Management, and their successors. In order to protect water quality of the rivers, the Owner agrees to prepare a master plan of the stormwater drainage systems , as defined in the ZDSO for all or any portion of the Property, for each Initial Development Application; to construct stormwater drainage systems in accordance with the approved master plan; and, to maintain the stormwater drainage systems ensuring proper operation and function. In order to meet the water quality and anti-degradation goals which are impacted by the amount of impervious surfaces, the Owner, its successors and assigns commit to design stormwater management systems in accordance with the County's current Best Management Practices ("BMP's"). Further, Owner agrees to provide BMP's for pre-treatment, including supplemental open space (in accordance with the most current edition available of the Beaufort County Storm Water Best Management Practices manual, required by engineering design and calculations. In addition to the water quality safeguards committed to above by the Owner, notwithstanding Article IX hereof, the Owner and Developer shall adhere to any and all future ordinances or regulations of the County (or portions thereof) governing detention, filtration, and treatment of stormwater provided those ordinances and

regulations apply County-wide and are consistent with sound engineering practices. It is specifically agreed, however, that any such ordinances of the County that directly or indirectly affect the setback, buffer or open space requirements permitted pursuant to the ZDSO and/or this Agreement shall not be applicable to the Owner, the Developer and the Property without the Owner's and Developer's express written consent thereto; provided, however, that open space requirements may be modified as a result of specific implementation requirements for future stormwater management BMP's related to detention and treatment of stormwater that are applicable County-wide and are consistent with sound engineering practices, unless such change in requirements is less than twenty percent (20%) and the appropriate increase in density/intensity is granted by the County to provide for no net loss of density or space.

B. Covenants. The Owner may record restrictive real property covenants that run with the Property that shall govern such matters as architectural control, permitted uses, setbacks, landscaping, trees, exterior lighting, pets and wildlife, maintenance of common areas or open space, and which shall specifically prohibit unsightly activities. The provisions of the covenants for portions of the Property may differ from the covenants applicable to the other portions of the Property.

C. Tree Protection. Except for lands used for silviculture, if any, which shall be controlled by State regulations and Beaufort County's BMP's, Owner, its successors and assigns, including the Developer, shall comply with the provisions of ZDSO appertaining to trees.

D. Legal Status of Workers. The Owner and the County recognize the importance of having legal workers undertake construction and other work on the Property only. Provided such is lawful, the Owner agrees to supplement current County and State laws by requiring all contractors and subcontractors to sign sworn affidavits stating that: (i) all workers in its employ have been verified as to legal status; and, (ii) that to the best of its knowledge, after reasonable diligence, the contractor and subcontractor has verified such legal status. Additionally, provided such is lawful, construction sites shall be posted with notices providing legal status requirements and providing that verification of status may be demanded on the construction site at any time by the Owner, Developer, secondary Developers and/or the County. Any provision of this Section D may be altered with consent of the County Administrator to reflect evolving legal and policy decisions on this subject without formal amendment hereto.

XII. COMPLIANCE REVIEWS

Pursuant to the requirements of Section 6-31-90 of the Act, the Owner or its designee(s), shall meet with the County or its designee, at least once per year during the Term, to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuring year. The Owner or its designee(s) shall be required to provide such information as may reasonably be requested, to include but not be limited to: acreage of the Property sold in the prior year; acreage of the Property under contract; the number of certificates of occupancy issued in the prior year, the number of certificates of occupancy anticipated to be issued in the ensuing year; the Development Rights transferred in the prior year; and, the Development Rights anticipated to be transferred in the ensuing year. The Owner or its designee(s) shall be required to compile this information for its respective Development and that of its Developer.

XIII. ASSIGNMENT AND TRANSFERS

A. Notice of Assignment. Owner shall be required to notify Beaufort County, in writing, as and when Development Rights are transferred to any Developer or successor Owner. Such information shall include the identity and address of the acquiring party, a proper contact individual, and the location and number of acres of the Property for which Development Rights are being transferred.

Developers transferring Development Rights to any other party shall be subject to this requirement of notification.

B. Release After Assignment. In the event that the sale or other conveyance of all or a portion of the Property has been deemed to be compliant with this Agreement, the transferring Owner shall be released from any further obligations with respect to the Property being transferred, and the transferee shall, under this Agreement, be considered to be a substitute for the Owner for the Property transferred.

C. Variances. It is acknowledged that nothing in this Agreement shall be deemed or construed to affect the right of any person to seek a variance from those provisions of the ZDSO that are in accordance with applicable state and local laws in effect at the time of the variance application.

XIV. EFFECT OF FUTURE LAWS AND CHANGES TO THE ZDSO

A. Vested Rights. Beaufort County acknowledges that the Owner and Developer are relying upon this Agreement, and agrees that Owner and Developer shall have vested rights to undertake Development of all or any portion of the Property, as depicted in the Unified Development Plan and in accordance with the terms and conditions contained herein. Accordingly, Beaufort County agrees that the Owner's and Developer's reliance upon the terms and conditions contained herein shall create vested rights to undertake Development of all or any portion of the Property in accordance with this Development Agreement.

B. Future Laws. Any amendment or modification to the ZDSO, including any new or successor zoning and development standards ordinances adopted by Beaufort County, shall not be applicable to the Property without the Owner's express prior written consent, except as otherwise provided herein, provided that Beaufort County may apply such subsequently adopted laws to the Development if it holds a public hearing and it is determined that the subsequently adopted laws: (a) are not in conflict with laws governing this Agreement and do not prevent the Development contemplated in this Agreement; (b) are essential to public health, safety or welfare, and the subsequently adopted laws expressly state that they apply to the Development of the Property; and, (c) are specifically anticipated and provided for in the Development Agreement; and provided that: (i) Beaufort County demonstrates that substantial changes have occurred to pertinent conditions regarding the Property existing as of the Effective Date; and, if not addressed by Beaufort County, such conditions would pose a serious risk to the health, safety and welfare of its citizens; or (ii) the Development Agreement is based on substantially inaccurate information supplied by Owner. Owner and Beaufort County acknowledge that a portion of the Property is located within AICUZ Noise Zone 2A and that boundaries and restrictions may change for AICUZ noise zones. In the event such changes are proposed, which apply to all or any portion of the Property, the Owner and the County each agree to work together in good faith to alleviate the impact of such changes on the Property. In no event, however, shall the Owner be required to reduce or transfer density as shown in the Unified Development Plan, without the written consent of the Owner. Owner shall, however, continue to provide to purchasers of all or any portion of the Property, proper AICUZ Noise Zone Disclosure Forms as required by current or subsequent laws, and shall be bound by all current and future noise attenuation requirements for construction.

C. Future Laws of General Application. The parties specifically acknowledge that this Agreement shall not prohibit the application of any present standard codes or future codes in compliance with Section 6-31-160 of the Act, or any tax or fee of general application throughout the County. No future development and/or aid to construction, Impact Fees or special assessments shall apply to the Property without the written consent of the Owner.

XV. DEFAULTS

The failure of the Owner, Developer or County to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided, however, that no termination of this Development Agreement may be declared by the County without the County providing to the Owner and Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the County or its designee from issuing individual stop work orders or voiding specific permits issued for Development when such Development contravenes the provisions of the ZDSO or this Development Agreement.

A default of the Owner shall not constitute a default by the Developer; and a default by the Developer shall not constitute a default by the Owner; nor shall a default by one Owner or Developer constitute a default of the Owners collectively.

XVI. MODIFICATION OF AGREEMENT

This Development Agreement may be modified or amended only by the written agreement of the County and the Owner. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

If an amendment affects less than all the persons and entities comprising the Owner(s), then only the County and those affected persons or entities shall sign such written amendment. Because this Agreement constitutes the Unified Development Plan for the Property, minor modifications to a site plan or to Development provisions may be made without a public hearing or amendment to the Development Agreement Ordinance. Any requirement of this Agreement requiring consent or approval of one of the parties shall not require amendment of this Agreement unless the text expressly requires amendment. Wherever said consent or approval is required, the same shall not be unreasonably withheld.

The plans for Development of the Property are not intended to be a rigid, nor exact The location of roads, buildings, recreational amenities and other elements may vary at the time of permit applications when more specific designs are available, as long as the maximum densities set forth herein and the general concept of residential/commercial Developments suggested is followed and respected.

XVII. NOTICES

Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other party at the address set forth below or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed. Such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile; or, if by mail, on the fifth (5^{th}) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, consents, approvals or communications to the County shall be addressed as follows:

To Beaufort County: Office of Beaufort County Administrator
100 Ribaut Road
Room 156
Beaufort, SC 29902

With Copy To: Beaufort County Legal Department
c/o Joshua A. Gruber, Esquire
Post Office Drawer 1228
Beaufort, SC 29901-1228

And to Owner: Burton Development, LLC
c/o Cherokee Beaufort, LLC
Attn: Mr. Robert Turner
22 Market Street
Beaufort, SC 29906

With Copy To: McNair Law Firm, P.A.
Post Office Drawer 3
Hilton Head Island, SC 29938
Attn: Walter J. Nester, III

XVIII. GENERAL

A. Subsequent Laws. In the event that State or Federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a Court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("New Law" or "New Laws"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law or court decision, those parties designated by the Owner, the Developer and the County shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes of intent of this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the New Laws, the County may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a Court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, the Owner, the Developer and the County each shall have the right to challenge the New Laws preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

B. Estoppel Certificate. The Owner, the Developer and the County may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

(i) that this Agreement is in full force and effect;

(ii) that this Agreement has not been amended or modified, or if so amended, identify those amendments;

(iii) whether, to the knowledge of such notifying party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default; and

(iv) whether, to the knowledge of such notifying party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute a default and, if so, specifying each such event.

C. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among the County, the Owner and the Developer relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

D. No Partnership or Joint Venture. Nothing in this Agreement shall be deemed to create a partnership or joint venture between the Owner, the Developer or the County or between the Owner(s), or the Owner and any Developer, or to render such party liable in any manner for the debts or obligations of another party.

E. Exhibits. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

F. Construction. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.

G. Assignment. Other than as defined herein, no other rights, obligations, duties or responsibilities devolved by this Agreement on or to the Owner, Developer or the County shall be assignable to any other person, firm, corporation or entity.

H. Governing Law. This Agreement shall be governed by the laws of the State of South Carolina.

I. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

J. Agreement to Cooperate. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

K. Eminent Domain. Nothing contained in this Agreement shall limit, impair or restrict the County's right and power of eminent domain under the laws of the State of South Carolina.

L. No Third Party Beneficiaries. The provisions of this Agreement may be enforced only by the County, the Owner and the Developer (including successors and/or assigns). No other persons shall have any rights hereunder.

XIX. STATEMENT OF REQUIRED PROVISIONS

A. Specific Statements. The Act requires that a development agreement include certain mandatory provisions, pursuant to Section 6-31-60(A). Although certain of these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set forth for

convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60(A) for the required items:

1. **Legal Description of Property and Legal and Equitable Owner**. The legal description of the Property is set forth in Exhibit "A", attached hereto. The current legal Owner of the Property is Cherokee Beaufort, LLC.

2. **Duration of Agreement**. The duration of this Agreement shall be five (5) years, with three (3) five (5)-year renewal terms.

3. **Permitted Uses, Densities, Building Heights and Intensities**. A complete listing and description of permitted uses, Dwelling Unit densities, building intensities and heights, as well as other Development related standards, are contained in this Agreement.

4. **Required Public Facilities**. The utility services available to the Property are described generally above regarding electrical service, telephone and solid waste disposal. The mandatory procedures of the ZDSO and this Agreement, and/or the use of Development Impact Fees, fees in lieu, or other funding sources at the County's option shall ensure availability of roads, schools, parks and utilities to serve residents on a timely basis.

5. **Dedication of Land and Provisions to Protect Environmentally Sensitive Areas**. All relevant State and Federal laws shall be fully complied with, in addition to the provisions set forth in this Agreement. Where required by State or Federal law, protective buffers for wetlands shall be created.

6. **Local Development Permits**. The Development is set forth in the Unified Development Plan, and must comply with the ZDSO. Specific permits shall be obtained prior to commencing Development, consistent with the standards set forth in the ZDSO. Building permits shall be obtained under County Ordinances for any vertical construction, and appropriate permits shall be obtained from the State of South Carolina (OCRM) and the Army Corps of Engineers, when applicable, prior to any impact upon salt or freshwater wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction shall not relieve the Owner, its successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

7. **Comprehensive Land Use Plan and Development Agreement**. The Development permitted and proposed hereunder is consistent with the Beaufort County Comprehensive Land Use Plan and with the County's current land use regulations.

8. **Terms for Public Health, Safety and Welfare**. The Beaufort County Council finds that all issues currently relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the ZDSO and existing law.

9. **Historical Structures**. No specific terms relating to historical structures shall be pertinent to this Development Agreement. All historic structures and issues shall be addressed through the permitting process of the ZDSO at the time of Development; and no exception from any existing standard shall be hereby granted.

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

WITNESSES:

OWNER:

T&D Land Holdings, LLC,
as Assignee of Cherokee Beaufort, LLC under Notice of Transfer and Assignment of Rights and Obligations Under Development Agreement
(Book _____, Page _____)

By:
Its: PRESIDENT

STATE OF SOUTH CAROLINA)
) **ACKNOWLEDGMENT**
COUNTY OF BEAUFORT)

I HEREBY CERTIFY, that on this 28th day of October 2014, before me, the undersigned Notary Public of the State and County stated below, personally appeared ROBERT TURNER known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document in the capacity indicated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Peggy P. Wilson
Notary Public for South Carolina
My Commission Expires: 29 Mar 2016

(Affix Notary Seal)

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

By:
Its: Administrator

STATE OF SOUTH CAROLINA.)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this 15th day of December, 2014, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Gary Kubic, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, as the appropriate official of Beaufort County, South Carolina, who acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary Public for South Carolina
My Commission Expires: 1-7-2021

(Affix Notary Seal)

JANET L. HENDRICKSON NOTARY PUBLIC SOUTH CAROLINA My Comm. Exp. 01-07-2021

HILTONHEAD 834688v9

Exhibit A

Property Description (Attached)

EXISTING CONDITIONS

The following section is intended to supply detailed information on the existing conditions of the Cherokee Farms Project.

A. Current Ownership

Cherokee Beaufort, LLC currently owns the Cherokee Farms Tract. The Owner and the Applicant have entered into a joint venture agreement. Upon approval of a Development Agreement, Cherokee Beaufort, LLC will transfer ownership of the Tract to the joint venture, Burton Development, LLC.

B. Location and Adjacent Property Owners

The 104.85 acre site, referred to as Cherokee Farms, is located on Port Royal Island in the Burton community and is bounded on the north by a number of small, single family subdivisions, on the south by the Habersham PUD, on the east by Joe Frazier Road and the former Bellamy Farms site and on the west by single family residential and undeveloped land.

The predominant use of property north, east and west of the site is single family residential. The most predominant neighbor, on the southern border of the site, is the Habersham PUD. There are several small undeveloped land parcels immediately northwest and southeast of the Cherokee Farms Phase. The largest undeveloped land parcel is the Burlington Plantation PUD, which is west of the site and fronts Cherokee Farms Road.

The precise location of all of the individual property owners is detailed on the Boundary Survey.

C. Current Zoning

The Cherokee Farms Phase is part of Official Land Use Zoning Map 100-27 and is specifically identified as District 100, Map 27, Parcels 13 and 13A. The current zoning classification is Suburban (S).

D. Boundary Survey

A boundary survey is attached and includes the following information:

1) Computed Acreage
2) Control Points, Dimensions and Coordinate Data
3) Existing Roads and Easements
4) Adjacent Property Owners
5) FEMA Zones

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E. Topographical Survey

Beaufort Surveying has completed a topographical survey of the property. There is currently a 9-acre active farm, which will remain in place as part of the development plan. There are no other infrastructure improvements on the property. Elevations vary from over 33 feet above sea level to 12 feet along the isolated freshwater wetlands at the northwest corner of the property. The existing drainage pattern is limited to natural sheet flow that runs to a series of agricultural drainage ditches.

F. Soils

The soils inherent to the Cherokee Farms Phase are Wando, Coosaw, Murad, Seabrook and Tonges.

G. Natural Resources Survey

The last known use of the property was agricultural, and therefore, a large part of Cherokee Farms has been cleared by previous owners. In general, what tree canopy there is on the property is limited to the isolated freshwater wetlands at the northwest corner of the property. Young native over story specimens such as white oak, water oak, southern magnolia and pignut hickory can be found on certain sections of the property. However, the dominant vegetation on the site is an under-story of dense tangle of brambles, vines and shrubs. A more detailed discussion of the forest type occurring on the Cherokee Farms Phase is included in the threatened and endangered species report. Except for the area at the northwest corner of the property, the environmental consultant has also concluded that there are no major stands of trees that would be classified as protected natural areas under the Beaufort County Development Standards. The isolated freshwater wetlands on the property were previously delineated and categorized in 2002 and were previously reviewed by Beaufort County as part of the Suburban rezoning of Cherokee Farms in 2006. The delineation has since been renewed for another 5 years.

H. Delineated Wetlands

An analysis of the freshwater wetlands was previously performed by Soil and Wetlands Consulting and recently updated. The extent of the wetlands has been delineated and is depicted on the wetlands survey. Specifically, there are two freshwater wetlands, .71 acres of jurisdictional wetlands and 4.20 acres of non-jurisdictional wetlands. A letter from the U.S. Army Corps of Engineers – Charleston District, dated December 31, 2002, represents the final determination of wetlands on the property. The South Carolina Department of Health and Environmental Control (Office of Ocean and Coastal Resource Management) has also provided a wetlands determination letter. The Applicant does intend to impact and improve the 4.20 acres of non-jurisdictional wetlands and has done a wetlands mitigation plan. The .71 acres of jurisdictional wetlands will be preserved.

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I. Threatened and Endangered Species

A Threatened and Endangered Species Report has been completed by Simkins Environmental Consulting. The survey concluded that there is no presence or likely presence of any threatened and endangered species on the Cherokee Farms Phase.

J. Archeological Survey

The Cherokee Farm property has already been evaluated by Beaufort County's Historic Preservationist. The Historic Preservationist issued a letter dated January 5, 2005 stating that no archeological resources will be affected by the development of the property. However, as required, the Applicant will cease work if archaeological or paleontological materials are encountered prior to or during construction.

K. Marine Corps Air Station – AICUZ Zone

A portion of the Cherokee Farms Phase is located in the MCAS Runway 05 approach corridor. Approximately 45.5 acres of the 104.85 acre site is situated within AICUZ noise zone 2a (65 to 70 DNL). A diagram that approximates the extent of the noise zone is attached. The Liaison Office has previously issued a findings letter as part of the Suburban rezoning of Cherokee Farms in March 2006.

On February 1, 2007, the Applicant, Planning Director and Assistant Planning Director met with the Liaison Officer for the MCAS. The purpose of this meeting was to discuss the new zoning standards for the MCAS Overlay District (which were adopted in December 2006), and its potential impact on the Cherokee Farms project. Pursuant to Appendix A1 - Section 5(d) of the Beaufort County Zoning and Development Standards Ordinance, the new ordinance states that single family residential development within noise zone 2a (DNL 65 to 70) shall not be permitted at a gross density that exceeds two dwelling units per acre. The Master Plan for the Cherokee Farms Phase does meet these standards.

L. FEMA Zones

According to the Flood Insurance Rate Map (Community Panel # 450025-0065-D Index Dated September 29, 1986), there are two FEMA zones on the Cherokee Farms Phase. The two zones include Zone C (minimal hazard) and Zone A9 (subject to a 100-year flood event). All habitable structures and other qualifying facilities within Zone A9 must be constructed above an elevation of 13 feet mean sea level.

M. Easements

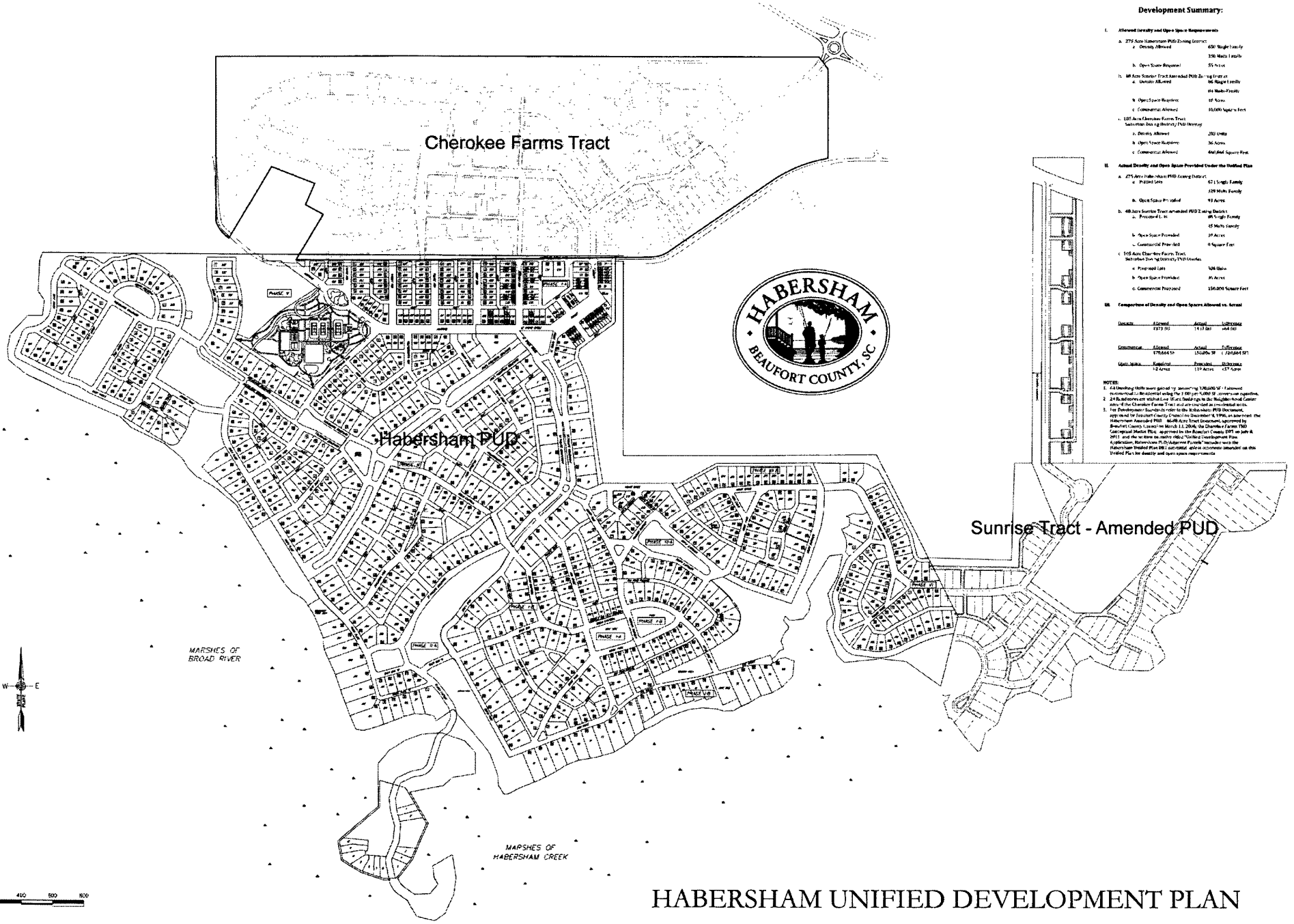
There are no known easements that affect the Cherokee Farms Project.

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Exhibit B

Unified Development Plan
(for Habersham PUD and Property)

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HABERSHAM UNIFIED DEVELOPMENT PLAN

I. APPLICANT INFORMATION

Robert J. "Bob" Turner and **Stephen Davis** are the principals of Cherokee Investments, LLC as well as the town founders of the Habersham neighborhood. As agents of the Rentz family, Messieurs Turner and Davis have worked together for over sixteen years in a variety of roles with other development companies and partnerships in Beaufort County.

Stephen Davis is also a Manager and Development Consultant with the prestigious engineering firm of Davis and Floyd. Stephen has worked along side a number of respected developers throughout South Carolina and thus, has gained valuable insight into the development process. While working on projects in environmentally pristine areas of Beaufort such as Spring Island, Brays Island and Newpoint, Stephen has developed a unique skill set in the areas of storm water management, preservation of water quality and alternative engineering methods.

For a number of years, Bob Turner was the Development Manager for Spring Island and Callawassie Island. In 1992, Mr. Turner struck out on his own as a Managing Partner of the Newpoint community, a new urbanist project, which quickly gained national recognition and honors for its traditional design and architecture. As Newpoint neared completion, Mr. Turner led a partnership that developed in-fill residential and commercial sites for the Town of Port Royal, South Carolina. Today, Mr. Turner is the primary development manager for the Habersham project.

II. PROJECT INTRODUCTION

Cherokee Investments, LLC (hereinafter, referred to as the "Applicant") is pleased to submit this application for a Unified Development Plan that combines several tracts of land with a singular intent. An 104.85 acre tract (hereinafter, referred to as "Cherokee Farms Tract") adjoins the northern edge of the present-day Habersham Tract. An additional 46.88 acre tract lies to the immediate east of the Habersham Tract and is referred to as the Sunrise Tract. A location map of the three tracts is included. Although the Cherokee Farms Tract is not part of the Habersham PUD, the Applicant plans to develop the Cherokee Farms project in such a way that it interconnects and blends seamlessly with the existing design elements and development standards of the Habersham neighborhood. The Applicant is seeking Approval for a Unified Development Plan consisting of the Habersham Tract, Sunrise Tract-Amended PUD, and the Cherokee Farms Tract, which would allow a more cohesive overall residential density and appropriate amount of commercial square footage.

A. History of the Habersham Development

On June 11, 1997, the Beaufort County Council ratified the Applicant's request for a change of zoning for 275.1 acres located along the northern marshes of the Broad River at its confluence with Habersham Creek. However, this "change" represented a significant departure from the suburban cul-de-sac design that was initially approved for the site in 1988. In essence, the old design was supplanted by New Urbanism – which is a traditional village format of walkable, mixed-use, neighborhoods. Since the "change", the Applicant has pursued a development strategy that places a major emphasis on designing and building both a quality private and public realm. The Habersham neighborhood has received numerous design awards (including the Platinum award for "Best Neighborhood in America" from The National Association of Home Builders) as well as plaudits from some of the nation's most influential

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magazines and newspapers. In March 2006, Habersham added a second phase to the project by rezoning 46.88 acres located along Habersham Creek to PUD Zoning District (hereinafter, referred to as the "Sunrise Tract").

In March 2006, the current owner of the Cherokee Farms property, Cherokee Beaufort, LLC, rezoned the site from Rural – Transitional Overlay (R-TO) to Suburban (S). The original intent behind this Suburban rezoning request was to allow for development of the property in a manner that would complement and be similar to Habersham. To achieve this, the Owner hired the same new urbanist land planning firm that designed Habersham (Duany Plater-Zyberk & Company), and in July 2002, a land planning charrette was completed for the Cherokee Farms project. The design codes and site plan created by Duany Plater-Zyberk & Company (hereinafter, referred to as "DPZ") were a key component of the Owner's rezoning submission to the Planning Department in October 2003, and the cohesiveness of the Cherokee Farms project to Habersham was referenced by the Planning Staff as a significant feature of the project in Staff memorandums to the Planning Commission and Land Management Committee.

In December 2005, the Applicant became involved in the Cherokee Farms project as a joint venture partner and at this juncture, assumed responsibility for the rezoning as the project moved through Second and Final Readings of County Council. The goal of this joint venture is to allow Habersham and Cherokee Farms to be developed as a seamless community. To accomplish this goal, the applicant is proposing to develop the project using the Traditional Neighborhood Development option, as described in Article XI of the ZDSO, so that special design controls can be implemented to ensure a cohesive connection and character with the neighboring community of Habersham. This allows a residential density of 3 units/acre and an appropriate amount of commercial square footage. Using this allowance, the Cherokee Farms master plan is allowed 203 residential units and 460,664 square feet of commercial space. Since 45.5 acres of Cherokee Farms exists in the AICUZ Noise Zone 2a, only 2 units/acre are allowed in this zone, therefore, the master plan proposes just 91 units in the Noise Zone. Live-work units designated for residences are counted towards this residential density requirement.

B. Project Description and Rationale

Again, the Applicant is petitioning that the Cherokee Farms property, encompassing some 104.85 acres, be included as part of an overall Unified Development Plan that encompasses the Habersham PUD and Amended PUD so that residential densities can be shifted amongst the tracts to create a more cohesive overall density. With the Cherokee Farms conceptual Master Plan activating the Traditional Neighborhood Development option under Suburban (S) zoning, as described in Article XI of the ZDSO, it can have similar site design and development standards as the Habersham PUD and therein, become a seamless part of the overall Habersham community.

One of the most compelling reasons for creating a Unified Development Plan with the Cherokee Farms tract and the two Habersham PUD Tracts is that this represents a tried and cohesive development model, which benefits the region. The Habersham PUD has become a symbol and an exemplar of the principles underlying the New Urbanism that is sweeping the nation. Habersham has provided Beaufort County and the Low Country with an alternative to suburban sprawl. With its growing town center and the addition of a true "commercial node", the Habersham PUD and Cherokee Farms will serve as an urban hub for the surrounding Burton community and the region. The different street sections and assortment of building types afford a varied and authentic environment.

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II. EXISTING CONDITIONS

A. Location and Adjacent Property Owners

The Tracts included in the Unified Development Plan are located on Port Royal Island in the Burton community and are bounded on the north by a number of small, single family subdivisions, on the south by the Broad River, on the east by Joe Frazier Road and the former Bellamy Farms site and on the west by single family residential and undeveloped land.

The predominant use of property north, east and west of the site is single family residential. There are several small, undeveloped land parcels immediately northwest and southeast of the Cherokee Farms Tract. The largest undeveloped land parcel is the Burlington Plantation PUD, which is west of the tracts and fronts Cherokee Farms Road. The Beaufort County School System owns approximately 19.51 acres of undeveloped land that is surrounded on three sides by the Sunrise Tract. The School System site is situated at the northern part of the Tract and incorporates a shared access easement with the owner. Beaufort County Schools had originally planned to construct a neighborhood Elementary School on this site; however, the schedule and ultimate reality of the school is unclear at this time.

B. Current Zoning

The Cherokee Farms Tract is part of Official Land Use Zoning Map 100-27 and is specifically identified as District 100, Map 27, Parcels 13 and 13A. The current zoning classification is Suburban (S).

The Habersham Tract is part of Official Land Use Zoning Map 100-27. It is currently zoned PUD and is completely platted.

The Sunrise Tract is part of Official Land Use Zoning Map 100-28 and is specifically identified as District 100, Map 28, Parcel 77. The current zoning is PUD since it the Habersham PUD was amended in 2006 to include the Sunrise Tract.

C. Marine Corps Air Station – AICUZ Zone

A portion of the Cherokee Farms Tract is located in the MCAS Runway 05 approach corridor. Approximately 45.5 acres of the 104.85 acre site is situated within AICUZ noise zone 2a (65 to 70 DNL). The Liaison Office has previously issued a findings letter as part of the Suburban rezoning of Cherokee Farms in March 2006.

On February 1, 2007, the Applicant, Planning Director and Assistant Planning Director met with the Liaison Officer for the MCAS. The purpose of this meeting was to discuss the new zoning standards for the MCAS Overlay District (which were adopted in December 2006), and its potential impact on the Cherokee Farms Tract. Pursuant to Appendix A1 - Section 5(d) of the Beaufort County Zoning and Development Standards Ordinance, the new ordinance states that single family residential development within noise zone 2a (DNL 65 to 70) shall not be permitted at a gross density that exceeds two dwelling

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units per acre. The Master Plan for the Cherokee Farms Tract with this Unified Development Plan does meet these standards.

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UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BEAUFORT, SOUTH CAROLINA 29904-5001

IN REPLY REFER TO:
1754
CP&L
January 30, 2004

Beaufort County Planning Department
Attention: Mr. Anthony Criscitiello
1000 Ribaut Road
Beaufort, S.C. 29902

Dear Mr. Criscitiello,

Subj: CHEROKEE FARMS

The MCAS Beaufort Community Plans and Liaison Office reviewed the proposed development plans for Cherokee Farms for compatibility with the Air Station 2003 AICUZ Plan recommendations. The following are the findings of this review:

a. Cherokee Farms is adjacent to Habersham Plantation, located in the MCAS Runway 05 approach corridor, and approximately 3.5 miles southwest of the runway threshold. Approximately 30 acres of the 105-acre development is situated within AICUZ Noise Zone 2 (65-69 DNL). The development is beyond any existing or planned aircraft accident potential zones.

b. The 2003 AICUZ Plan recommendations discourage residential developments in noise zones 65-69 DNL. However, where there is a demonstrated community need for residential housing in noise zones, and the community determines that these uses must be allowed, measures to achieve outdoor to indoor noise level reduction (NLR) of at least 25dB should be incorporated in the construction of the residential or commercial units. Normal permanent construction can be expected to provide a NLR of 20dB. Other proposed uses within the AICUZ Noise Zone 2 such as recreation buildings or community centers should also incorporate the 25dB NLR standard. Mobile Homes are not recommended in Noise Zone 2.

c. Noise attenuation efforts will not eliminate outdoor noise problems. Potential buyers of homes or properties located in AICUZ Noise Zones should be notified of the existence of low flying military aircraft, and the possibility of late night operations that may be accompanied by noticeable noise levels.

d. The proposed development plans did not include any plans for towers or structures that might exceed recommended height limitations.

If you have any questions, please contact LtCol. P.D. Noonan, Community Plans and Liaison Officer at 843-228-7119 or Bruce Jackson, Deputy Community Plans and Liaison Officer at 843-228-7131.

Sincerely,

P.D. NOONAN
By direction

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Book3367/Page84 CFN#20140622295

Sent to George Johnson of Habersham to illustrate the AICUZ footprint on the focus site.

By TN Beaufort County Planning
11.14.06

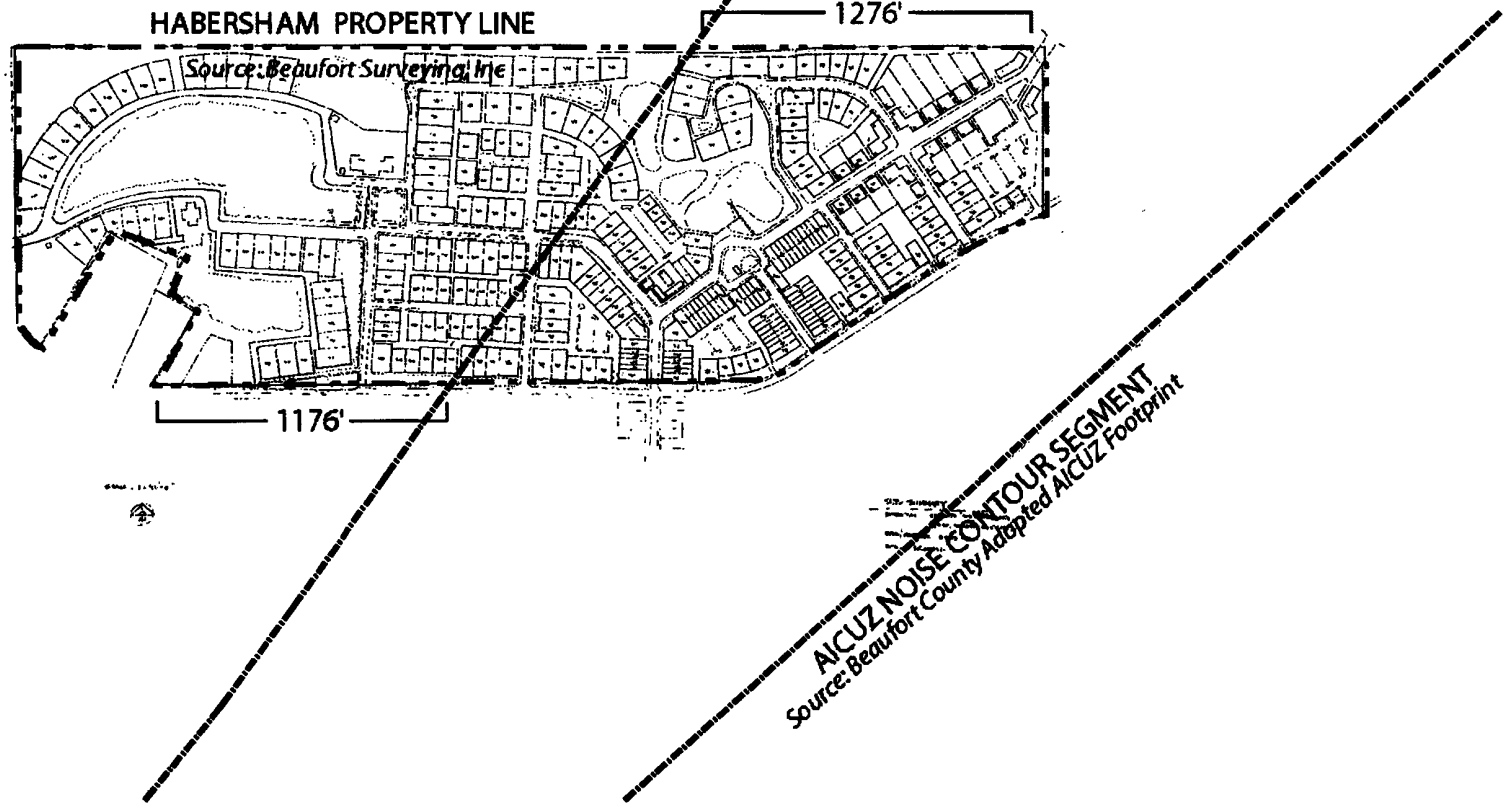


Exhibit C

Development Schedule

Redevelopment of the Property is expected to occur in phases over the Term of the Development Agreement, with the sequence and timing of Development dictated largely by market conditions. The following estimate of expected Development is hereby included, to be updated by the Owner as the same evolves over the Term:

Development	Date of Commencement / Completion
Phase 1	0 - 15 months
Phase 2	16 - 24 months
Phase 3	25 - 36 months
Phases 4 & 5	37 - 48 months
Phases 6 & 8	48 – 60 months

As stated in Article III of the Development Agreement, actual Development may occur more or less rapidly based on market conditions and other factors.

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CHEROKEE FARMS

PHASING PLAN

Beaufort County, SC
August 15, 2013

0' 50' 100' 250'

KEY

- Phase 1 - Approximately 9 Acres - 70 Residential Units
- Phase 2 - Approximately 20 Acres - 91 Residential Units
- Phase 3 - Approximately 4 Acres - 19 Residential Units
- Phase 4 - Approximately 9 Acres - 42 Residential Units
- Phase 5 - Approximately 35 Acres - 34 Residential Units, 150,000 sq. ft. of Commercial
- Phase 6 - Approximately 6 Acres - 23 Residential Units
- Phase 7 - Approximately 22 Acres - 27 Residential Units

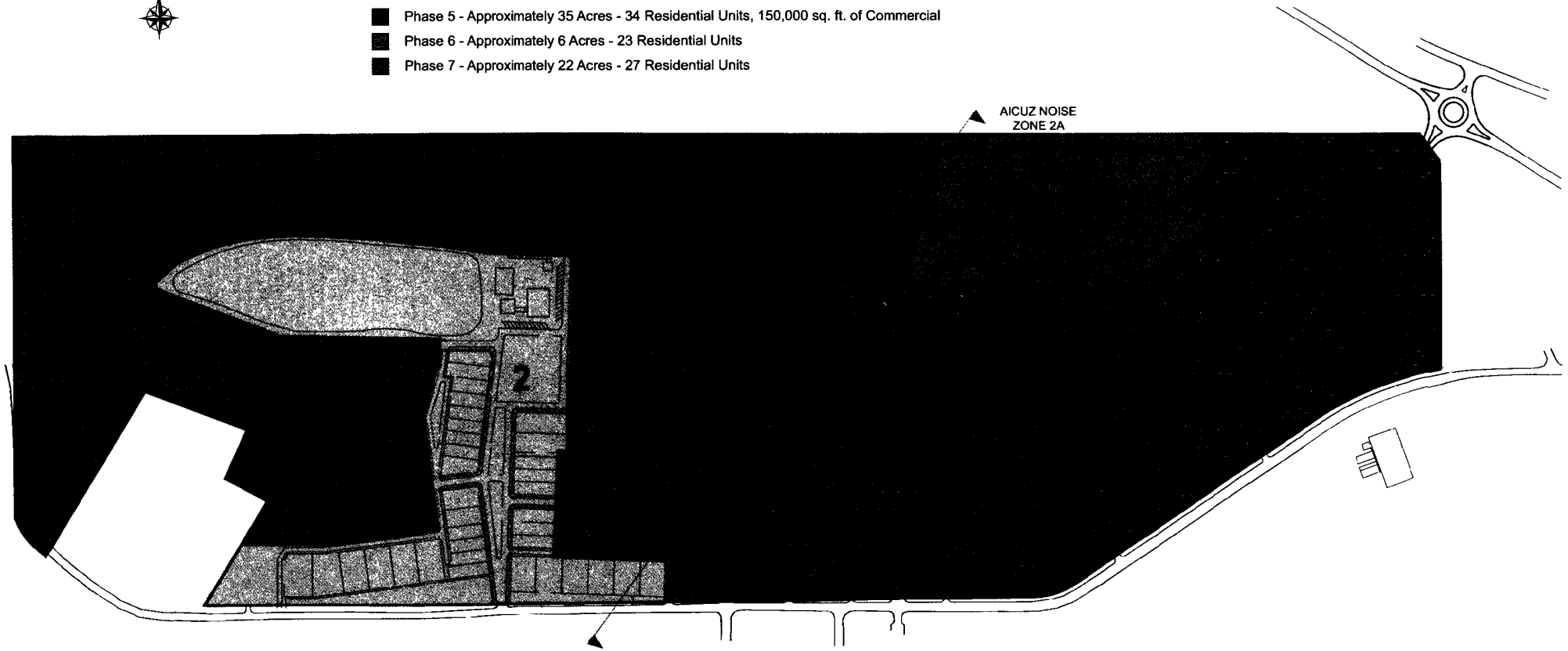


Exhibit D

Plans prepared by Davis & Floyd, Inc.
(for Joe Frazier Road Round-a-bout)

Book3367/Page88 CFN#20140622295

PIN 00000

FED. NO. DIV. NO.	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	S.C.	BEAUFORT	0.0000	0030	S-40	1	37

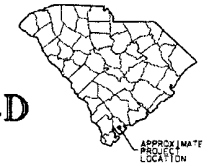
IMPROVEMENTS FOR BEAUFORT COUNTY

PLAN AND PROFILE OF PROPOSED STATE HIGHWAY

BEAUFORT COUNTY

FILE 0.0000 PROJ. 0000

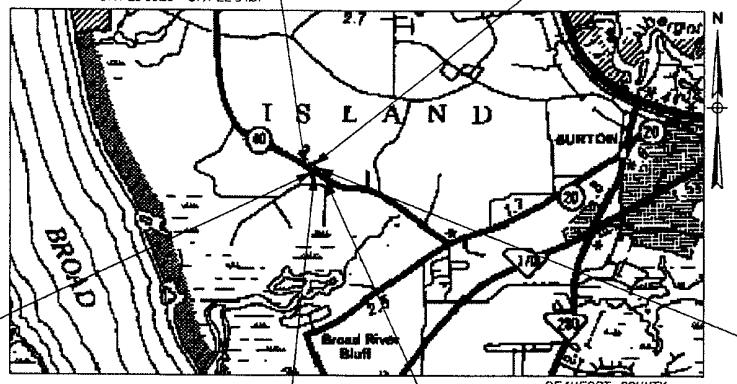
S-40 (JOE FRAZIER ROAD) ROUNDABOUT DESIGN AT S-40 & NEEDLES ROAD



INDEX OF SHEETS

SHEET #	DESCRIPTION	SHEET TOTALS
1	Title Sheet	1
2	Summary of Estimated Quantities	1
3 - 3B	Typical Sections	3
5	General Construction Note	1
5A	Reference Data Sheets	1
6 - 6D	Plan and Profile Sheets	4
TC1 - TC3	Traffic Control and Construction Phasing	3
PMI	Pavement Markings and Signing Plans	1
LS	Landscaping Plan	1
EC1 - EC2	Erosion Control Plans	2
X1 - X19	Cross Sections	19
	TOTAL SHEETS	37

NOTE: SHEET 4 OMITTED.



CONSULTANT - PROJECT ENGINEER / CONSULTING ENGINEERING FIRM
FOR PERMITTING ONLY

SOUTH CAROLINA PROFESSIONAL ENGINEER No. 21584 — ANDREW LEE DAVIS
SOUTH CAROLINA — DAVIS & FLOYD, INC. — No. CA0538
FOR RIGHT-OF-WAY: _____ DATE
FOR CONSTRUCTION: _____ DATE

Design Reference for these plans is the:
2001
AASHTO "A Policy on Geometric Design of Highways and Streets"

240 STONERIDGE DRIVE
SUITE 306
COLUMBIA, SC 29210
803-256-4121

DAVIS & FLOYD Engineering Architecture Environmental Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

Certification Statement

These plans were prepared and certified by the Consultants for completeness.

No reviews or signatures by the SCDOT are required.

TRAFFIC DATA

2008	ADT	8500
2028	ADT	14800
	TRUCKS	11 %

LEGEND

PROPOSED PROJECT ——
OTHER ROADS

3 DAYS BEFORE DIGGING IN SOUTH CAROLINA
CALL 1-800-922-0983
PALMETTO UTILITY PROTECTION SERVICE

LAYOUT

	S-40	S-40-1	ROUND	HABERSHAM	CONNECTOR	MIDDLETON	TOTAL	
NET LENGTH OF ROADWAY	0.033	0.048	0.071	0.026	0.013	0.057	0.222	MILES
NET LENGTH OF BRIDGES	—	—	—	—	—	—	—	MILES
NET LENGTH OF PROJECT	0.033	0.048	0.071	0.026	0.013	0.057	0.222	MILES
LENGTH OF EXCEPTIONS	—	—	—	—	—	—	—	MILES
GROSS LENGTH OF PROJECT	0.033	0.048	0.071	0.026	0.013	0.057	0.222	MILES

NOTE: ALL WORKMANSHIP AND MATERIAL ON THIS PROJECT TO CONFORM WITH SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION (LATEST EDITION), AND BOOK OF STANDARD DRAWINGS FOR ROAD CONSTRUCTION (LATEST PUBLISHED ENGLISH REVISION).

NPDES PERMIT INFORMATION

NPDES Disturbed Area = 1.17 Acres

Approximate Location of Roadway is:
Longitude 80° 46' 11"
Latitude 32° 26' 00"

RAILROAD INVOLVEMENT?
YES / (NO)

Book3367/Page89 CFN#20140062295

std_form2.dgn

FED. RD. DIV. NO.	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	S.C.	BEAUFORT			S-40	2	

SUMMARY OF ESTIMATED QUANTITIES

ITEM NO.	PAY ITEM	QUANTITY	PAY UNIT
1030000	MOBILIZATION	NEC	LS
1050800	CONST. STAKES, LINES & GRADES	1	EA
1061100	QUALITY CONTROL FOR EARTHWORK	1	LS
1061200	QUALITY CONTROL FOR BASES AND SUBBASES	1	LS
1070000	TRAFFIC CONTROL	1	LS
2012000	CLEARING AND GRUBBING WITHIN ROADWAY	1	LS
2025000	REMOVAL AND DISPOSAL OF EXISTING ASPHALT PAVEMENT	2000	SY
2031000	UNCLASSIFIED EXCAVATION	633	CY
2033000	BORROW EXCAVATION	2100	CY
2034000	MUCK EXCAVATION	50	CY
2041400	SELECT MATERIAL FOR LANDSCAPING	210	CY
3050103	GRADED AGGREGATE BASE COURSE - 3"	280	SY
3069900	MAINTENANCE STONE	20	TON
3100320	HOT MIX ASPHALT BASE COURSE - TYPE B	760	TON
401C004	LIQUID ASPHALT BINDER PG64-22	80	TON
4013990	MILL EXISTING ASPHALT PAVEMENT - VARIABLE	100	SY
4020330	HOT MIX ASPHALT INTERMEDIATE COURSE - TYPE C	470	TON
4030340	HOT MIX ASPHALT SURFACE COURSE - TYPE C	350	TON
5011100	PORTLAND CEMENT CONCRETE PAVEMENT - 8"	280	SY
6020005	PERMANENT CONSTRUCTION SIGNS (GROUND MOUNTED)	144	SF
6040010	4" WHITE SOLID LINE - PVT. EDGE - F.D.PNT	6794	LF
6040015	8" WHITE SOLID LINE (CROSSWALKS) - F.D.PNT	472	LF
6040025	24" WHITE SOLID LINE (STOPBAR) -F.D.PNT	25	LF
6040110	4" YELLOW SOLID LINE-F.D.PNT	8241	LF
6041010	4" WHITE SOLID LINE -PVT. EDGE - TH-90 ML	2020	LF
6041015	8" WHITE SOLID LINE - TH-125 ML	472	LF
6041025	24" WHITE SOLID LINE - TH-125 ML	25	LF
6041074	4" YELLOW SOLID LINE - TH-90 ML	2717	LF
6049505	REMOVAL OF PAVEMENT MARKINGS	1401	LF
6051100	PERMANENT YELLOW PAV. MARK BI-DIR 4X4	80	EA
6092155	TEMPORARY YELLOW PAV. MARK BI-DIR 4X4	56	EA
6271023	12"X18" WHITE TRIANGULAR YIELD BAR (GAPS EXCLUDED)	71	LF
7141162	18" RC PIPE - CL3 - AASHTO M315JNT	300	LF
7191005	CATCH BASIN - TYPE 1	1	EA
7191605	CATCH BASIN - TYPE 16	6	EA
7192300	SPRING BOX	1	EA
7203110	CONCRETE CURB & GUTTER (1'-6") VERT.	1570	LF
7203130	CONCRETE CURB & GUTTER (1'-6" OGEE)	264	LF
7204100	CONCRETE SIDEWALK (4" UNIFORM)	210	SY
7204900	DETECTABLE WARNING SURFACE	105	SF
7206000	CONCRETE MEDIAN	15	SY
8041010	RIP-RAP (CLASS A)	32	TON
8048700	GEOTEXTILE/EROSION CONTROL (CLASS 2) TYPE A	40	SY
8100001	PERMANENT VEGETATION	4.00	MSY
8103000	TEMPORARY VEGETATION	2.00	MSY
8110001	LANDSCAPING PER PLAN, INCLUDES SPECIALTY SIGNS AND LIGHTING	1	LS
8115505	DRIP IRRIGATION SYSTEM	1	LS
8132000	SODDING - CENTIPEDE GRASS	145	SY
8152007	SEDIMENT TUBE	150	LF
8153000	SILT FENCE	850	LF
8153090	REPAIR/REPLACE SILT FENCE	85	LF
8154000	SILT BASINS	20	CY
8154050	REMOVAL OF SILT RETAINED BY SILT FENCE	215	LF
8021904	4" PVC PIPE	308	LF
8021908	8" PVC PIPE UNDERDRAIN	46	LF
	TEXTURED CONCRETE	1	LS

SOUTH CAROLINA — DAVIS & FLOYD, INC. — No. C00535 — CERTIFICATE OF AUTHORIZATION

SOUTH CAROLINA — No. 21584 — REGISTERED LANDSCAPE ARCHITECT

140 STONEWOOD DRIVE, SUITE 205, SUMMERVILLE, SC 29270, (843) 254-4616

DAVIS & FLOYD Engineering, Architecture, Environmental, Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

REV. NO	BY	DATE	DESCRIPTION OF REVISION
4			
3			
2			
1			

TOPO _____ DATE _____
DWG _____ DATE _____ SQUAD ____ - ____
R/W _____ DATE _____

BEAUFORT COUNTY

SUMMARY OF QUANTITIES
S-40

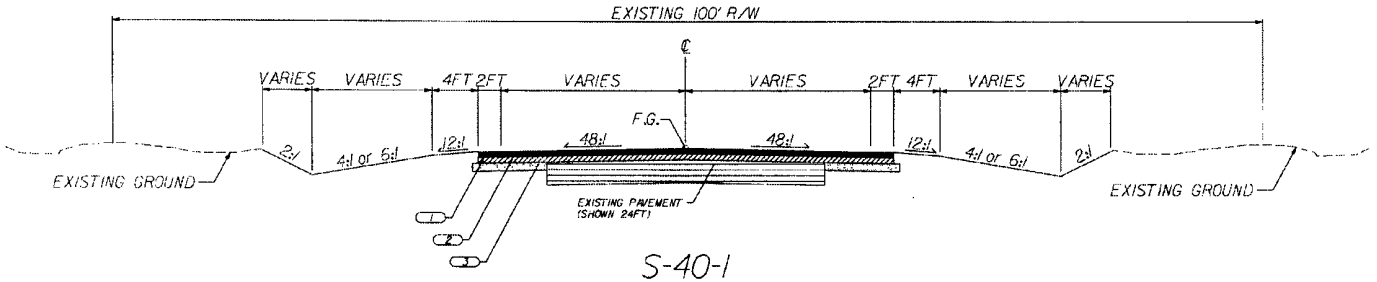
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Book3367/Page90 CFN#20140062295

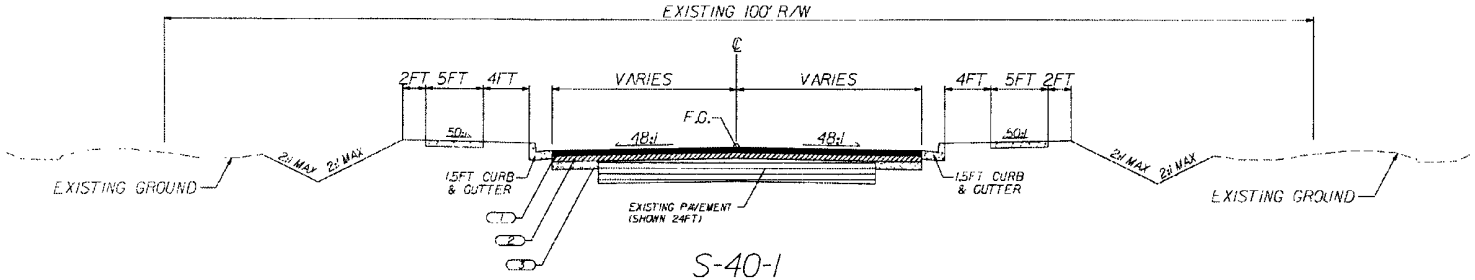
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3	S.C.	BEAUFORT	0.0000	0000	S-40	3	

TYPICAL SECTION OF IMPROVEMENT



S-40-1
STA 20+00.00 - STA 21+65.00
S-40 (JOE FRAZIER RD)
STA 18+35.00 - STA 19+35.73

NOTES:
1. SEE STANDARD DRAWING 720-105-00 FOR CURB & GUTTER AND ISLANDS (CONCRETE).
2. SEE STANDARD DRAWINGS 720-905-01 AND 720-905-02 FOR CURB & GUTTER AND SIDEWALK RAMPS WITH DETECTABLE WARNINGS FOR PEDESTRIANS.
3. SEE SHEET 5 GENERAL NOTES FOR DETAIL OF CURB & GUTTER ADA RAMP AT PAVED SHOULDER.



S-40-1
STA 21+65.00 - STA 22+54.37
S-40 (JOE FRAZIER RD)
STA 17+60.29 - STA 18+35.00

1		ASPHALT SURFACE COURSE TYPE C (150 PSY)
2		ASPHALT INTERMEDIATE COURSE TYPE C (200 PSY)
3		ASPHALT BASE COURSE TYPE B (800 PSY)
4		8" CONCRETE
5		3" GRADED AGGREGATE BASE COURSE

DAVIS & FLOYD, INC. — STATE OF SOUTH CAROLINA — CERTIFICATE OF AUTHORIZATION — NO. C00038

SOUTH CAROLINA — REGISTERED PROFESSIONAL ENGINEER — No. 21584 — 3-8-19

240 STONERIDGE DRIVE SUITE 300 COLUMBIA, SC 29210 (803)254-4031

DAVIS & FLOYD Engineering Architecture Environmental Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

PAVEMENT DESIGN

APPROVED BY

DATE

RTE. S40-1 & S-40		DESIGN SPEED
MPH	FROM STA.	TO STA.
45	20+00.00	21+65.00
45	18+35.00	19+35.73
25	21+65.00	22+54.37
25	17+60.29	18+35.00

REV NO	BY	DATE	DESCRIPTION OF REVISION
4			
3			
2			
1			

TOPO. _____ DATE _____
DWG. _____ DATE _____ SQUAD ____ - ____
R/W _____ DATE _____

BEAUFORT COUNTY

TYPICAL SECTION
S-40-1 & S-40

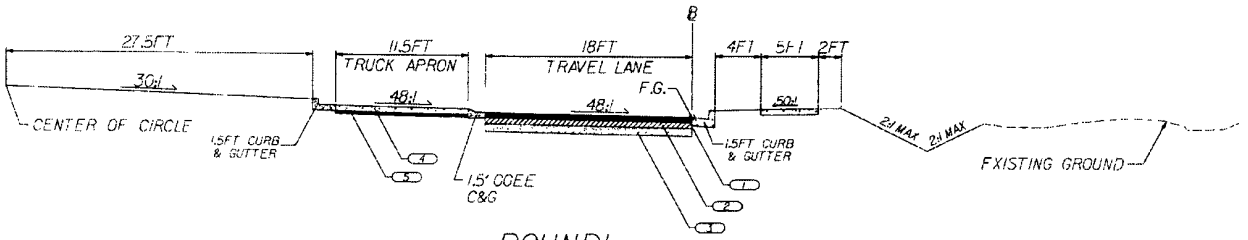
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Book3367/Page91 CFN#20140062295

FED. ROAD DEM. NO.	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
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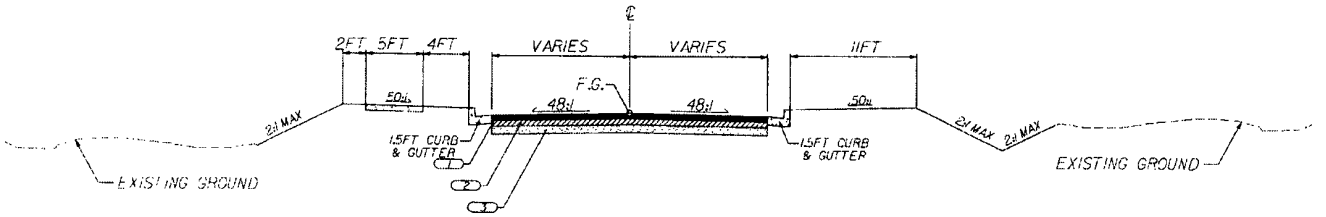
TYPICAL SECTION OF IMPROVEMENT



ROUND1
STA 40+00.00 - STA 41+79.19

ROUND2
STA 41+79.19 - STA 43+76.99

NOTES:
1. SEE STANDARD DRAWING 720-105-00 FOR CURB & GUTTER AND ISLANDS (CONCRETE).
2. SEE STANDARD DRAWINGS 720-905-01 AND 720-905-02 FOR CURB & GUTTER AND SIDEWALK RAMPS WITH DETECTABLE WARNINGS FOR PEDESTRIANS.
3. THE TRUCK APRON WILL BE TEXTURED CONCRETE. SEE SPECIFICATIONS FOR DETAILS.



HABERSHAM
STA 32+00.00 - STA 33+36.45

CONNECTOR
STA 50+00.00 - STA 50+70.06

1 ASPHALT SURFACE COURSE TYPE C (150 PSY)

2 ASPHALT INTERMEDIATE COURSE TYPE C (200 PSY)

3 ASPHALT BASE COURSE TYPE B (800 PSY)

4 8" CONCRETE

5 3" GRADED AGGREGATE BASE COURSE

DAVIS & FLOYD, INC. — CERTIFICATE OF AUTHORIZATION — SOUTH CAROLINA

No. 21584 — REGISTERED PROFESSIONAL ENGINEER — SOUTH CAROLINA

DAVIS & FLOYD Engineering Architecture Environmental Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

PAVEMENT DESIGN

APPROVED BY

DATE

RTE. ROUND1&2, CONN.			DESIGN SPEED
WBL	FROM STA.	TO STA.	
20	40+00.00	43+76.99	
20	50+00.00	50+70.06	
20	32+00.00	33+36.45	

REV NO	BY	DATE	DESCRIPTION OF REVISION
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2			
1			

TOPO. DATE
DWG. DATE
R/W DATE
SQUAD

BEAUFORT COUNTY

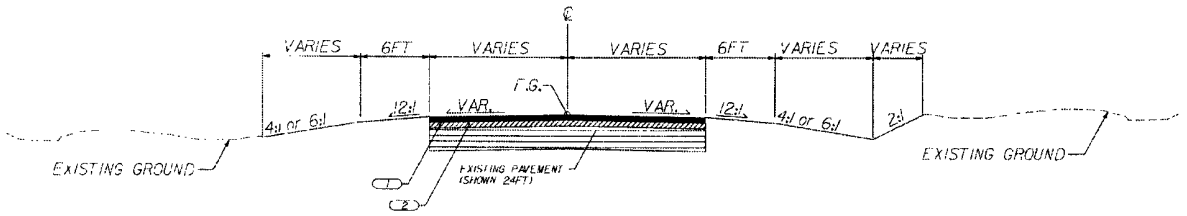
TYPICAL SECTION
ROUND1, ROUND2
HABERSHAM & CONNECTOR

SCALE - NTS RTE S-40 DWG NO PN

Book3367/Page92 CFN#20140622295

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3	S.C.	BEAUFORT	0.0000	0X00	S-40	3R	

TYPICAL SECTION OF IMPROVEMENT



MIDDLETON RECREATION DR
STA 60+50.00 - STA 63+50.00

(1) ASPHALT SURFACE COURSE TYPE C (150 PSY)

(2) ASPHALT INTERMEDIATE COURSE TYPE C (HOT RUNTOP)

(3) ASPHALT BASE COURSE TYPE B (1800 PSY)

(4) 8" CONCRETE

(5) 10" GRADED AGGREGATE BASE COURSE

DAVIS & FLOYD, INC. — 240 STONERIDGE DRIVE, SUITE 308, COLUMBIA, SC 29210, (803) 798-4251

DAVIS & FLOYD Engineering Architecture Environmental Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

PAVEMENT DESIGN

APPROVED BY

DATE

RTE. MIDDLETON		DESIGN SPEED
MPH	FROM STA.	TO STA.
25	60+50.00	63+50.00

REV NO.	BY	DATE	DESCRIPTION OF REVISION
4			
3			
2			
1			

TOPO. DATE
DWG. DATE
R/W DATE
SQUAD

BEAUFORT COUNTY

TYPICAL SECTION
MIDDLETON RECREATION DR

SCALE - NTS RTE. S-40 DWG. NO. PN1

GENERAL CONSTRUCTION NOTE

FED. ROAD DIV. NO.	STATE	COUNTY	FILE NO.	PROJECT NO	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	S.C.	BEAUFORT	0.0000	0000	S 40	5	

NOTE:

BEAUFORT COUNTY AND/OR THEIR CONSULTANT MUST SPECIFICALLY AUTHORIZE CHANGES INVOLVING INCREASED COST OF PROJECT OR CHANGES IN ALIGNMENT.

SEE INDIVIDUAL CURVES ON REFERENCE DATA SHEET FOR SUPERELEVATION RATE AND DESIGN SPEED AS APPLICABLE.

THE FOLLOWING QUANTITIES ARE NOT SHOWN ON THE PLANS, BUT ARE INCLUDED IN THE SUMMARY OF ESTIMATED QUANTITIES AND MAY BE ADJUSTED DURING CONSTRUCTION AS DIRECTED BY THE ENGINEER.

HOT MIX ASPHALT SURFACE COURSE TYPE C ..... 50 TONS WHERE DIRECTED BY ENGINEER FOR DRIVEWAY AND OTHER AREAS

HOT MIX ASPHALT INTERMEDIATE COURSE TYPE C ..... 160 TONS FOR BUILDUP

LIQUID ASPHALT BINDER PG64-22 ..... 11 TONS WHERE DIRECTED BY ENGINEER

MILLING EXISTING ASPHALT PAVEMENT VARIABLE ..... 100 SY WHERE DIRECTED BY ENGINEER

UNCLASSIFIED EXCAVATION ..... 50 CY WHERE DIRECTED BY ENGINEER

BORROW EXCAVATION ..... 75 CY WHERE DIRECTED BY ENGINEER

MUCK EXCAVATION ..... 50 CY WHERE DIRECTED BY ENGINEER

MAINTENANCE STONE ..... 20 CY WHERE DIRECTED BY ENGINEER

4" WHITE SOLID LINE (PAVE.EDGE LINES) FAST DRY PAINT ..... 4774 LF WHERE DIRECTED BY ENGINEER

4" YELLOW SOLID LINE (NO PASS.ZONES) FAST DRY PAINT ..... 5524 LF WHERE DIRECTED BY ENGINEER

REMOVAL OF PAVEMENT MARKINGS ..... 1460 LF WHERE DIRECTED BY ENGINEER

PERMANENT YELLOW PAVEMENT MARKERS BI-DIR 4"X4" ..... 5 EA WHERE DIRECTED BY ENGINEER

TEMPORARY YELLOW PAVEMENT MARKERS BI-DIR 4"X4" ..... 56 EA WHERE DIRECTED BY ENGINEER

18" RC PIPE - CL3 - AASHTO M315/NT ..... 24 LF WHERE DIRECTED BY ENGINEER

RIP RAP (CLASS A) ..... 32 TONS WHERE DIRECTED BY ENGINEER

GEOTEXTILE EROSION CONTROL (CLASS 2, TYPE A ..... 40 SY WHERE DIRECTED BY ENGINEER

PERMANENT VEGETATION ..... 0.20 MSY WHERE DIRECTED BY ENGINEER

TEMPORARY VEGETATION ..... 0.10 MSY WHERE DIRECTED BY ENGINEER

SELECT MATERIAL FOR LANDSCAPING ..... 210 CY WHERE DIRECTED BY ENGINEER

SODDING - CENTIPEDE GRASS ..... 10 SY WHERE DIRECTED BY ENGINEER

SEDIMENT TUBE ..... 50 LF WHERE DIRECTED BY ENGINEER

SILT FENCE ..... 50 LF WHERE DIRECTED BY ENGINEER

REPAIR/REPLACE SILT FENCE ..... 85 LF WHERE DIRECTED BY ENGINEER

SILT BASINS ..... 20 CY WHERE DIRECTED BY ENGINEER

REMOVAL OF SILT RETAINED BY SILT FENCE ..... 215 LF WHERE DIRECTED BY ENGINEER



MAP SHOWING LOCATION OF BEAUFORT COUNTY IN SOUTH CAROLINA

EROSION CONTROL NOTES:

ALL DISTURBED AREAS SHALL BE SEEDED AFTER GRADING IS COMPLETED OR WITHIN 7 DAYS AFTER WORK STOPS IN AN AREA UNLESS WORK IS TO RESUME IN THAT AREA WITHIN 21 DAYS

TEMPORARY SILT FENCE SHALL BE PLACED AT THE TOE OF ALL FILL SLOPES AND ANY OTHER LOCATIONS ALONG THE PERIMETER OF THE PROJECT LIMITS WHERE SHEET FLOW FROM DISTURBED AREAS LEAVES THE SITE.

BEAUFORT COUNTY

GENERAL NOTES
S-40

PLAN SCALE: 1"=20'

REV. NO.	DATE	DESCRIPTION OF REVISION
4		
3		
2		
1		

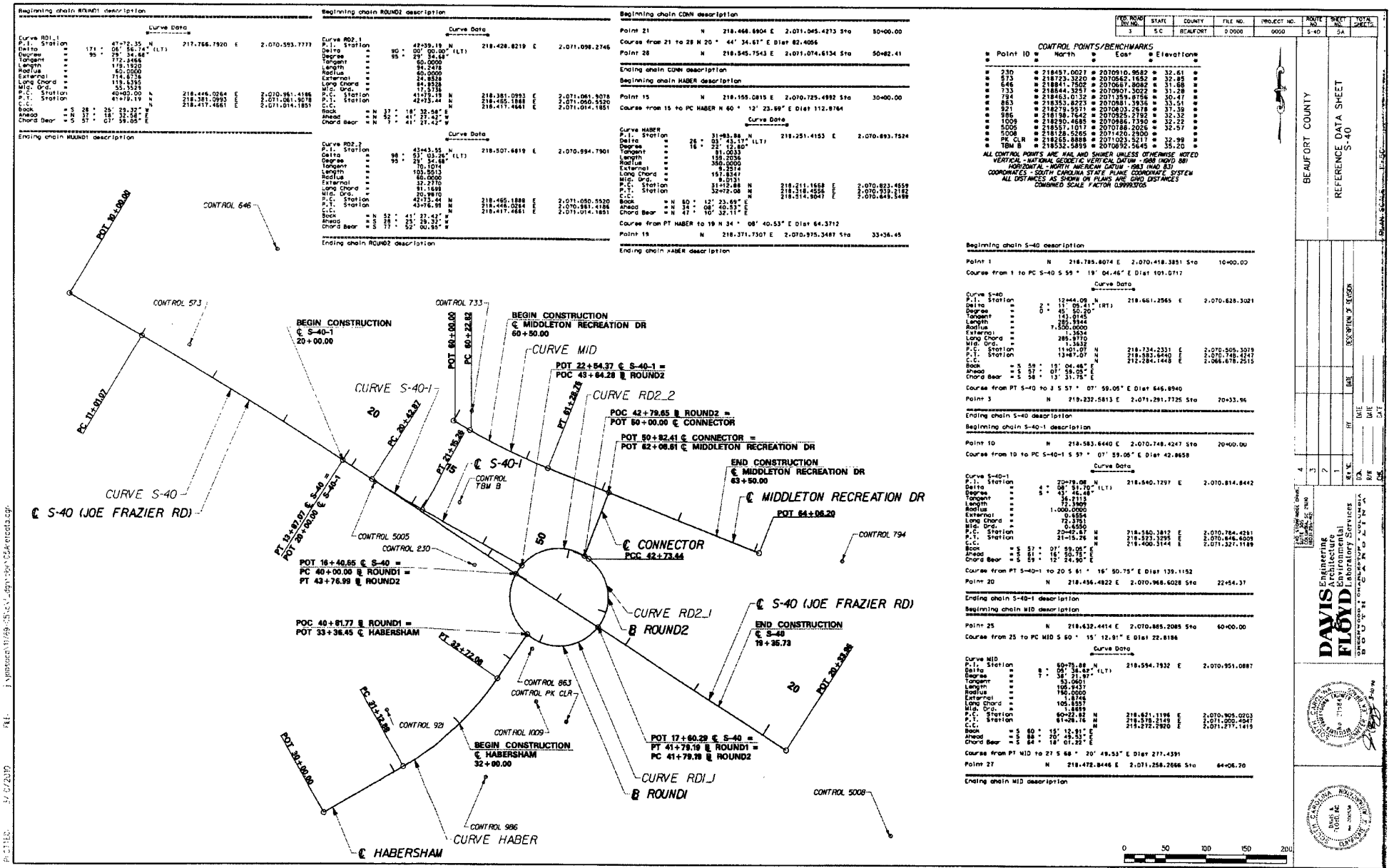
DES. DATE
DRN. DATE
H'R DATE
CHK. DATE

DAVIS FLOYD
Engineering
Architecture
Environmental
Laboratory Services
GREENVILLE, CHARLESTON, COLUMBIA
SOUTH CAROLINA

SCALE: 50'-0" (1" = 50')
PLOT DRIVER: Std. of HP PM Drv.pc3
PLOTTED: 3/10/2010 by JOHN ALLISON (Stamp for JOHN ALLISON)

Book3367/Page93 CFN#2014062295

Book3367/Page94 CFN#20140062295



Beginning chain ROUND1 description

Curve Data

Curve RD1_1				
P.I. Station		47+78.35 N	217,766.7920 E	2,070,593.7777
Delta	= 171°	06' 56.74" (LT)		
Degree	= 95°	29' 34.68"		
Tangent	=	772.3466		
Length	=	119.1920		
Radius	=	60.0000		
External	=	714.6736		
Long Chord	=	119.5395		
Mid. Ord.	=	55.3529		
P.C. Station		40+83.00 N	218,446.0264 E	2,070,961.4186
P.T. Station		41+79.19 N	218,381.0993 E	2,071,061.9078
C.C.		N	218,417.4661 E	2,071,014.1851
Back	= S	28° 25' 29.32" W		
Ahead	= N	37° 18' 32.58" E		
Chord Bear	= S	57° 07' 59.05" E		

Ending chain RUUND1 description

Beginning chain ROUND2 description

Curve Data

Curve RD2_1				
P.I. Station		42+39.19 N	218,428.8219 E	2,071,098.2746
Delta	= 90°	00' 00.00" (LT)		
Degree	= 95°	29' 34.68"		
Tangent	=	60.0000		
Length	=	94.2478		
Radius	=	60.0000		
External	=	24.8528		
Long Chord	=	84.8528		
Mid. Ord.	=	17.5736		
P.C. Station		43+79.19 N	218,381.0993 E	2,071,061.9078
P.T. Station		42+93.44 N	218,455.1868 E	2,071,050.5520
C.C.		N	218,417.4661 E	2,071,014.1851
Back	= N	37° 18' 32.58" E		
Ahead	= N	52° 41' 27.42" W		
Chord Bear	= N	7° 41' 27.42" W		

Curve Data

Curve RD2_2				
P.I. Station		43+43.55 N	218,507.6819 E	2,070,994.7901
Delta	= 98°	53' 03.26" (LT)		
Degree	= 95°	29' 34.68"		
Tangent	=	70.1014		
Length	=	103.5513		
Radius	=	60.0000		
External	=	32.2770		
Long Chord	=	91.1698		
Mid. Ord.	=	20.9870		
P.C. Station		42+73.44 N	218,465.1888 E	2,071,050.5520
P.T. Station		43+76.98 N	218,446.0264 E	2,070,961.4186
C.C.		N	218,417.4661 E	2,071,014.1851
Back	= N	52° 41' 27.42" W		
Ahead	= S	38° 25' 29.32" W		
Chord Bear	= S	77° 02' 00.95" W		

Ending chain ROUND2 description

Beginning chain CONN description

Point 21	N	218,466.8904 E	2,071,045.4213 Sta	50+00.00
Course from 21 to 28 N 20 ° 44' 34.67" E Dist 82.4056				
Point 28	N	218,545.7543 E	2,071,074.6134 Sta	50+82.41

Ending chain CONN description

Beginning chain HABER description

Point 15	N	218,155.0815 E	2,070,725.4992 Sta	30+00.00
Course from 15 to PC HABER N 60 ° 12' 23.59" E Dist 112.8764				

Curve Data

Curve HABER				
P.I. Station		31+83.88 N	218,251.4153 E	2,070,893.7524
Delta	= 26°	03' 43.17" (LT)		
Degree	= 16°	22' 12.80"		
Tangent	=	51.0033		
Length	=	158.2036		
Radius	=	350.0000		
External	=	5.3514		
Long Chord	=	157.8347		
Mid. Ord.	=	5.0131		
P.C. Station		31+32.88 N	218,211.1668 E	2,070,823.4559
P.T. Station		32+72.08 N	218,318.4556 E	2,070,939.2182
C.C.		N	218,314.9047 E	2,070,845.5498
Back	= N	60° 12' 23.69" E		
Ahead	= N	34° 08' 40.53" E		
Chord Bear	= N	47° 10' 32.11" E		

Course from PT HABER to 19 N 34 ° 08' 40.53" E Dist 64.3712

Point 19	N	218,371.7307 E	2,070,975.3487 Sta	33+36.45

Ending chain HABER description

FED. ROAD DIV NO.	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	S.C.	BEAUFORT	0 0000	0000	S-40	9A	

CONTROL POINTS/BENCHMARKS

Point ID	North	East	Elevation
230	218457.0027	2070910.9582	32.61
573	218723.3220	2070562.1652	32.85
646	218841.7502	2070667.8082	31.68
733	218644.3257	2070807.3022	31.28
794	218463.0132	2071359.8756	30.47
863	218353.8223	2070881.3936	33.51
921	218279.5571	2070803.2678	37.39
986	218198.7642	2070925.2792	32.32
1009	218290.4685	2070886.7390	32.22
5005	218557.1017	2070788.2026	32.57
5008	218128.5265	2071420.2900	
PK CLR	218265.8888	2071023.5217	32.99
TBM B	218532.5899	2070892.5645	35.20

ALL CONTROL POINTS ARE NAIL AND SHINER UNLESS OTHERWISE NOTED
VERTICAL - NATIONAL GEODETIC VERTICAL DATUM - 1988 (NGVD 88)
HORIZONTAL - NORTH AMERICAN DATUM - 1983 (NAD 83)
COORDINATES - SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM
ALL DISTANCES AS SHOWN ON PLANS ARE GRID DISTANCES
COMBINED SCALE FACTOR 0.99993705

Beginning chain S-40 description

Point 1	N	218,785.8074 E	2,070,418.3851 Sta	10+00.00
Course from 1 to PC S-40 S 59 ° 19' 04.46" E Dist 101.0717				

Curve Data

Curve S-40				
P.I. Station		12+44.09 N	218,661.2565 E	2,070,628.3021
Delta	= 2°	11' 09.41" (RT)		
Degree	= 0°	45' 50.20"		
Tangent	=	143.0145		
Length	=	285.9944		
Radius	=	7,500.0000		
External	=	1.3634		
Long Chord	=	285.9710		
Mid. Ord.	=	1.3632		
P.C. Station		11+01.07 N	218,734.2331 E	2,070,505.3079
P.T. Station		13+87.07 N	218,583.6440 E	2,070,748.4247
C.C.		N	212,284.1448 E	2,066,678.2515
Back	= S	59° 19' 04.46" E		
Ahead	= S	57° 07' 59.05" E		
Chord Bear	= S	58° 13' 31.75" E		

Course from PT S-40 to 3 S 57 ° 07' 59.05" E Dist 646.8940

Point 3	N	219,232.5813 E	2,071,291.7725 Sta	20+33.96

Ending chain S-40 description

Beginning chain S-40-1 description

Point 10	N	218,583.6440 E	2,070,748.4247 Sta	20+00.00
Course from 10 to PC S-40-1 S 57 ° 07' 59.05" E Dist 42.8658				

Curve Data

Curve S-40-1				
P.I. Station		20+79.08 N	218,540.7297 E	2,070,814.8442
Delta	= 4°	08' 51.70" (LT)		
Degree	= 5°	43' 46.48"		
Tangent	=	36.2113		
Length	=	72.3809		
Radius	=	1,000.0000		
External	=	0.6554		
Long Chord	=	72.3751		
Mid. Ord.	=	0.6550		
P.C. Station		20+42.87 N	218,560.3812 ℄	2,070,784.4281
P.T. Station		21+15.26 N	218,523.3295 ℄	2,070,846.6009
C.C.		N	219,400.5144 ℄	2,071,327.1189
Back	= S	57° 07' 59.05" E		
Ahead	= S	61° 16' 50.75" E		
Chord Bear	= S	59° 12' 24.90" E		

Course from PT S-40-1 to 20 S 61 ° 16' 50.75" E Dist 139.1152

Point 20	N	218,456.4822 E	2,070,968.6028 Sta	22+54.37

Ending chain S-40-1 description

Beginning chain MID description

Point 25	N	218,632.4414 E	2,070,885.2085 Sta	60+00.00
Course from 25 to PC MID S 60 ° 15' 12.91" E Dist 22.8186				

Curve Data

Curve MID				
P.I. Station		60+75.88 N	218,594.7932 E	2,070,951.0887
Delta	= 8°	09' 34.62" (LT)		
Degree	= 7°	38' 21.97"		
Tangent	=	53.0401		
Length	=	106.9437		
Radius	=	750.0000		
External	=	1.8746		
Long Chord	=	106.8857		
Mid. Ord.	=	1.8695		
P.C. Station		60+22.83 N	218,671.1196 ℄	2,070,905.0203
P.T. Station		61+29.76 N	218,578.2149 ℄	2,071,000.4947
C.C.		N	219,272.2920 ℄	2,071,277.1419
Back	= S	60° 15' 12.91" E		
Ahead	= S	68° 24' 49.53" E		
Chord Bear	= S	64° 19' 01.22" E		

Course from PT MID to 27 S 68 ° 24' 49.53" E Dist 277.4391

Point 27	N	218,472.8446 E	2,071,258.2666 Sta	64+06.20

Ending chain MID description

BEAUFORT COUNTY

REFERENCE DATA SHEET
S-40

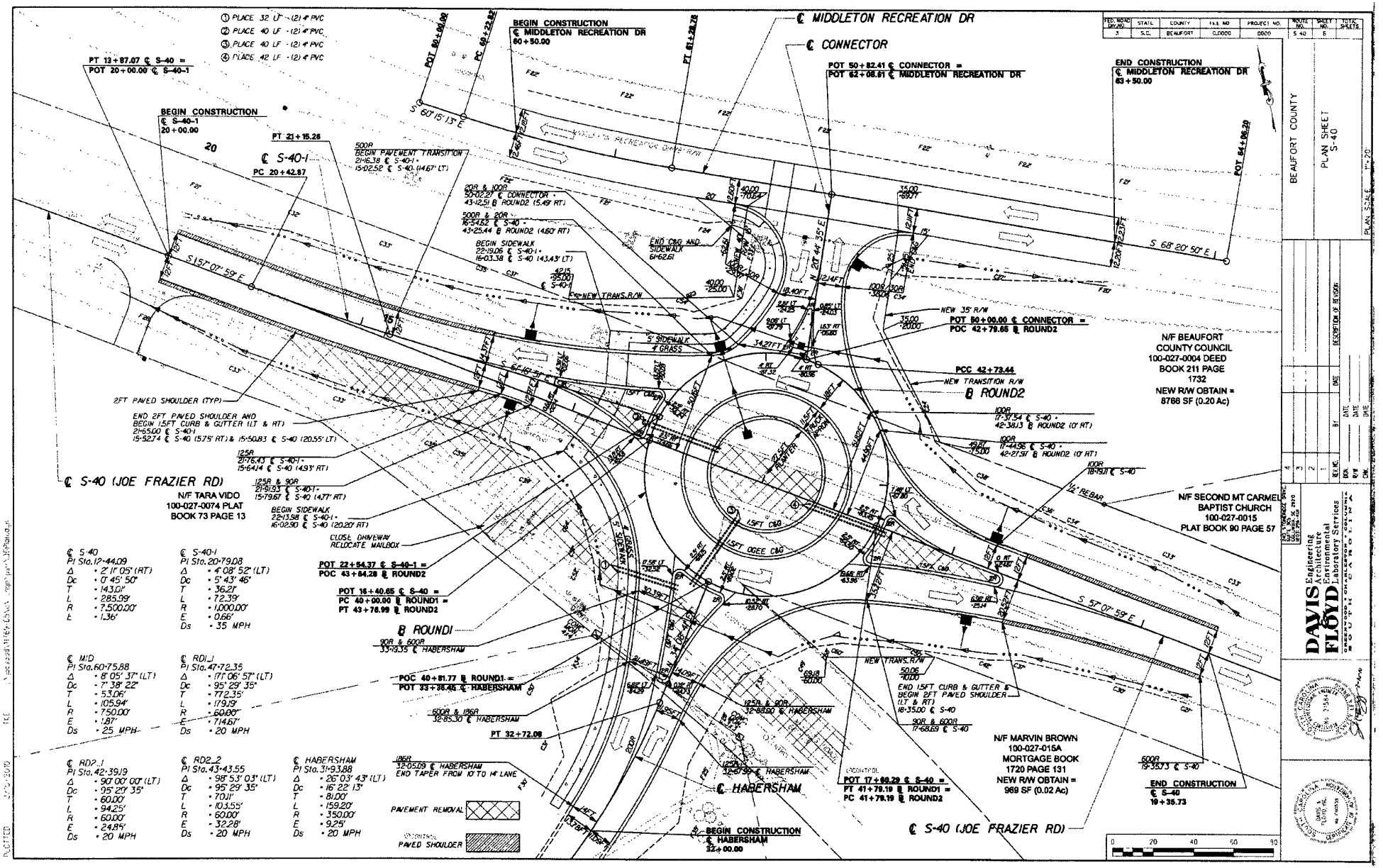
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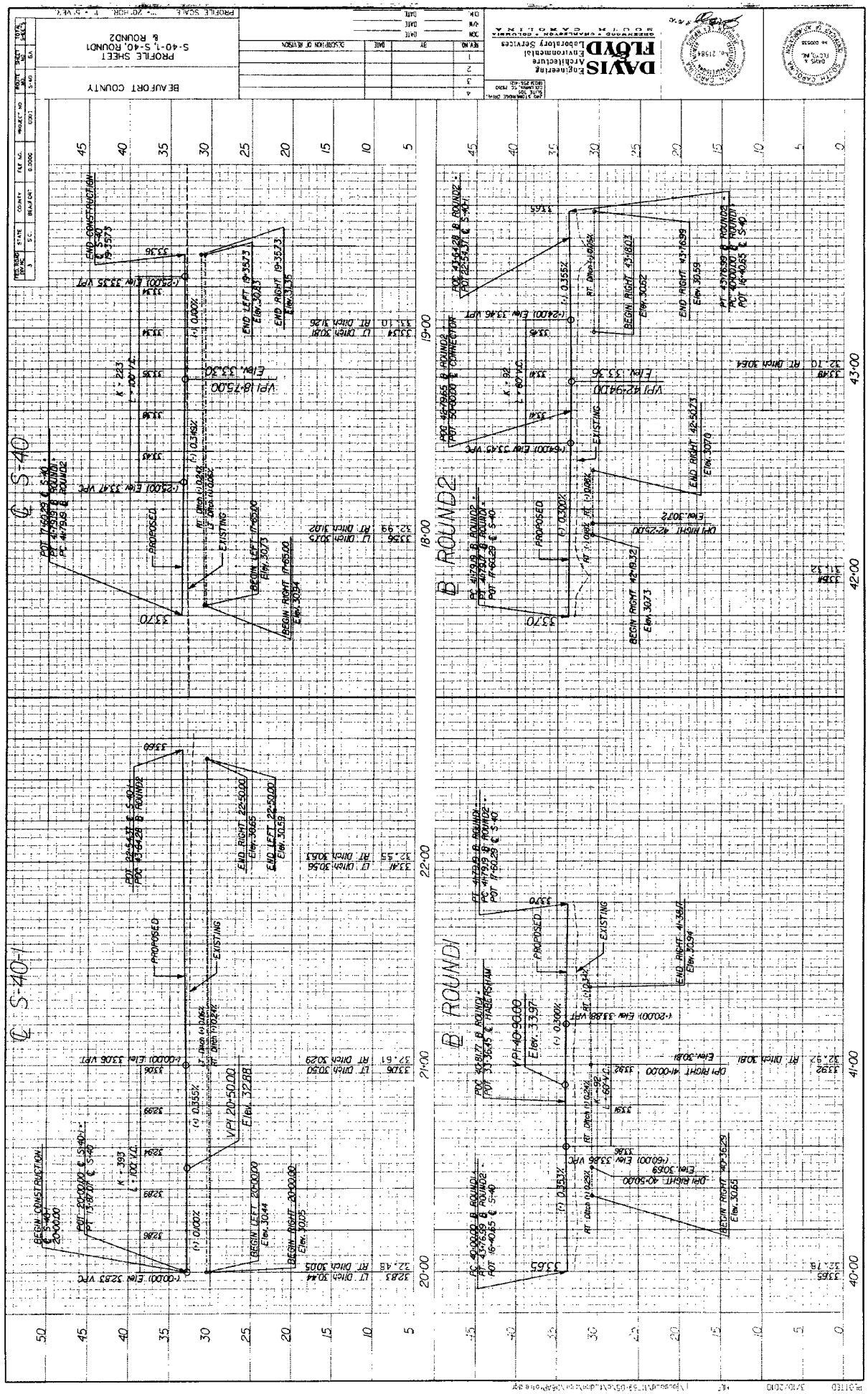
DAVIS Engineering Architecture Environmental
FLOYD Laboratory Services

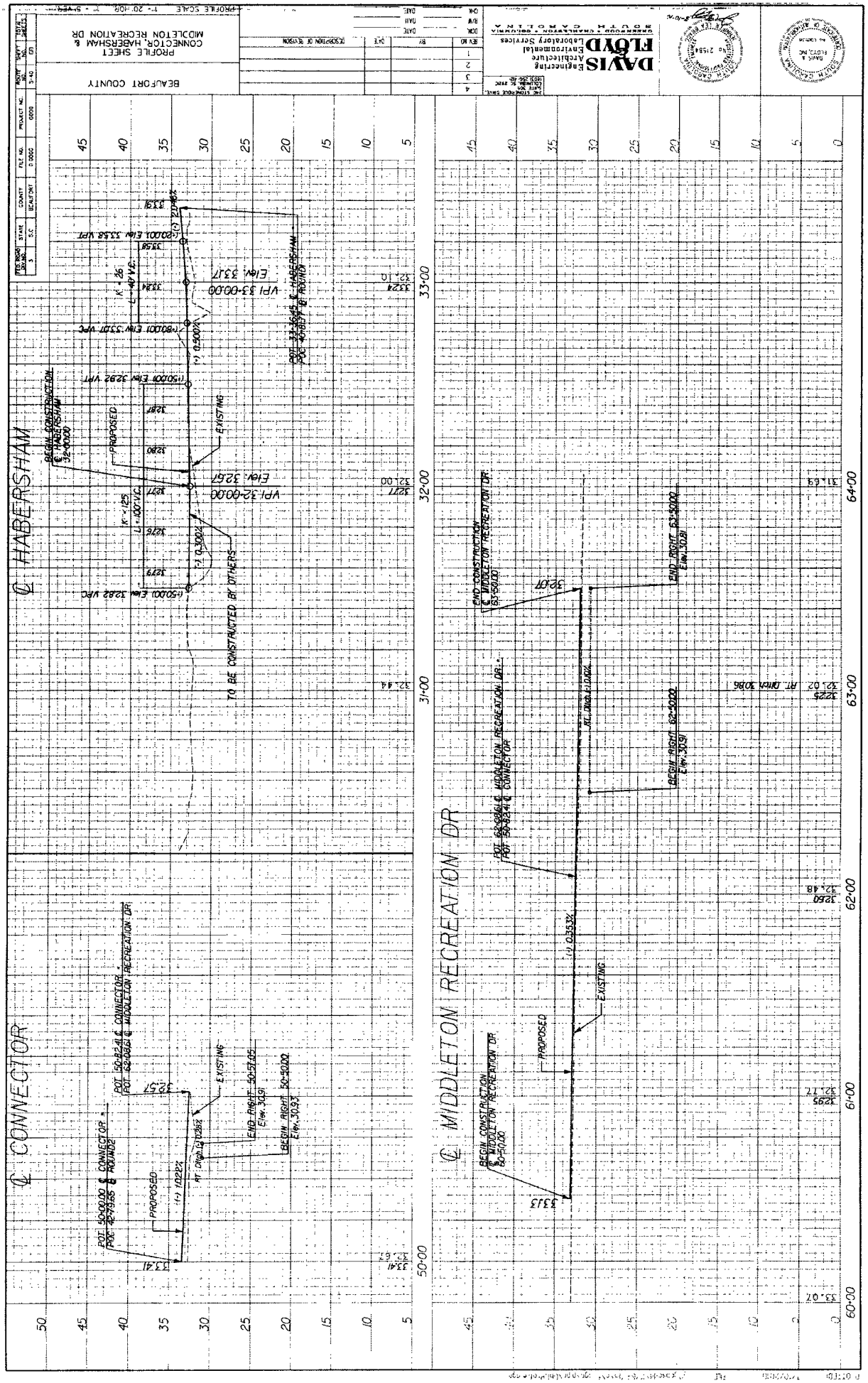
DAVIS & FLOYD, INC.

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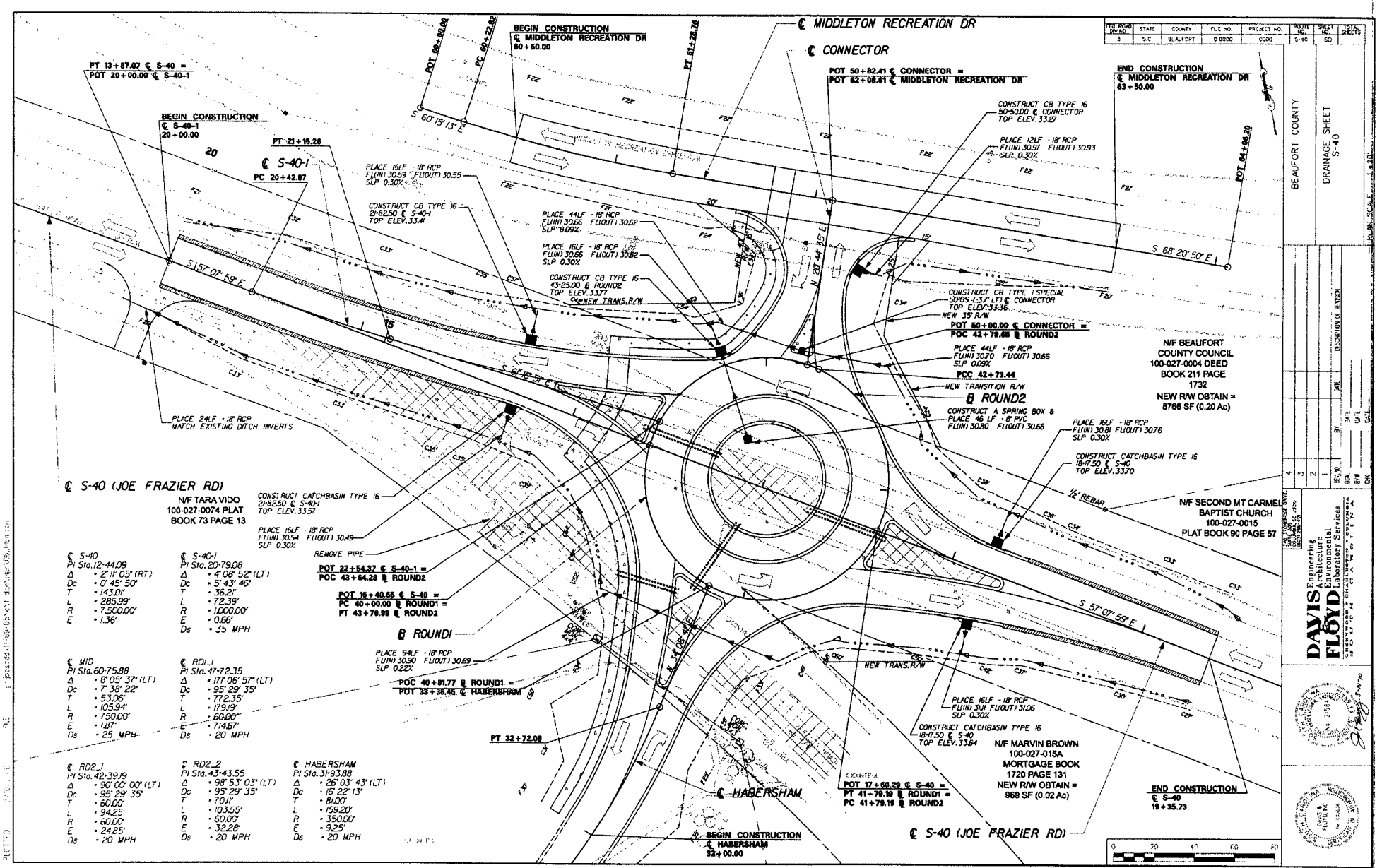
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PROFILE SHEET
S-40-1, S-40, ROUND1
& ROUND2
BEAUFORT COUNTY
DAVIS FLOYD
Engineering
Architecture
Environmental
Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA
REVISIONS
DESCRIPTION OF REVISION
DATE
BY
DWN
CHK
PROJECT NO.
FILE NO.
COUNTY
STATE
SHEET NO.
SHEET TOTAL
PROFILE SCALE: 1" = 20' HOR. 1" = 5' VERT.
℄ S-40
℄ S-40-1
℄ ROUND1
℄ ROUND2
BEGIN CONSTRUCTION ℄ S-40 20+00.00
END CONSTRUCTION ℄ S-40 19+57.73
PROPOSED
EXISTING
VPI 18+75.00 Elev. 33.30
VPI 42+94.00 Elev. 33.36
VPI 20+50.00 Elev. 32.88
VPI 40+90.00 Elev. 33.97
K = 123
L = 100' VC
K = 393
L = 100' VC
(-0.355%)
(+0.355%)
(+0.300%)
(-0.353%)
(-0.282%)
(-0.060%)
(+0.044%)
(+0.106%)
(+0.000%)
(+0.028%)
(+0.024%)
(+0.000%)
(+0.028%)
(+0.024%)
(+0.000%)
(+0.028%)
(+0.024


PROFILE SHEET
CONNECTOR, HABERSHAM & MIDDLETON RECREATION DR
BEAUFORT COUNTY
DAVIS FLOYD
Engineering
Architecture
Environmental
Laboratory Services
GREENWOOD · CHARLESTON · GEORGIA
SOUTH CAROLINA
℄ HABERSHAM
℄ CONNECTOR
℄ MIDDLETON RECREATION DR
BEGIN CONSTRUCTION ℄ HABERSHAM 32+00.00
PROPOSED
EXISTING
TO BE CONSTRUCTED BY OTHERS
VPI 32+00.00 Elev. 3267
VPI 33+00.00 Elev. 3331
END CONSTRUCTION ℄ MIDDLETON RECREATION DR 63+50.00
BEGIN CONSTRUCTION ℄ MIDDLETON RECREATION DR 62+50.00
END RIGHT 63+30.00 E/W 3031
BEGIN RIGHT 62+50.00 E/W 3031
END RIGHT 60+57.05 E/W 3031
BEGIN RIGHT 60+50.00 E/W 3033
POT 60+00.00 ℄ CONNECTOR POC 4+79.85 ℄ ROAD 2
POT 60+84.11 ℄ CONNECTOR POT 62+06.61 ℄ MIDDLETON RECREATION DR
POT 62+06.61 ℄ MIDDLETON RECREATION DR POT 59+83.41 ℄ CONNECTOR
POT 33+36.45 ℄ HABERSHAM POC 4+48.87 ℄ ROAD 1
(-) 0.500%
(+) 0.300%
(+) 0.352%
(-) 1.02%
K = 125
K = 26
L = 400' VC
L = 80' VC
32+00
33+00
50+00
60+00
61+00
62+00
63+00
64+00

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NOTES:
1. RECEIVE NPDES COVERAGE FROM DHEC.

2. NOTIFY DHEC EQC REGIONAL OFFICE OR OCRM OFFICE 48 HOURS PRIOR TO BEGINNING LAND-DISTURBING ACTIVITIES.

3. PLACE PERMANENT CONSTRUCTION SIGNS (SCHEME E) ON S-40 (JOE FRAZIER RD), MIDDLETON RECREATION DR. & CHEROKEE FARMS ROAD AT NEEDLES ROAD.

4. INSTALL CONSTRUCTION ENTRANCES.

5. CLEARING & GRUBBING ONLY AS NECESSARY FOR INSTALLATION OF PERIMETER CONTROLS.

6. INSTALLATION OF PERIMETER CONTROLS (E.G. SILT FENCE).

7. INSTALL DRIVEWAY PIPE, RELOCATE MAILBOX, AND CLOSE DRIVEWAY ON NEEDLES RD.

8. PLACE TYPE III BARRICADES AND CLOSE NEEDLES ROAD, REMOVE EXISTING PAVEMENT FROM S-40 TO CHEROKEE FARMS RD (APPROXIMATELY 900FT). PLACE PERMANENT VEGATION AFTER PAVEMENT REMOVAL IS COMPLETE.

9. PLACE PORTABLE PLASTIC DRUMS, TEMPORARY PAVEMENT MARKINGS AND RAISED PAVEMENT MARKERS.

10. CONSTRUCT PROPOSED DITCHES AND INSTALL CATCHBASINS, SPRING BOX AND PIPES. INSTALL INLET/OUTLET PROTECTION AS DIRECTED BY THE INSPECTOR OR ENGINEER.

NOTES CONT'D:
11. INSTALL 4" PVC TO HABERSHAM ISLAND AND TO CENTER ISLAND.

12. CONSTRUCT CURB & GUTTER AND SIDEWALK FOR AREAS SHOWN OUTSIDE OF EDGE OF PAVEMENT ON S-40 (JOE FRAZIER RD). CONSTRUCT CURB & GUTTER FOR A PORTION OF THE S-40-1 ISLAND. PLACE TEMPORARY VEGETATION.

13. PLACE ASPHALT AGGREGATE BASE COURSE AND ASPHALT INTERMEDIATE COURSE ON MIDDLETON RECREATION DR, CONNECTOR, HABERSHAM, AND ROUND1 & ROUND 2 (OUTSIDE S-40 EOP).

14. CONSTRUCT PAVED SHOULDERS AS SHOWN ON S-40 AND S-40-1 WITH ASPHALT AGGREGATE BASE COURSE AND ASPHALT INTERMEDIATE COURSE. USE BASE COURSE AND INTERMEDIATE COURSE FOR BUILDUP AND TIE-INS FOR STAGE 2 TRAFFIC CONTROL LANE SHIFTS.

15. CONSTRUCT CONCRETE ISLAND ON CONNECTOR.

16. RESTRIPE MIDDLETON RECREATION DR.

STAGE 1

BEGIN CONSTRUCTION
℄ MIDDLETON RECREATION DR
60+50.00

℄ MIDDLETON RECREATION DR

POT 50+82.41 ℄ CONNECTOR =
POT 82+08.81 ℄ MIDDLETON RECREATION DR

END CONSTRUCTION
℄ MIDDLETON RECREATION DR
63+50.00

PLACE 4" WHITE EDGE LINE

PLACE 4" DOUBLE YELLOW LINE

POT 84+08.20

POT 80+00.00
PC 80+72.82
PT 81+28.75

℄ S-40 (JOE FRAZIER RD)

PT 13+87.07 ℄ S-40 =
POT 20+00.00 ℄ S-40-1

BEGIN CONSTRUCTION
℄ S-40-1
POT 20+00.00

POT 10+00.00
PC 11+01.67

PC 20+42.87
20

℄ S-40-1
15 PT 21+15.28

℄ CONNECTOR
POT 50+00.00 ℄ CONNECTOR =
POC 42+79.65 ℄ ROUND2
PCC 42+73.44

PLACE 4" DOUBLE YELLOW LINE
PLACE 4" WHITE EDGE LINE
PLACE 5 TYPE III BARRICADES SUPPLEMENTED WITH "ROAD CLOSED" SIGNS (RII-2-48) SEE STANDARD DRAWING 610-5/5-00.T5

℄ ROUND2

PLACE 4" WHITE EDGE LINE

POT 20+33.88
20

POT 22+54.37 ℄ S-40-1 =
POC 43+64.28 ℄ ROUND2

POT 18+40.65 ℄ S-40 =
PC 40+00.00 ℄ ROUND1 =
PT 43+76.99 ℄ ROUND2

℄ ROUND1

POC 40+81.77 ℄ ROUND1 =
POT 33+36.46 ℄ HABERSHAM

PT 32+72.08

POT 17+60.29 ℄ S-40 =
PT 41+79.19 ℄ ROUND1 =
PC 41+79.19 ℄ ROUND2

BEGIN CONSTRUCTION
℄ HABERSHAM
32+00.00

PC 31+12.88

℄ HABERSHAM
30

POT 30+00.00

℄ S-40 (JOE FRAZIER RD)

END CONSTRUCTION
℄ S-40
19+35.73

PLACE 5 TYPE III BARRICADES SUPPLEMENTED WITH "ROAD CLOSED" SIGNS (RII-2-48) ON NEEDLES ROAD AT THE INTERSECTION WITH CHEROKEE FARMS RD (APPROXIMATELY 900FT FROM S-40) SEE STANDARD DRAWING 610-5/5-00.T5

0 50 100 150 200

FED. ROAD (TYP. NO.)	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	S.C.	BEAUFORT	0.0000	0000	S-40	TC1	

BEAUFORT COUNTY

TRAFFIC CONTROL
S-40

PLAN SCALE 1" = 20'

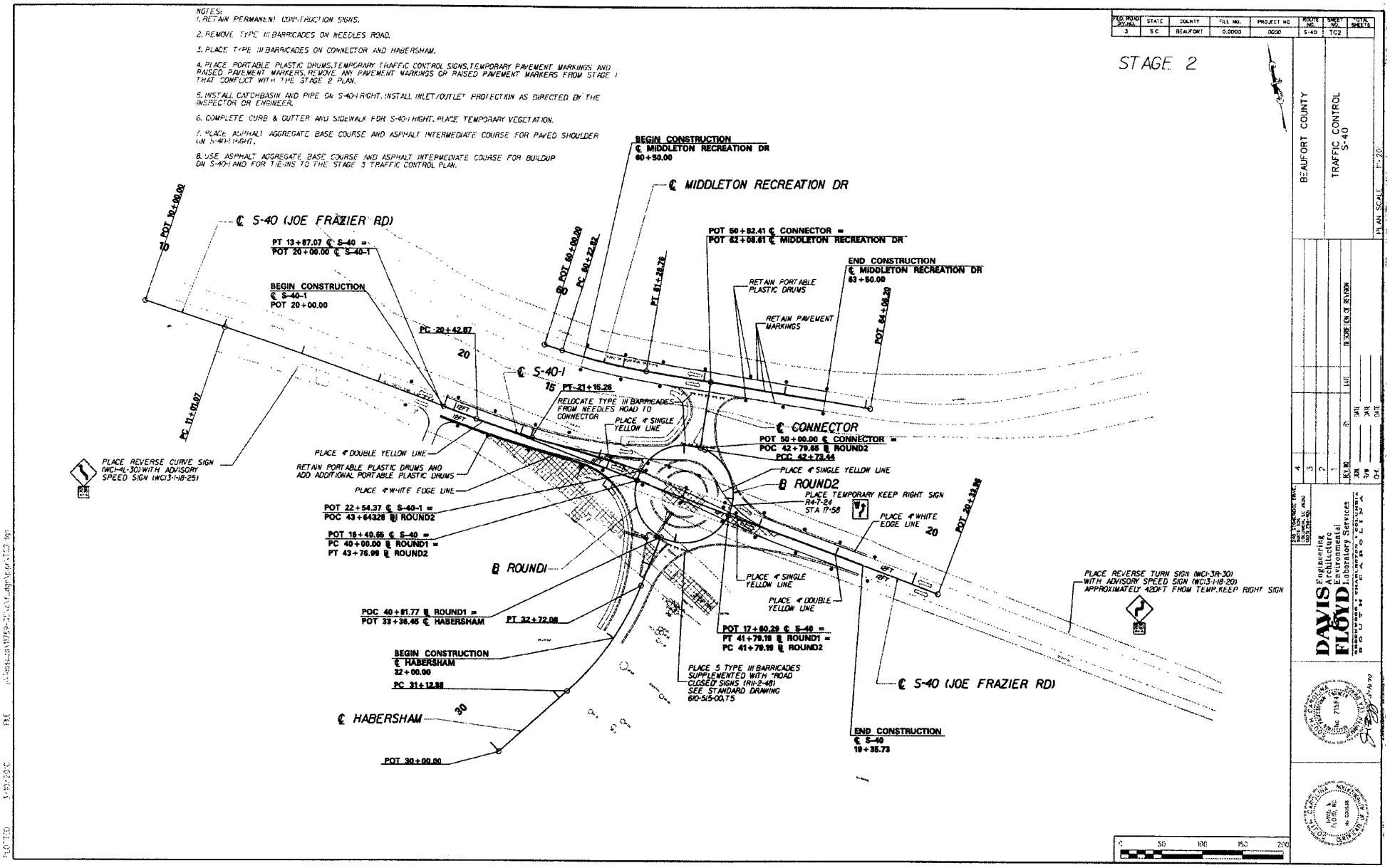
NO.	BY	DATE	DESCRIPTION OF REVISION
4			
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DES. _____ DATE _____
DRN. _____ DATE _____
CHK. _____ DATE _____

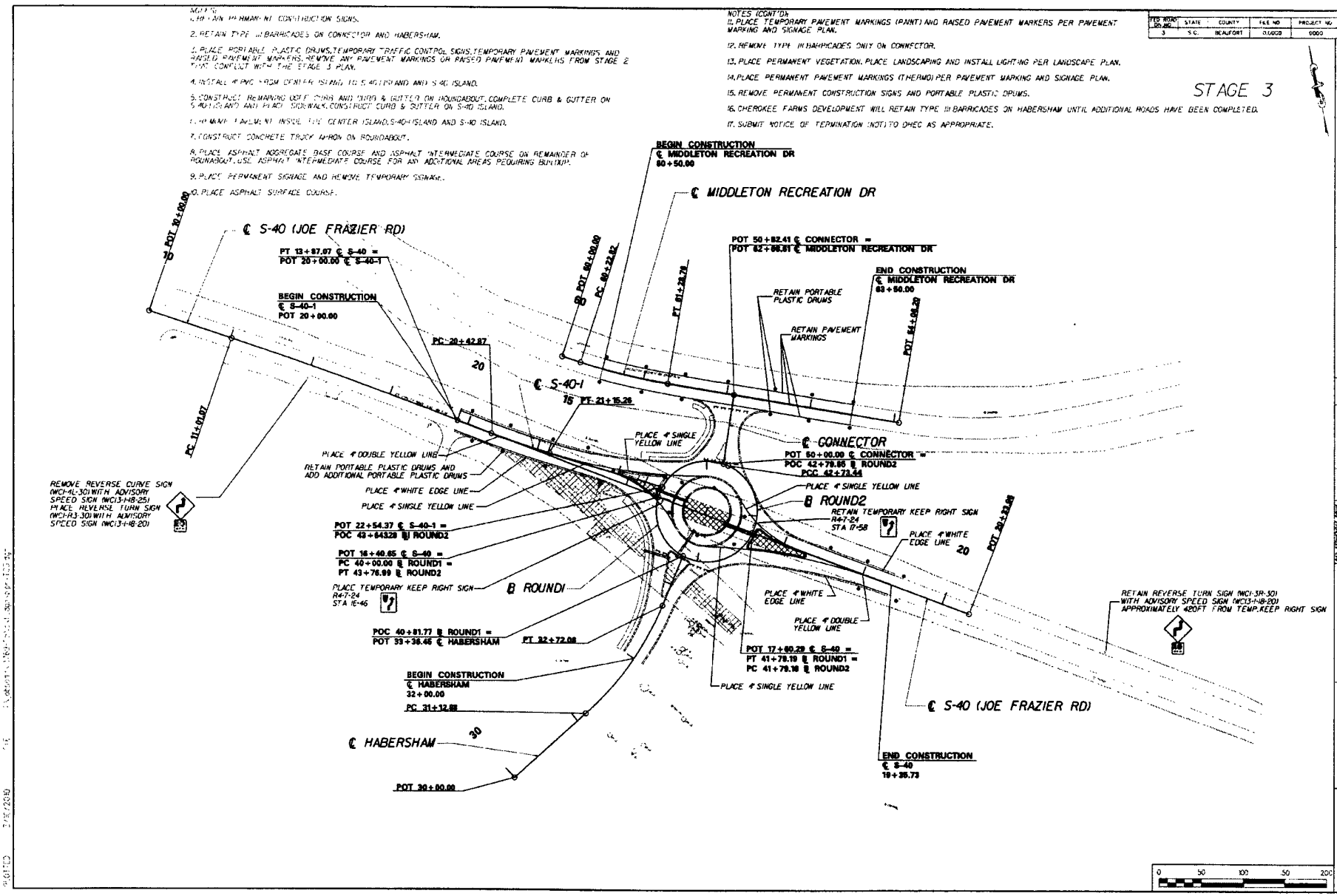
DAVIS Engineering Architecture FLOYD Environmental Laboratory Services

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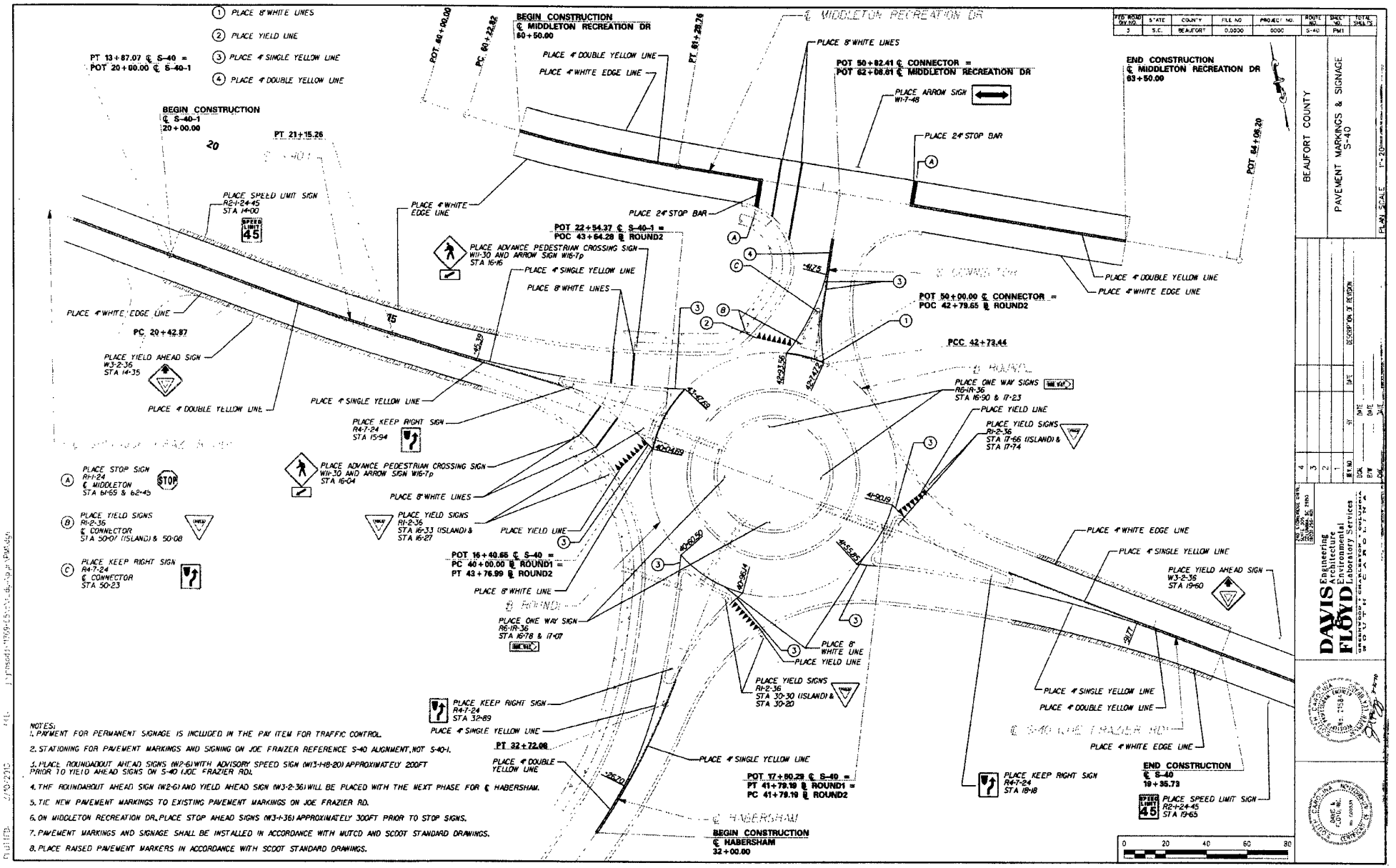
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Book3367/Page102 CFN#20140062295



Book3367/Page103 CFN#20140622295

EROSION CONTROL DATA SHEET

FED. ROAD DIV. NO.	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	N.C.	BEAUFORT	0.0000	0000	S-40	EC1	

RECEIVING WATERS

OUTFALL DITCH STATION	OUTFALL DITCH SIDE	NAME OF RECEIVING WATERS	NAME OF ULTIMATE RECEIVING WATERS	OUTFALL DITCH STATION	OUTFALL DITCH SIDE	NAME OF RECEIVING WATERS	NAME OF ULTIMATE RECEIVING WATERS

SOIL TYPES

ROAD / ROUTE	STATION TO STATION	SOIL PARTICLE SIZE (COARSE / FINE)	ZONE

TEMPORARY EROSION CONTROL BLANKET

ROAD / ROUTE	STATION TO STATION	SIDE	DEPTH OF BLANKET (FT)	SLOPES α : 1 FRONT	SLOPES α : 1 BACK	DITCH BOTTOM WIDTH (FT)	CLASS	CLASS A (MSY)	CLASS B (MSY)	CLASS C (MSY)
							TOTALS	0.000	0.000	0.000

SEDIMENT DAM

NO	STATION	SIDE	DRAINED OR NOT DRAINED	LENGTH OF SILT BASIN	WIDTH OF SILT BASIN	DEPTH OF SILT BASIN	SIDE SLOPE OF SILT BASIN	SPILLWAY WIDTH	SPILLWAY DEPTH	TOTAL HEIGHT TO SPILLWAY	SEDIMENT STORAGE VOLUME	RUNOFF STORAGE VOLUME	OUTFALL CHANNEL WIDTH	OUTFALL CHANNEL DEPTH	OUTFALL CHANNEL LENGTH

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EROSION CONTROL NOTES

FED. ROAD DIV. NO.	STATE	COUNTY	FILE NO.	PROJECT NO.	ROUTE NO.	SHEET NO.	TOTAL SHEETS
3	S.C.	BEAUFORT	0 00097	0030	S-40	EC2	

1. IF NECESSARY, SLOPES, WHICH EXCEED EIGHT (8) VERTICAL FEET SHOULD BE STABILIZED WITH SYNTHETIC OR VEGETATIVE MATS, IN ADDITION TO HYDROSEEDING. IT MAY BE NECESSARY TO INSTALL TEMPORARY SLOPE DRAINS DURING CONSTRUCTION. TEMPORARY BERMS MAY BE NEEDED UNTIL THE SLOPE IS BROUGHT TO GRADE.

2. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN FOURTEEN (14) DAYS AFTER WORK HAS CEASED, EXCEPT AT STATED BELOW.

A. WHERE STABILIZATION BY THE 14th DAY IS PRECLUDED BY SNOW COVER OR FROZEN GROUND CONDITIONS STABILIZATION MEASURES MUST BE INITIATED AS SOON AS PRACTICABLE.

B. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH-DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 14 DAYS, TEMPORARY SATBILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF THE SITE.

3. ALL SEDIMENT AND EROSION CONTROL DEVICES SHALL BE INSPECTED EVERY SEVEN (7) DAYS. IF SITE INSPECTIONS IDENTIFY BMPs THAT ARE DAMAGED OR ARE NOT OPERATING EFFECTIVELY, MAINTENANCE MUST BE PERFORMED AS SOON AS PRACTICAL OR AS REASONABLY POSSIBLE AND BEFORE THE NEXT STORM EVENT WHENEVER PRACTICABLE.

OR

ALL SEDIMENT AND EROSION CONTROL DEVICES SHALL BE INSPECTED AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A STORM EVENT OF 0.5 INCHES OR GREATER. IF SITE INSPECTIONS IDENTIFY BMPs THAT ARE DAMAGED OR ARE NOT OPERATING EFFECTIVELY, MAINTENANCE MUST BE PERFORMED AS SOON AS PRACTICAL OR AS REASONABLY POSSIBLE AND BEFORE THE NEXT STORM EVENT WHENEVER PRACTICABLE.

4. PROVIDE SILT FENCE AND/OR OTHER CONTROL DEVICES, AS MAY BE REQUIRED, TO CONTROL SOIL EROSION DURING UTILITY CONSTRUCTION. ALL DISTURBED AREAS SHALL BE CLEANED, GRADED, AND STABILIZED WITH GRASSING IMMEDIATELY AFTER THE UTILITY INSTALLATION. FILL, COVER, AND TEMPORARY SEEDING AT THE END OF EACH DAY ARE RECOMMENDED. IF WATER IS ENCOUNTERED WHILE TRENCHING, THE WATER SHOULD BE FILTERED TO REMOVE ANY SEDIMENTS BEFORE BEING PUMPED BACK INTO ANY WATERS OF THE STATE.

5. ALL EROSION CONTROL DEVICES SHALL BE PROPERLY MAINTAINED DURING ALL PHASES OF CONSTRUCTION UNTIL THE COMPLETION OF ALL CONSTRUCTION ACTIVITIES AND ALL DISTURBED AREAS HAVE BEEN STABILIZED. ADDITIONAL CONTROL DEVICES MAY BE REQUIRED DURING CONSTRUCTION IN ORDER TO CONTROL EROSION AND/OR OFFSITE SEDIMENTATION. ALL TEMPORARY CONTROL DEVICES SHALL BE REMOVED ONCE CONSTRUCTION IS COMPLETE AND THE SITE IS STABILIZED.

6. THE CONTRACTOR MUST TAKE NECESSARY ACTION TO MINIMIZE THE TRACKING OF MUD ONTO PAVED ROADWAY(S) FROM CONSTRUCTION AREAS AND THE GENERATION OF DUST. THE CONTRACTOR SHALL DAILY REMOVE MUD/SOIL FROM PAVEMENT, AS MAY BE REQUIRED.

7. RESIDENTIAL SUBDIVISIONS REQUIRE EROSION CONTROL FEATURES FOR INFRASTRUCTURE AS WELL AS FOR INDIVIDUAL LOT CONSTRUCTION. INDIVIDUAL PROPERTY OWNERS SHALL FOLLOW THESE PLANS DURING CONSTRUCTION OR OBTAIN APPROVAL OF AN INDIVIDUAL PLAN IN ACCORDANCE WITH S.C. REG. 72-300 et seq. AND SCR100000.

8. TEMPORARY DIVERSION BERMS AND/OR DITCHES WILL BE PROVIDED AS NEEDED DURING CONSTRUCTION TO PROTECT WORK AREAS FROM UPSLOPE RUNOFF AND/OR TO DIVERT SEDIMENT-LADEN WATER TO APPROPRIATE TRAPS OR STABLE OUTLETS.

9. ALL WATERS OF THE STATE (WoS), INCLUDING WETLANDS, ARE TO BE FLAGGED OR OTHERWISE CLEARLY MARKED IN THE FIELD. A DOUBLE ROW OF SILT FENCE IS TO BE INSTALLED IN ALL AREAS WHERE A 50-FOOT BUFFER CANT BE MAINTAINED BETWEEN THE DISTURBED AREA AND ALL WoS. A 10+FOOT BUFFER SHOULD BE MAINTAINED BETWEEN THE LAST ROW OF SILT FENCE AND ALL WoS.

10. LITTER, CONSTRUCTION DEBRIS, OILS, FUELS, AND BUILDING PRODUCTS WITH SIGNIFICANT POTENTIAL FOR IMPACT (SUCH AS STOCKPILES OF FRESHLY TREATED LUMBER) AND CONSTRUCTION CHEMICALS THAT COULD BE EXPOSED TO STORM WATER MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE IN STORM WATER DISCHARGES.



MAP SHOWING LOCATION OF
BEAUFORT COUNTY IN SOUTH CAROLINA

BEAUFORT COUNTY

EROSION CONTROL NOTES
S-40

PLAN SCALE 1"=50'

NO.	DATE	DESCRIPTION OF REVISION
4		
3		
2		
1		

REV. NO. BY DATE
DSN ____ DATE ____
DWN ____ DATE ____
CK ____ DATE ____

DAVIS FLOYD Engineering Architecture Environmental Surveying Planning
GREENVILLE • CHARLESTON • COLUMBIA
SOUTH CAROLINA

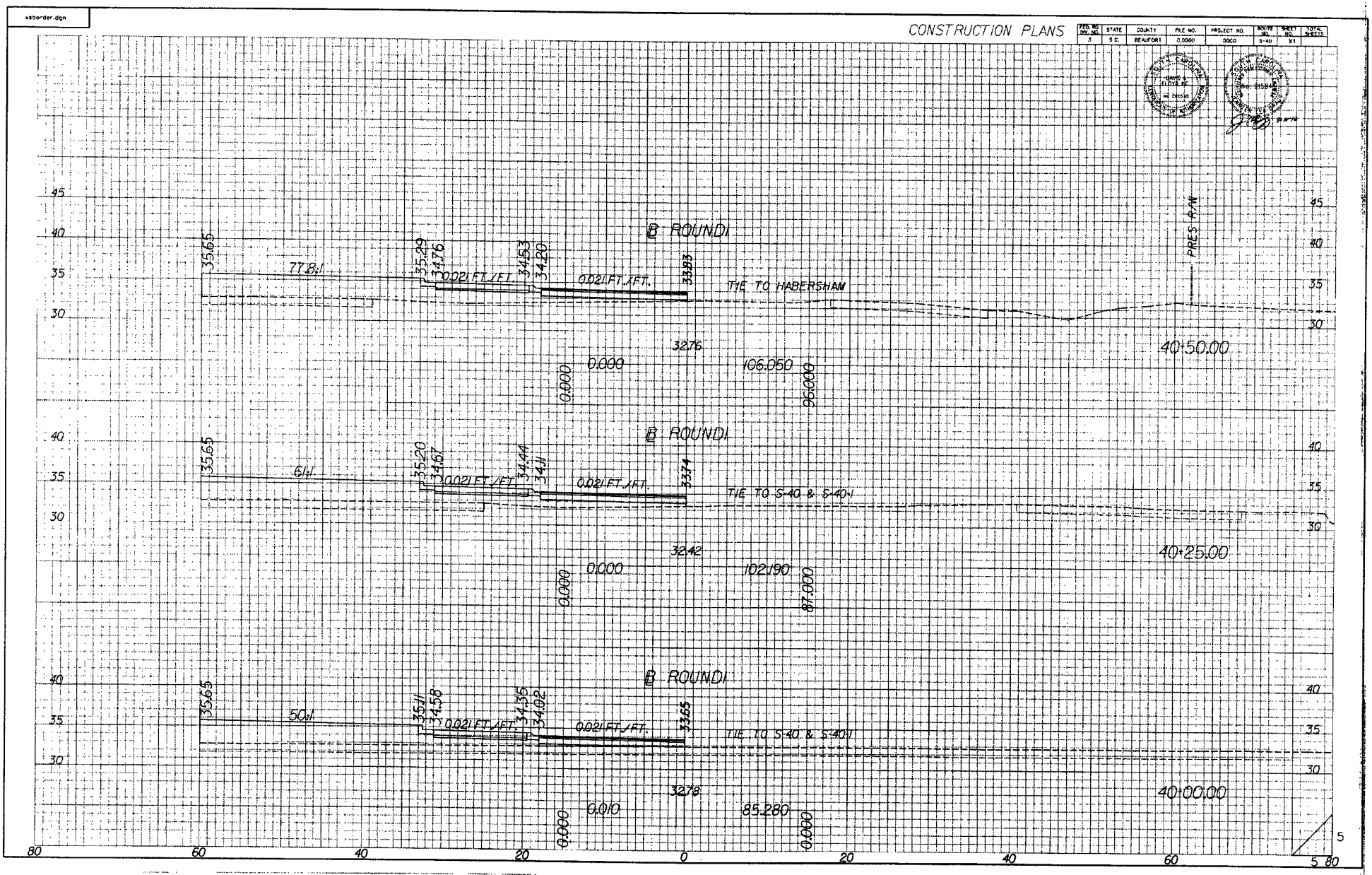
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DATE: NOV. 26, 2013
DESIGN NO. 49

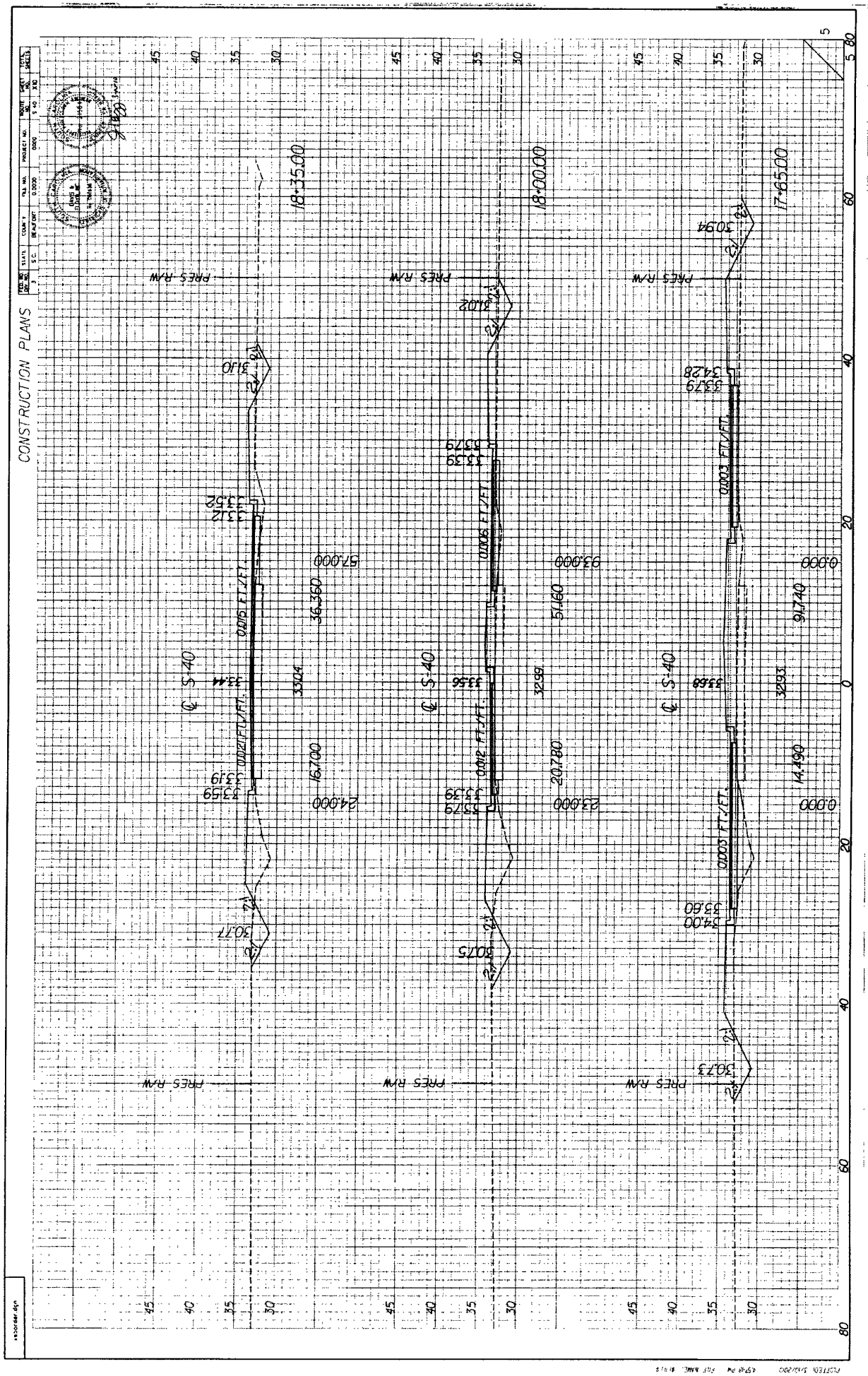
JOHN E. FLOYD, JR. No. 21584 REGISTERED PROFESSIONAL ENGINEER SOUTH CAROLINA

JOHN E. FLOYD, JR. No. 21584 REGISTERED PROFESSIONAL ENGINEER SOUTH CAROLINA

DETAIL BY: JM/DGT/JWH
PLOT DRIVER: 3rd at VB-4W ECPLOT
PLOTTED: 11/6/2013
FILE: J:\PROJECTS\BEAUFORT\PLANS\EC2.dgn

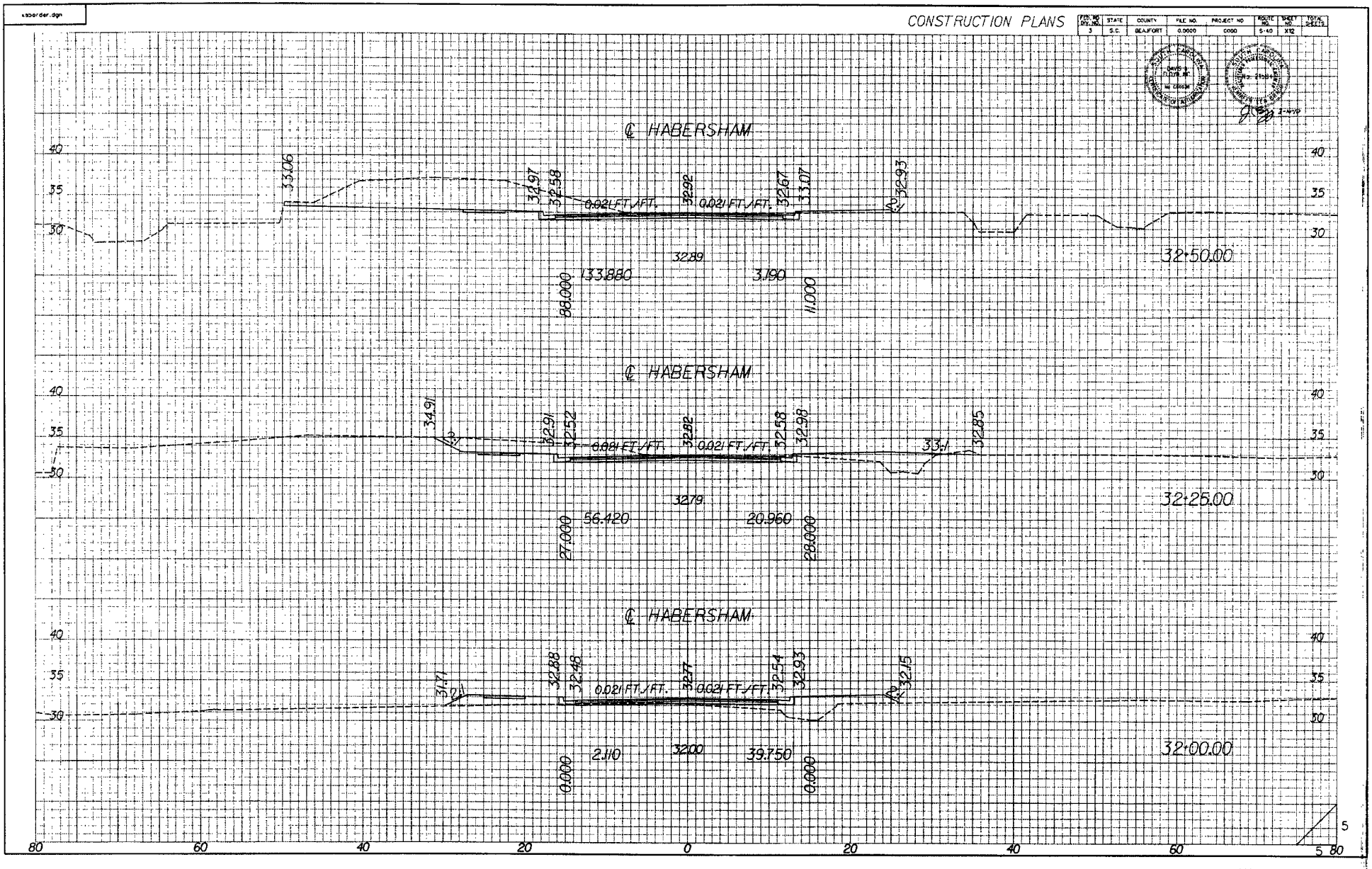
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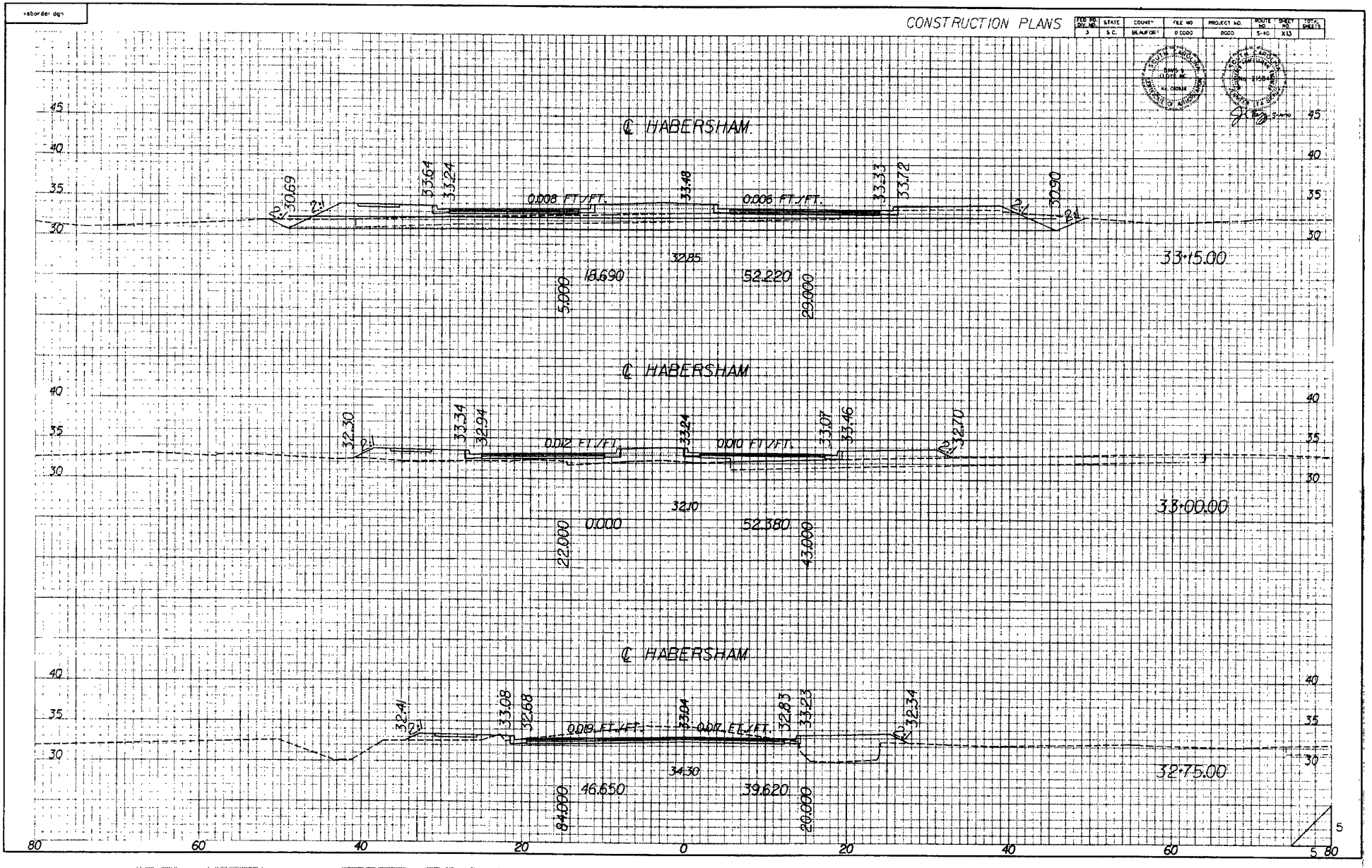

CONSTRUCTION PLANS
18+35.00
18+00.00
17+65.00
PRES R/W
PRES R/W
PRES R/W
℄ S-40
℄ S-40
℄ S-40
3344
3356
3368
3304
3299
3293
36.360
51.160
91.740
16.700
20.780
14.490
24.000
23.000
0.000
57.000
93.000
0.000
1377.1 SQ00 FT./FT.
1377.1 SQ00 FT./FT.
1377.1 SQ00 FT./FT.
3312
3352
3339
3379
3379
3428
3319
3359
3379
3379
3400
3379
3374.00
3360
3373
3017
3075
3102
3094
3140

CONSTRUCTION PLANS
STATE
S.C.
COUNTY
BEAUFORT
PROJECT NO.
3000
ROUTE NO.
S-40
SHEET NO.
XII
19+35.73
19+00.00
18+50.00
PRES R/W
S-40
0.002 FT/FT
33.07
33.35
33.06
33.34
33.05
33.11
33.01
14.000
11.340
22.000
12.550
20.000
9.870
43.000
19.960
13.000
11.260
12.000
26.600
30.83
30.81
30.78
31.14
31.26
19
41
49
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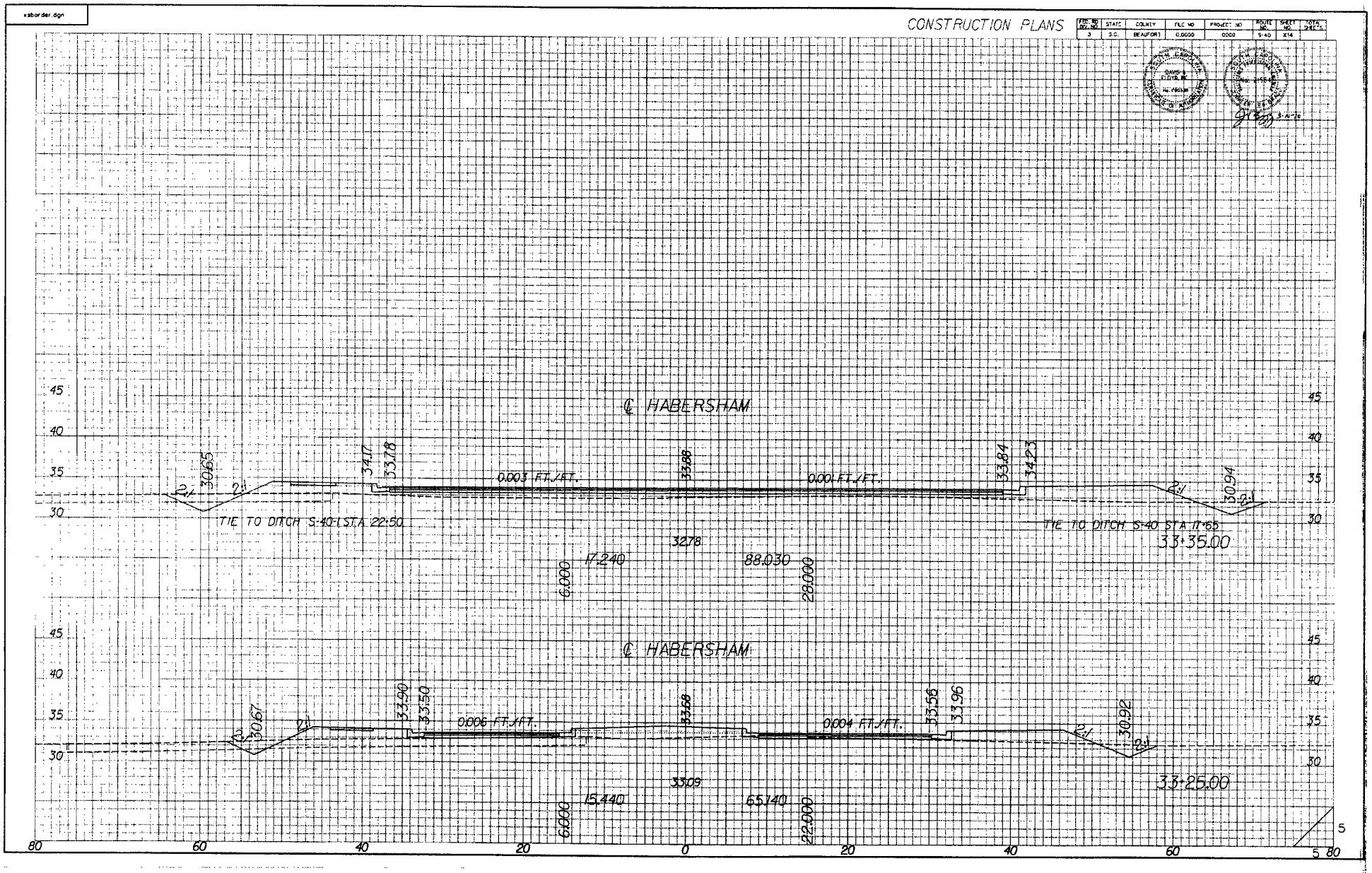
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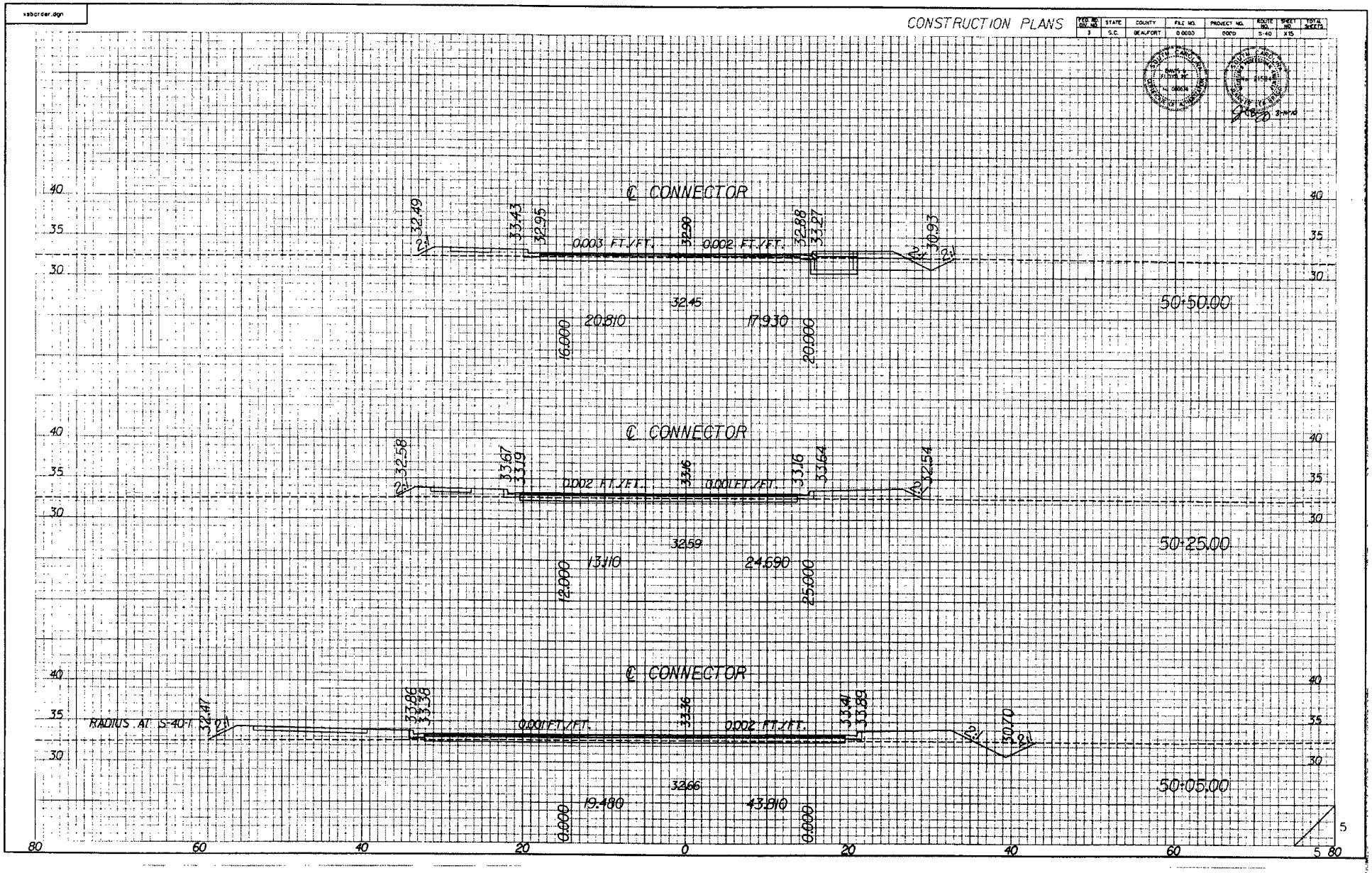
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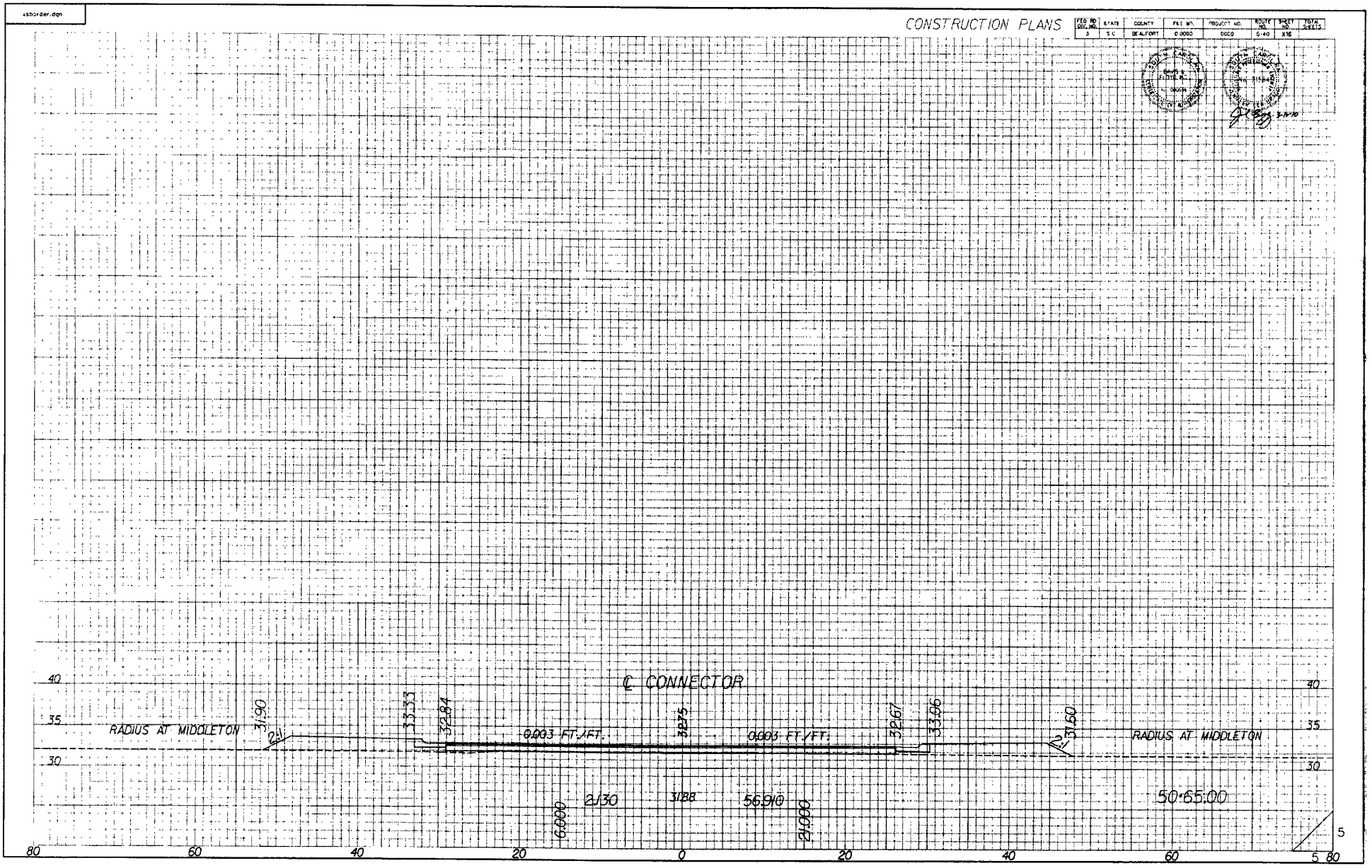
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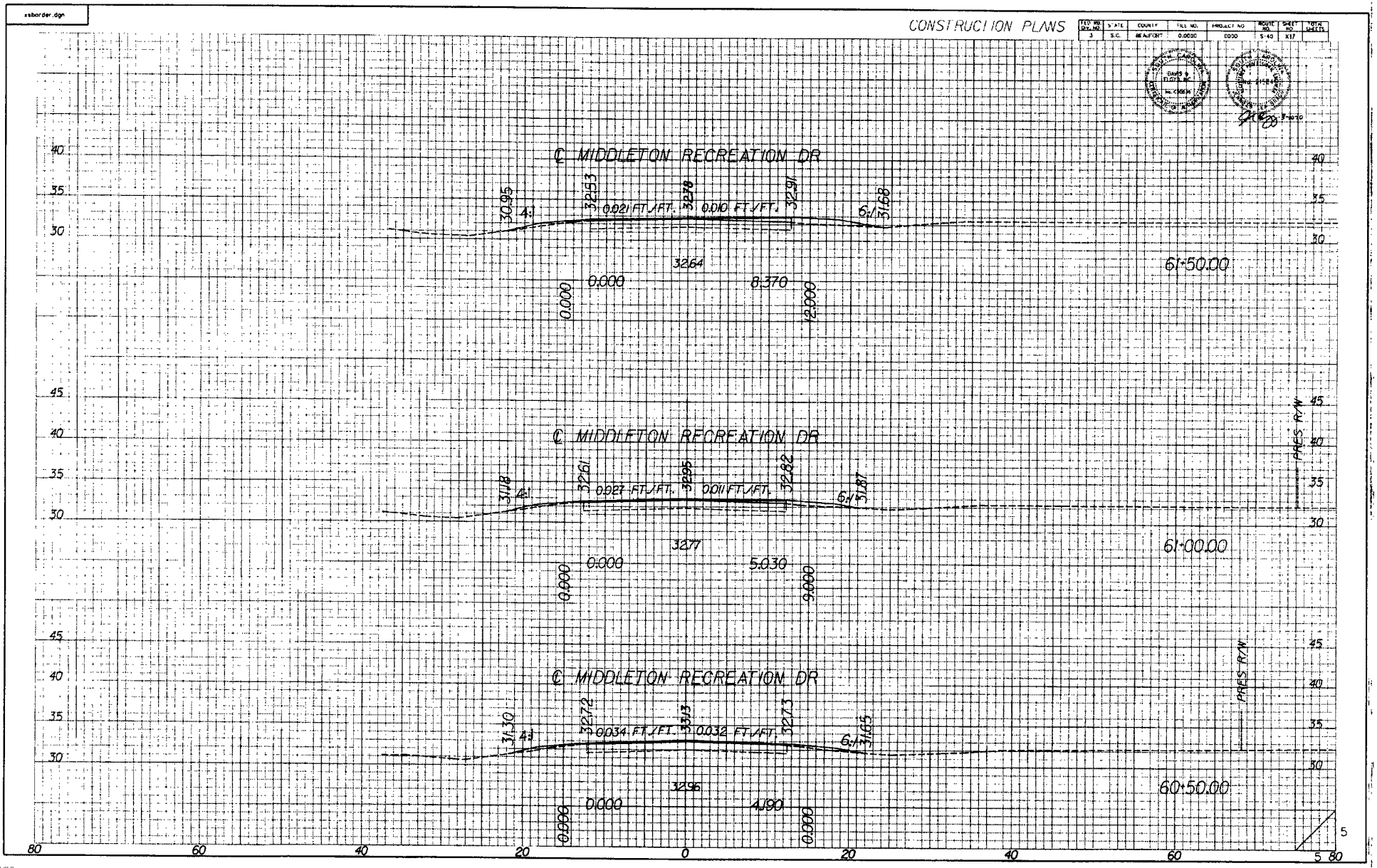
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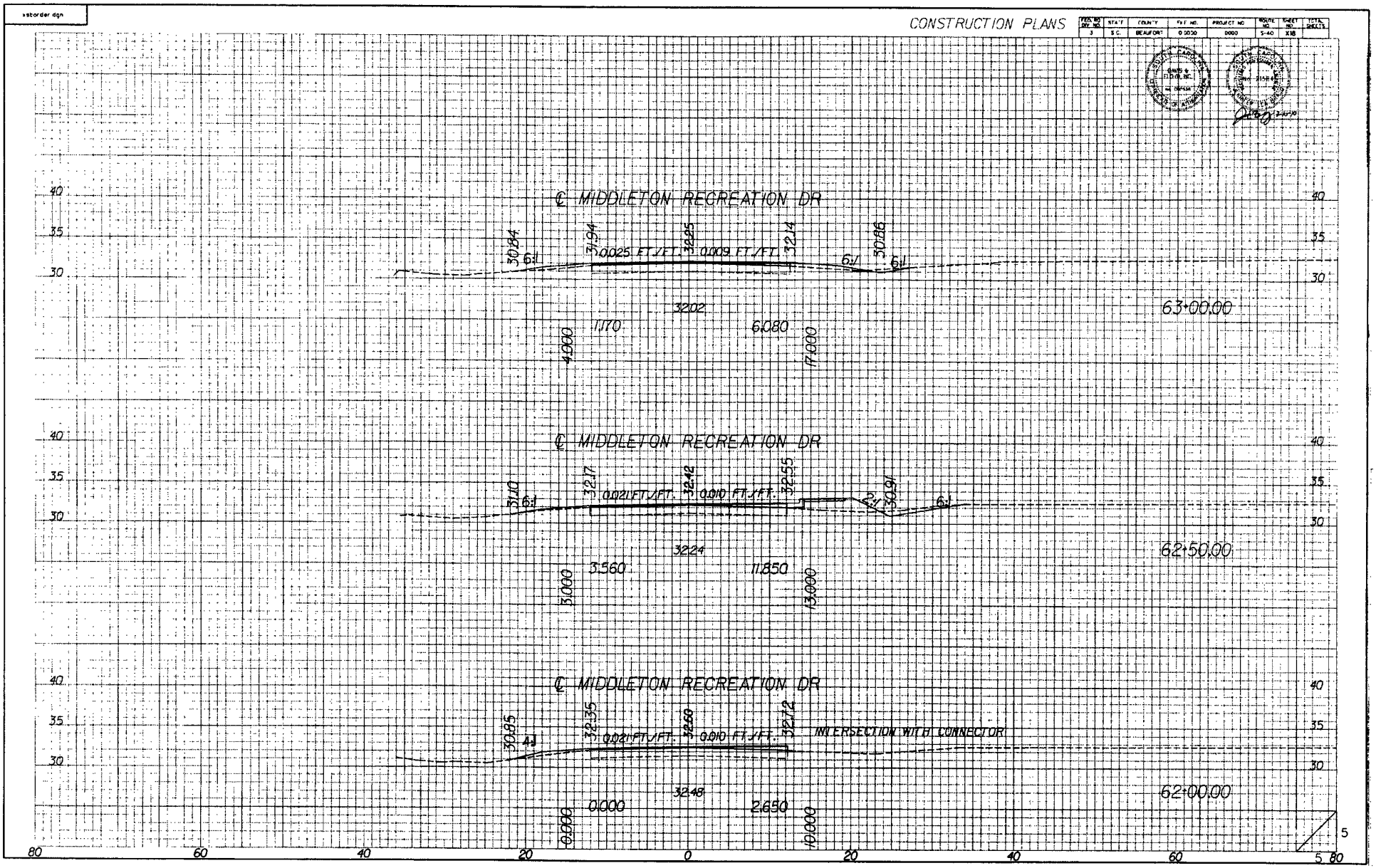
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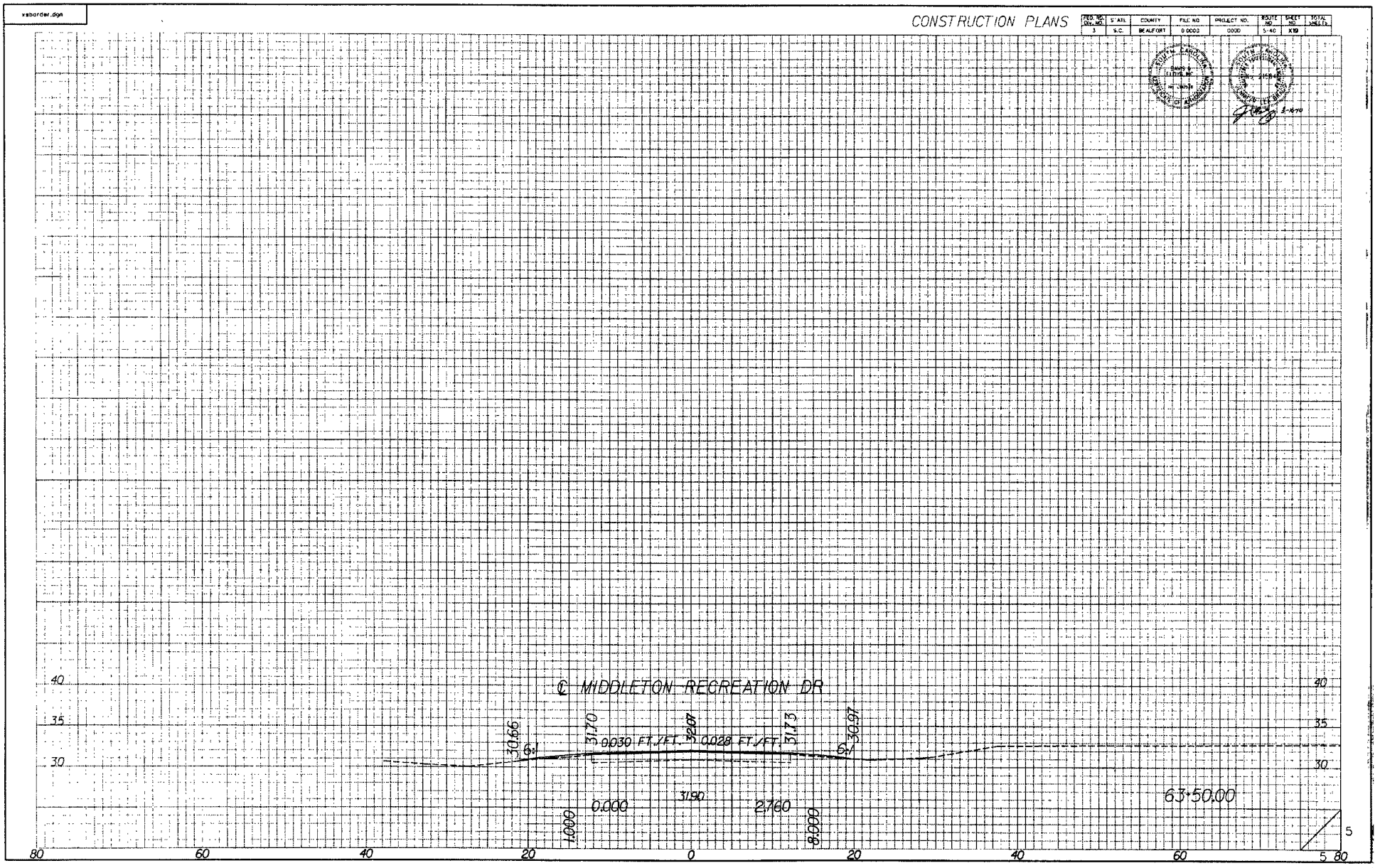
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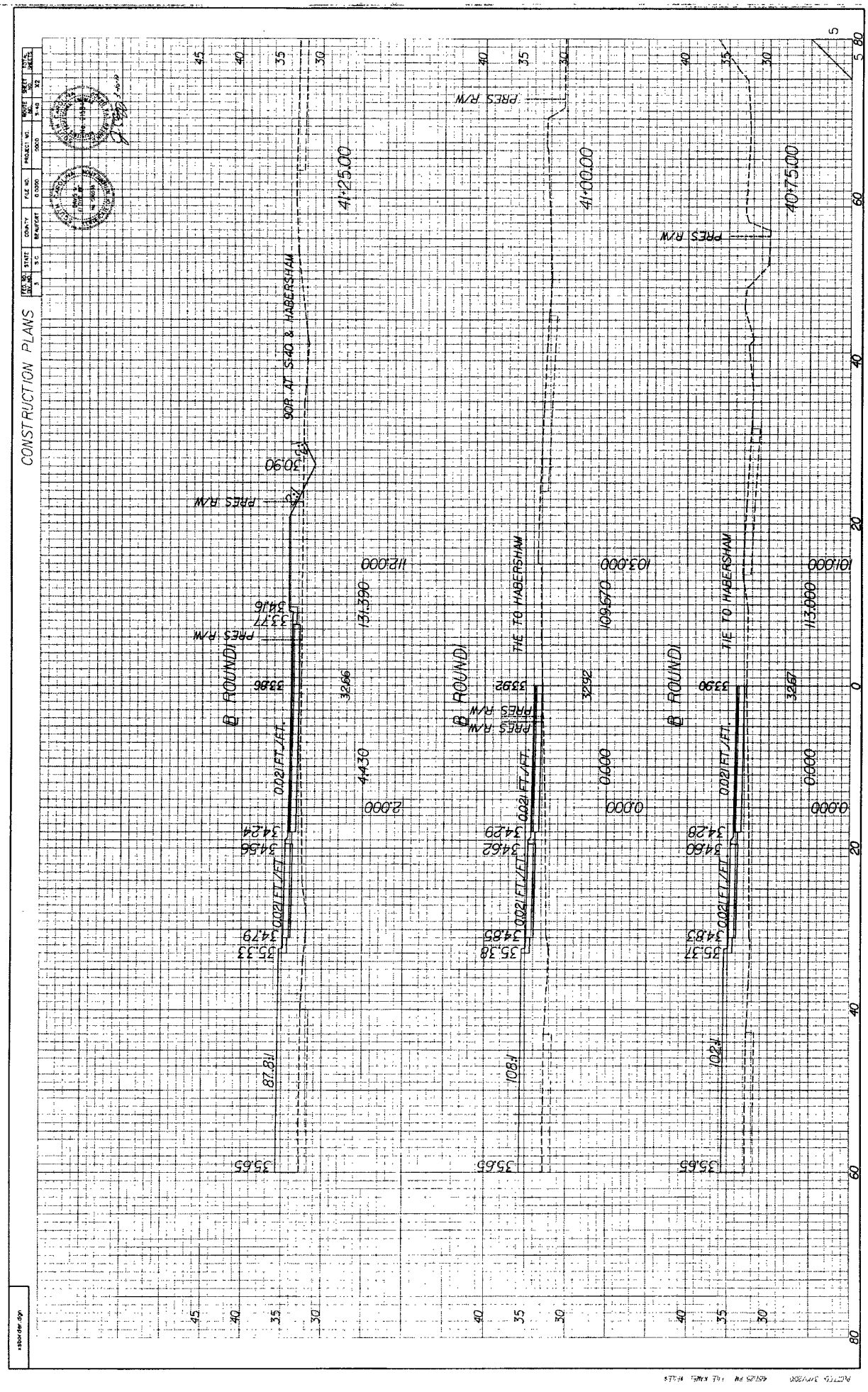


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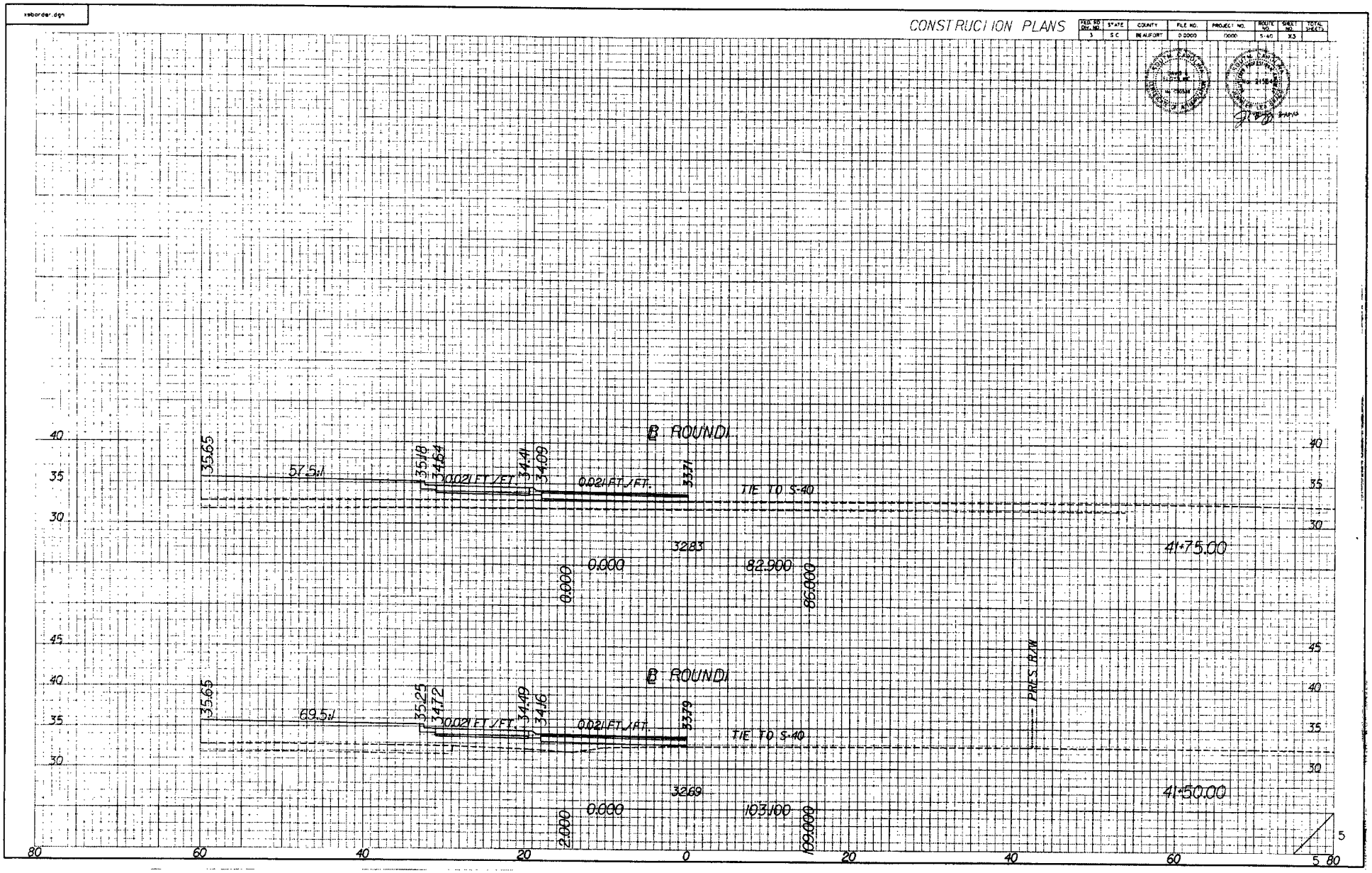


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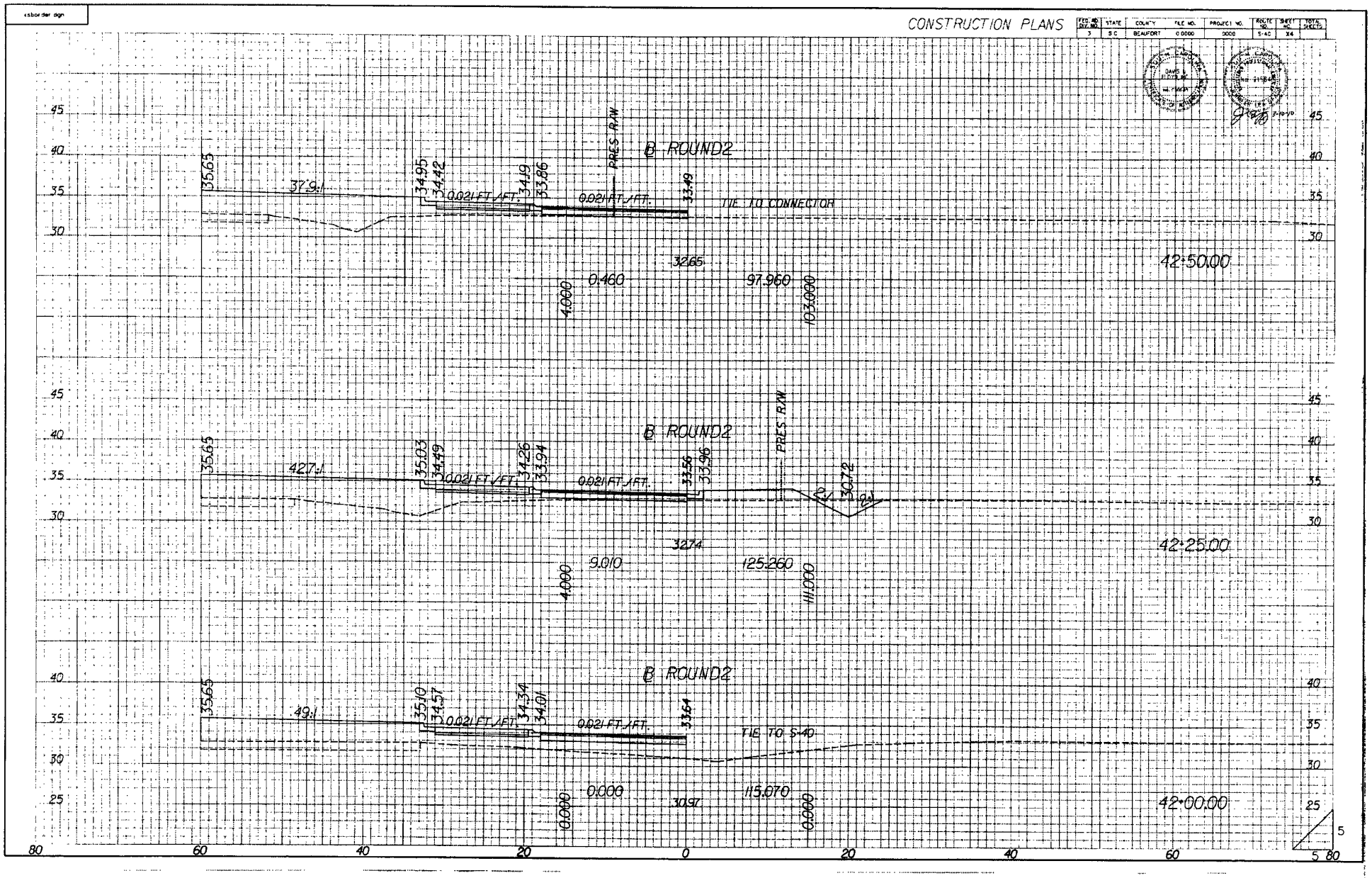



CONSTRUCTION PLANS
90R AT S40 & HABERSHAM
PRES R/W
41+25.00
41+00.00
40+75.00
HABERSHAM
TIE TO HABERSHAM
B ROUNDI
3386
3377
3392
3390
3429
3462
3485
3478
3456
3424
3560
3565
3537
3533
3287
3266
3292
131.390
109.670
113.000
101.000
103.000
0.000
2.000
44.30
30.90
18.78
18.01
18.01
0.002 FT/FT
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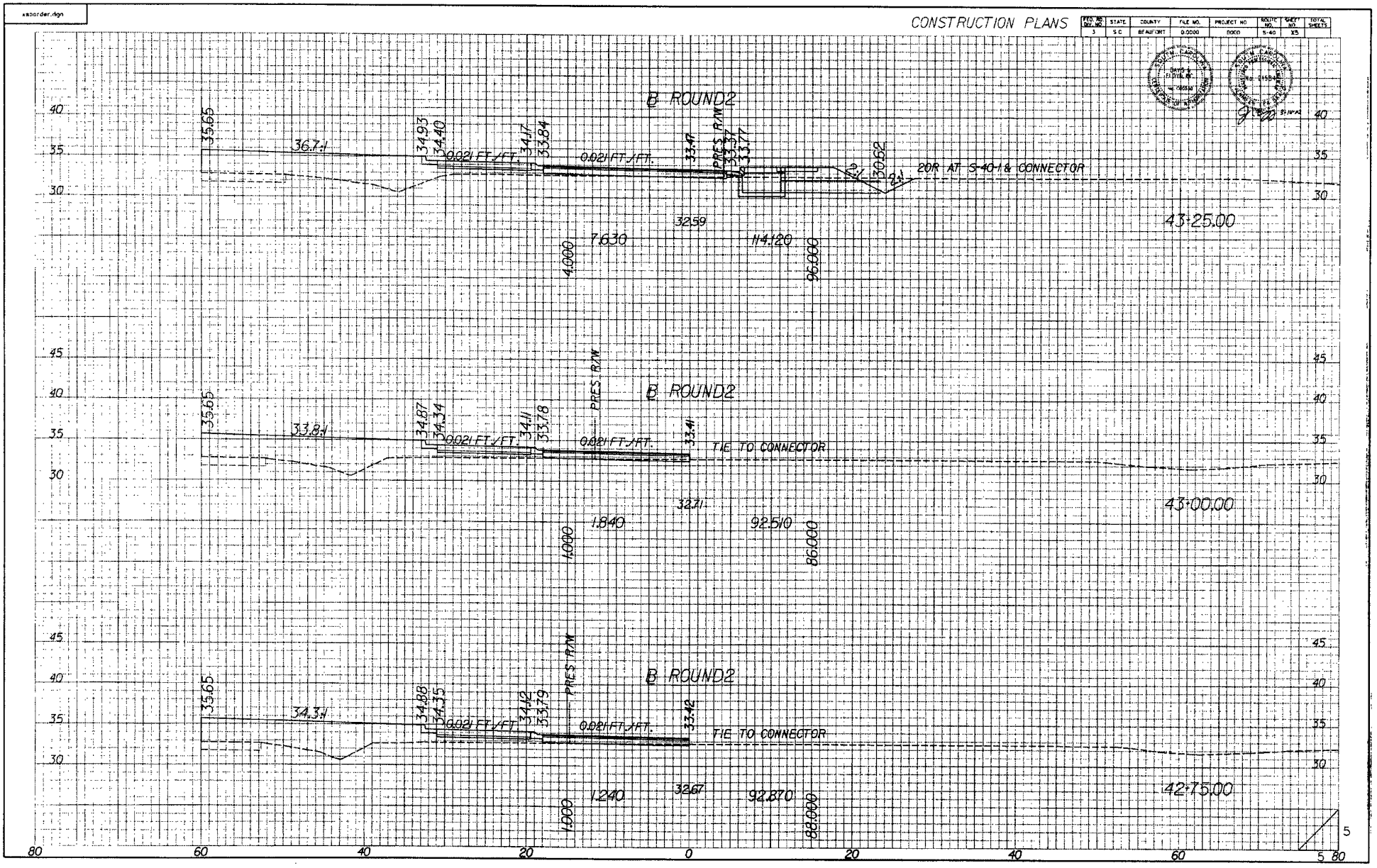
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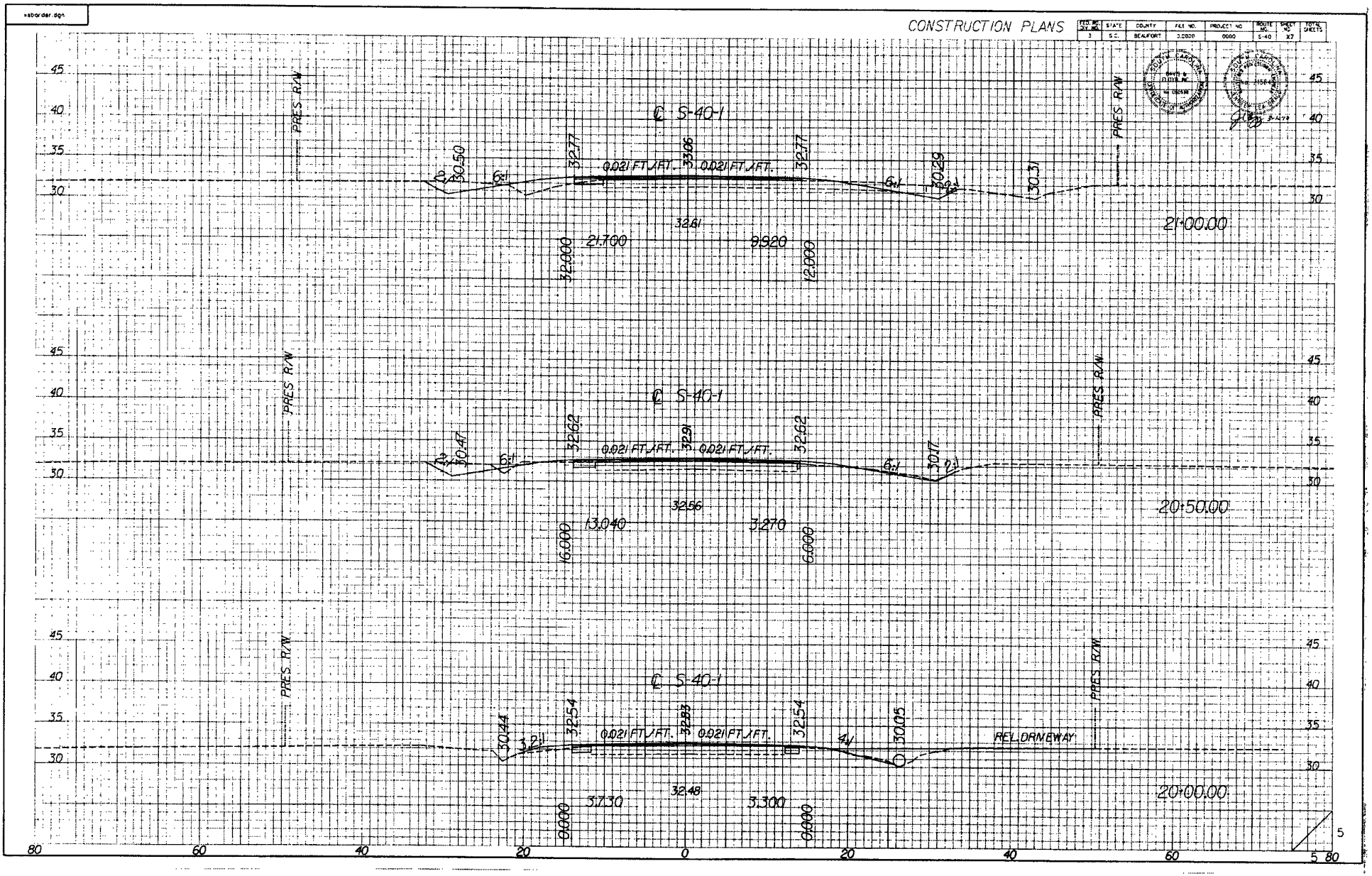


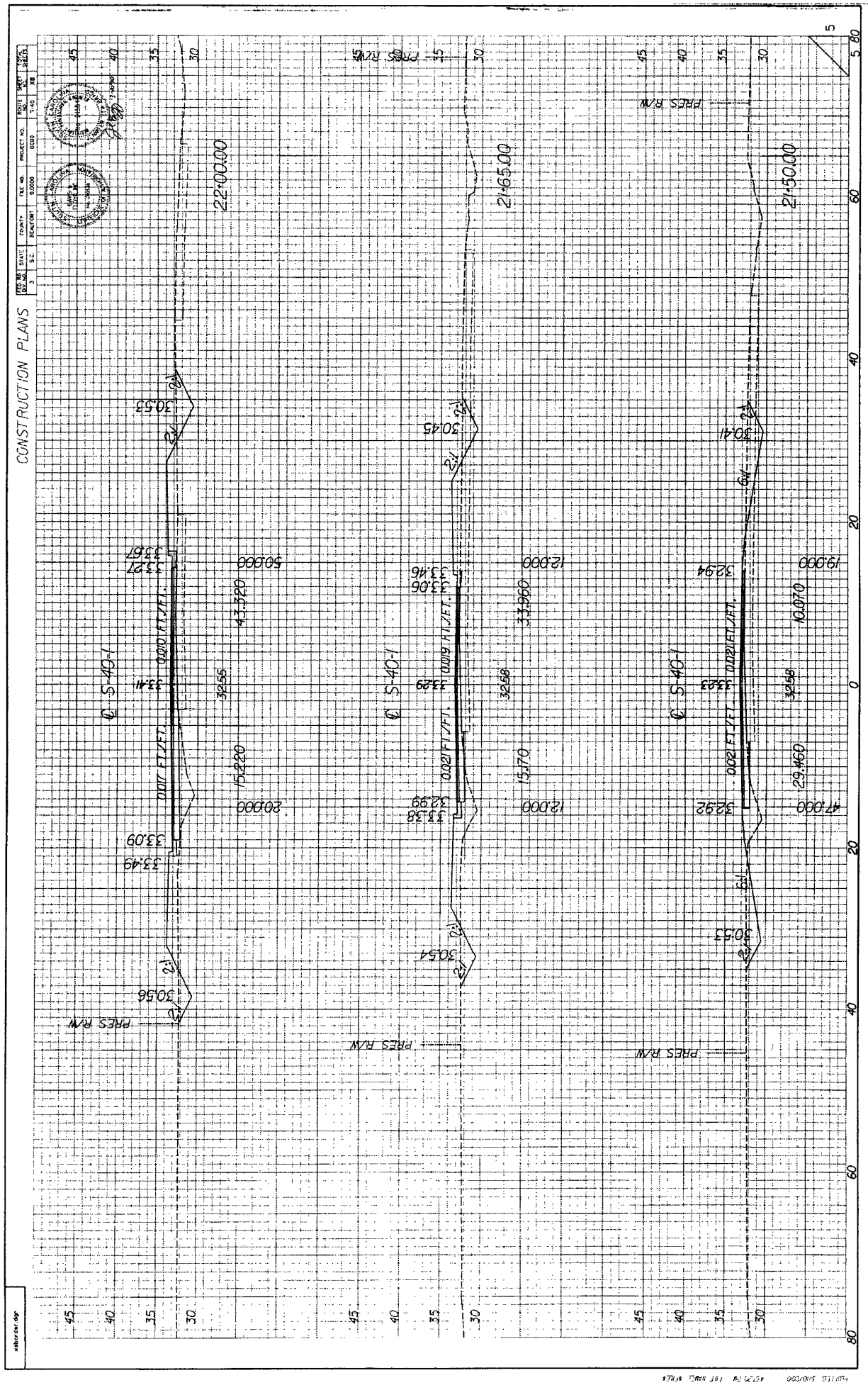
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CONSTRUCTION PLANS
PRES R/W
43150.00
112000
127900
4.000
0000
32.43
TIE TO S-401
℄ ROUND2
3355
0.021 FT./FT.
34.26
33.93
35.02
0.002 FT./FT.
34.49
42.14
35.65

Book3367/Page121 CFN#20140622295



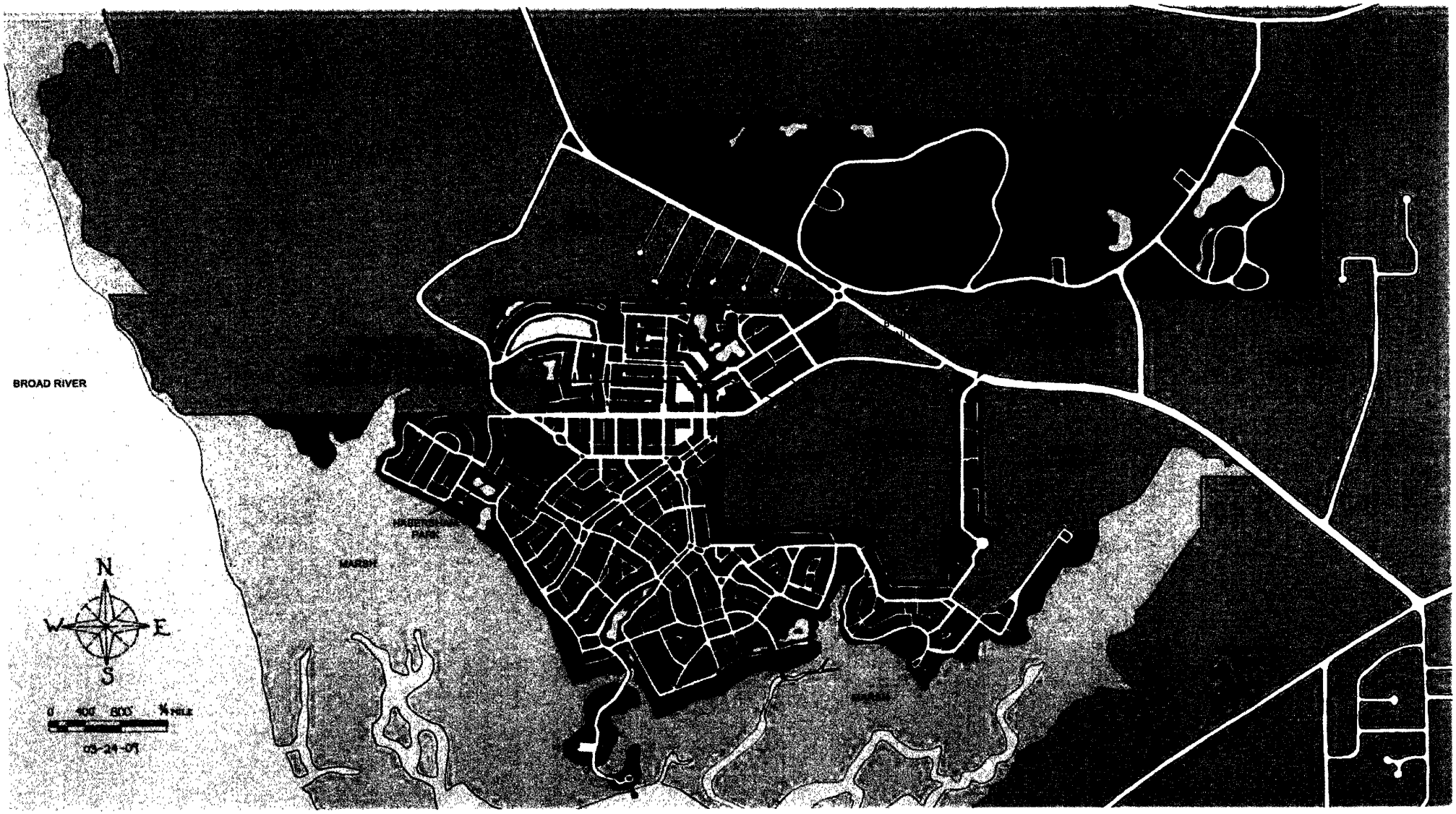

CONSTRUCTION PLANS
22+00.00
21+65.00
21+50.00
PRES R/W
PRES R/W
PRES R/W
S-40-1
S-40-1
S-40-1
1000 FT./FT.
1000 FT./FT.
1000 FT./FT.
50.000
20.000
12.000
12.000
19.000
47.000
43.320
15.220
33.960
15.170
10.070
29.460
3255
3258
3258
3258
3255
3258
3258
3258

CONSTRUCTION PLANS
DIST
STATE
COUNTY
PROJECT NO
SHEET NO
TOTAL SHEETS
5
80
60
40
20
0
20
40
60
80
45
40
35
30
22+50.00
30.65
33.75
34.24
0005 FT/FT
430.000
97.430
3240
33.59
S-40-1
17.430
30.000
0003 FT/FT
53.88
53.48
PRES R/W
30.59

Exhibit E

Cherokee Farms, Needles Road and Joe Frazier Road Improvements, Conceptual Plan

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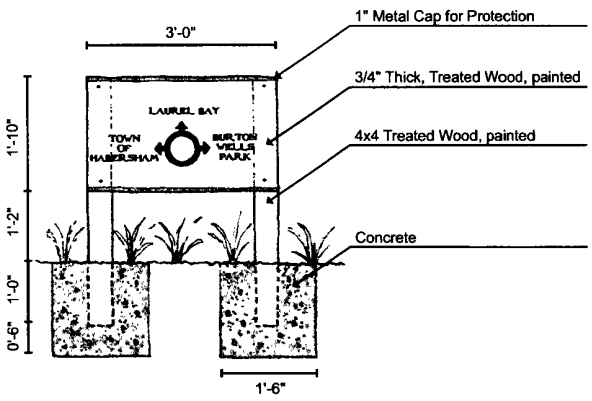
HABERSHAM & CHEROKEE FARMS

Regional Context

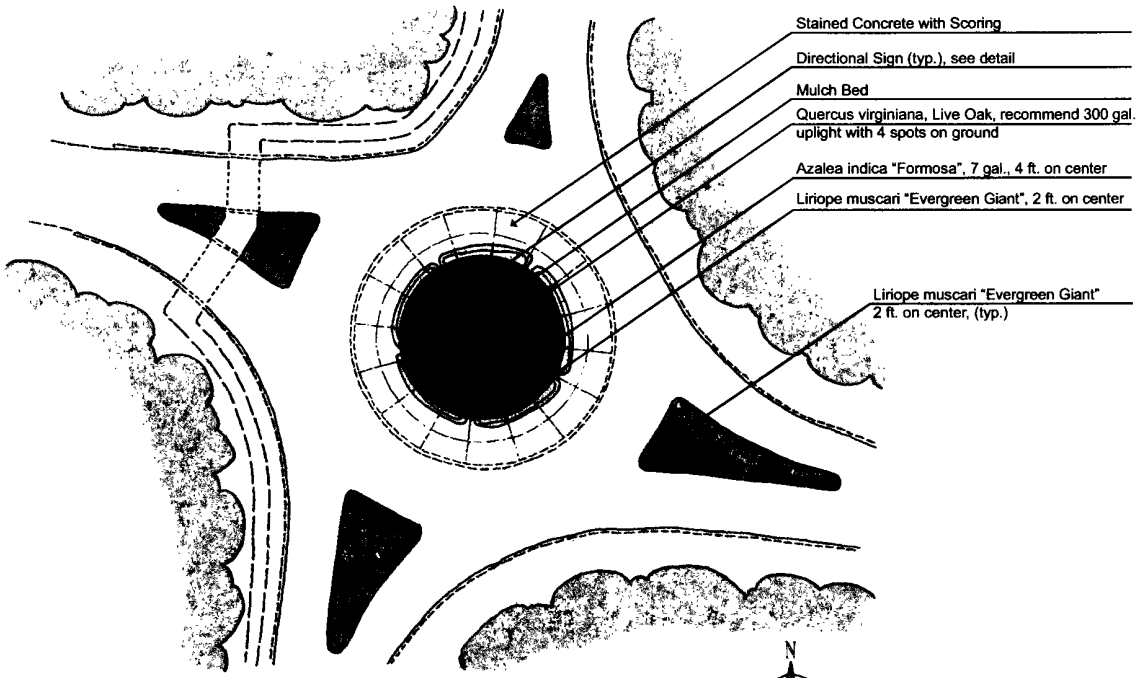
Exhibit F

Joe Frazier Road Round-a-bout Landscape Plan

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Sign Detail 0' 6" 1' 2'



Landscape Plan 0' 5' 10' 20'

JOE FRAZIER ROAD ROUND-A-BOUT LANDSCAPE PLAN

Exhibit G

Beaufort County Zoning and Development Standards Ordinances ("ZDSO")

Chapter 106

ZONING AND DEVELOPMENT STANDARDS*

Article I. In General

Sec. 106-1. Title.
Sec. 106-2. Comprehensive planning policy.
Sec. 106-3. Purpose.
Sec. 106-4. Legislative intent.
Sec. 106-5. Applicability of chapter.
Sec. 106-6. Types of development requiring compliance.
Sec. 106-7. Exemptions of development types.
Sec. 106-8. Exemption from subdivision review.
Sec. 106-9. Nonconformities.
Sec. 106-10. Authority.
Sec. 106-11. Severability.
Sec. 106-12. Repealer.
Sec. 106-13. General usage of definitions.
Sec. 106-14. Rules of construction.
Sec. 106-15. County terms.
Sec. 106-16. State agencies and terms.
Sec. 106-17. Abbreviations.
Sec. 106-18. Definitions.
Secs. 106-19—106-55. Reserved.

Article II. Administrative Bodies and Agents

Division 1. Generally

Sec. 106-56. Purpose.
Sec. 106-57. Responsibility.
Secs. 106-58—106-85. Reserved.

Division 2. Administrative Boards

Subdivision I. In General

Secs. 106-86—106-110. Reserved.

Subdivision II. County Council

Sec. 106-111. Powers and duties.

***Cross references**—County airports, § 6-56 et seq.; community development, ch. 26; addressing and road names for enhanced emergency telephone service, § 34-30; environment, ch. 38; single-family units in unincorporated area, § 62-38; multifamily residential, business, commercial and industrial solid waste generators in unincorporated area, § 62-39; unincorporated area residential recycling program, § 62-41; unincorporated area business, commercial and industrial recycling, § 62-42; buildings and building regulations, ch. 74; floods, ch. 78; manufactured homes and trailers, ch. 86; planning, ch. 94; waterways, ch. 102.

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Secs. 106-112—106-140. Reserved.

Subdivision III. Planning Commission

Sec. 106-141. Powers and duties.
Sec. 106-142. Membership.
Sec. 106-143. Meetings.
Secs. 106-144—106-170. Reserved.

Subdivision IV. Zoning Board of Appeals

Sec. 106-171. Powers and duties.
Sec. 106-172. Membership.
Sec. 106-173. Meetings.
Secs. 106-174—106-200. Reserved.

Subdivision V. Historic Preservation Review Board

Sec. 106-201. Powers and duties.
Sec. 106-202. Membership.
Sec. 106-203. Meetings.
Secs. 106-204—106-230. Reserved.

Subdivision VI. Corridor Review Boards

Sec. 106-231. Created; powers and duties.
Sec. 106-232. Membership.
Sec. 106-233. Meetings.
Secs. 106-234—106-260. Reserved.

Division 3. Administrative Agents

Sec. 106-261. Development review team (DRT).
Sec. 106-262. Planning department.
Sec. 106-263. Zoning and development administrator.
Sec. 106-264. County staff attorney
Sec. 106-265. Reserved.
Sec. 106-266. Historic preservationist.
Secs. 106-267—106-305. Reserved.

Article III. Administrative Procedures

Division 1. Generally

Sec. 106-306. Purpose.
Sec. 106-307. Scope of procedure and administration.
Secs. 106-308—106-335. Reserved.

Division 2. Provisions Generally Applicable to Reviews and Actions

Subdivision I. In General

Sec. 106-336. Scope of division.
Secs. 106-337—106-365. Reserved.

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Subdivision II. Review of Applications

Sec. 106-366. Preapplication conference.
Sec. 106-367. Applications.
Sec. 106-368. Application completeness review and recommendations.
Sec. 106-369. Concept plat or plan review.
Sec. 106-370. Plat of subdivision review.
Sec. 106-371. Land development plan review.
Sec. 106-372. Development permits.
Secs. 106-373—106-400. Reserved.

Subdivision III. Public Hearings

Sec. 106-401. Scope.
Sec. 106-402. Notice of public hearings.
Sec. 106-403. Setting public hearings.
Sec. 106-404. Conducting public hearings.
Sec. 106-405. Actions by administrative bodies.
Secs. 106-406—106-430. Reserved.

Subdivision IV. Approval

Sec. 106-431. General considerations in rendering decisions.
Sec. 106-432. Effect of approval.
Secs. 106-433—106-460. Reserved.

Division 3. Discretionary Reviews

Subdivision I. In General

Sec. 106-461. Scope of division.
Secs. 106-462—106-490. Reserved.

Subdivision II. Amendments to the Comprehensive Plan, Zoning Map or Text

Sec. 106-491. Purpose.
Sec. 106-492. Standards for zoning map amendment.
Sec. 106-493. Standards for zoning text amendment.
Sec. 106-494. Standards for comprehensive plan amendments.
Sec. 106-495. Decision by county council.
Secs. 106-496—106-520. Reserved.

Subdivision III. Variances

Sec. 106-521. Scope of subdivision.
Sec. 106-522. Standards.
Sec. 106-523. Conditions and restrictions.
Sec. 106-524. Development approvals subsequent to grant.
Sec. 106-525. Amendment.
Secs. 106-526—106-550. Reserved.

Subdivision IV. Special Uses

Sec. 106-551. Scope of subdivision.
Sec. 106-552. Criteria for application and approval.

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Sec. 106-553. Conditions.
Sec. 106-554. Amendment to special use permit.
Sec. 106-555. Revocation of special use permit.
Secs. 106-556—106-580. Reserved.

Subdivision V. Corridor Review

Sec. 106-581. Scope of subdivision.
Sec. 106-582. Standards.
Secs. 106-583—106-610. Reserved.

Subdivision VI. Plat Vacation

Sec. 106-611. Scope of subdivision.
Sec. 106-612. Standards for all vacations.
Sec. 106-613. Whole subdivisions.
Sec. 106-614. Lots or dedicated land.
Secs. 106-615—106-640. Reserved.

Subdivision VII. Street Naming and Renaming

Sec. 106-641. Scope of subdivision.
Sec. 106-642. Initiation.
Sec. 106-643. General standards.
Secs. 106-644—106-670. Reserved.

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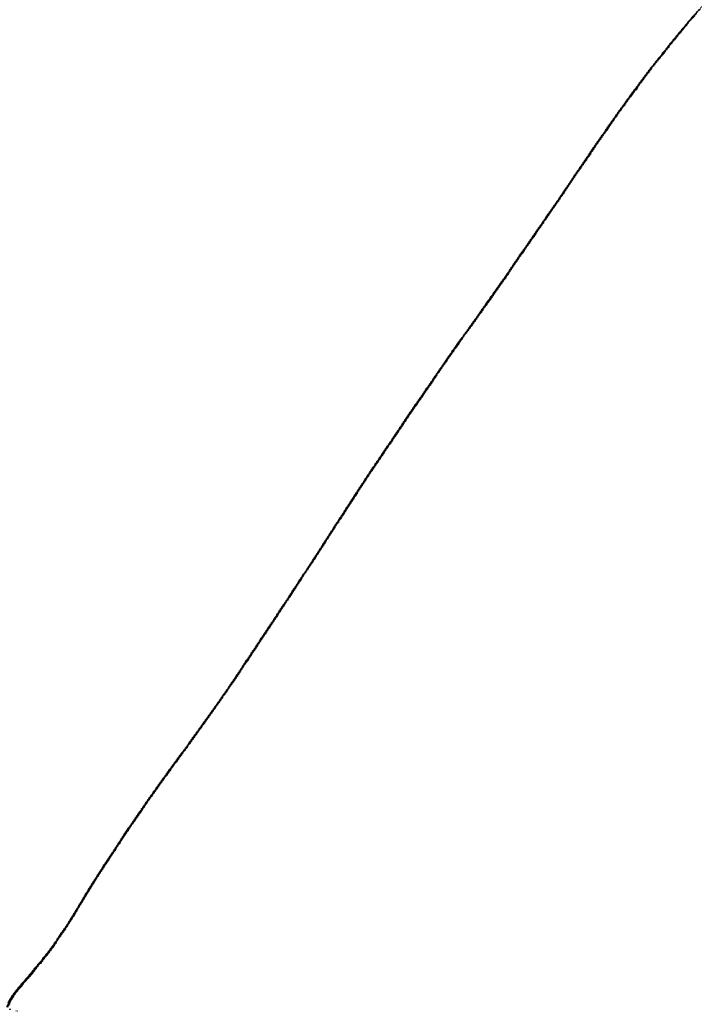
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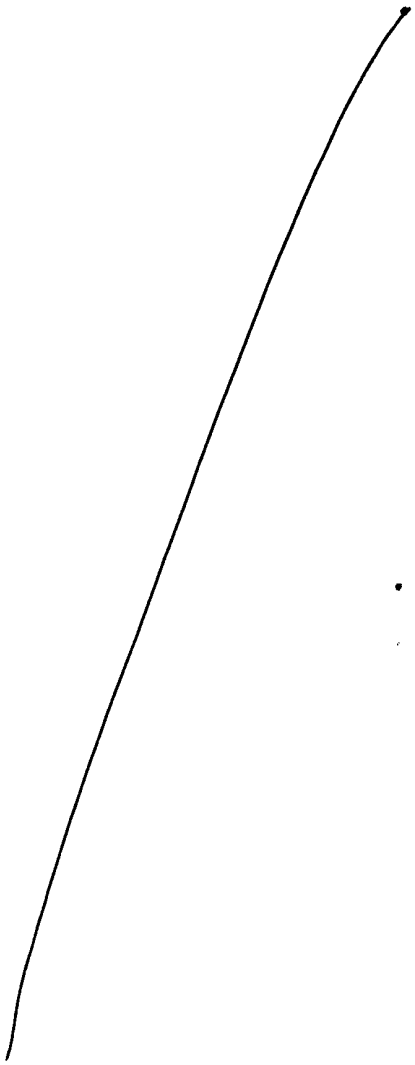
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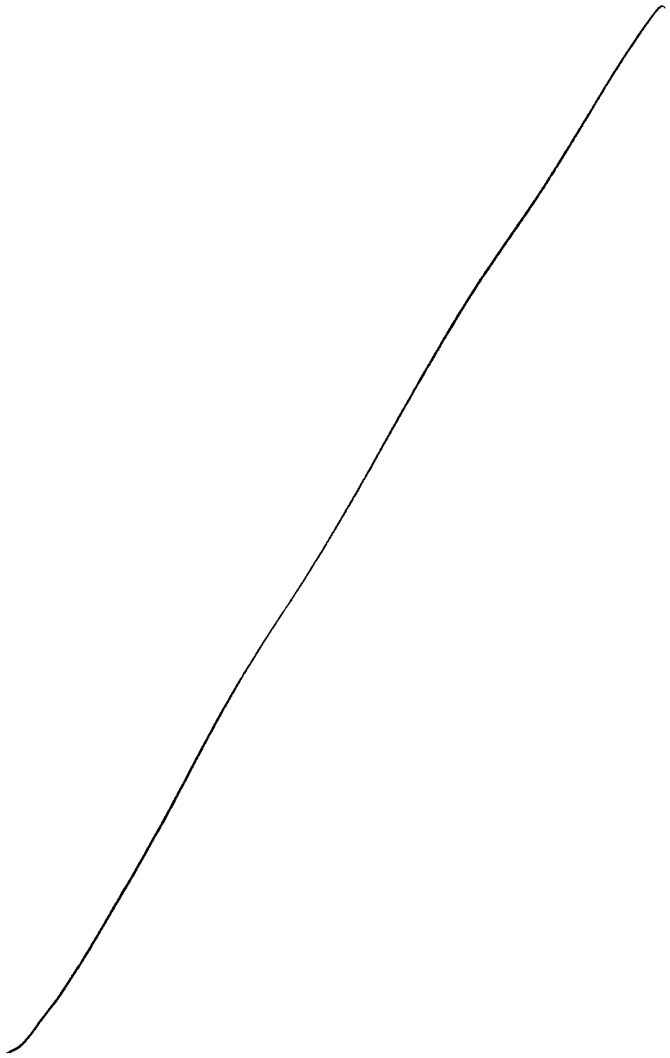
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ARTICLE I. IN GENERAL

Sec. 106-1. Title.

This chapter shall be known as the Beaufort County Zoning and Development Standards Ordinance or the ordinance.
(Ord. No. 99-12, § 1 (div. 01.000), 4-26-1999)

Sec. 106-2. Comprehensive planning policy.

(a) *Scope of comprehensive plan.* The 1997 Beaufort County Comprehensive Plan, adopted the authority of the South Carolina Local Government Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq., as amended, ensures that future land use and development will be consistent with the desires of the community and the wise use of the county's natural resources while, at the same time, recognizes the financial constraints of the county and the need to balance environmental concerns with private property rights.

(b) *Introduction.* Between 1960 and 1990, the county more than doubled in population, growing from 41,052 in 1960 to 86,425 in 1990. While estimates of future growth vary according to the type of statistical forecasting methodology employed, all estimates, nevertheless, call for continued strong growth. 1990 projections for the year 2000 range from a low of 109,275 to a high of 151,400. For the year 2010, estimates range from a low of 139,400 to a high of 219,000. Much of this new growth and development has been, and will continue to be, directly related to the development of the county as a quality tourist destination, second home, and retirement location. These, in turn, have grown out of the unique character of the county's natural, environmental, cultural and historic resources. The citizens of the county have clearly recognized the predicament this situation presents: the unique and irreplaceable character of the county is the principal generator of its recent economic growth and development. Yet this new growth, if inappropriate or planned and managed poorly, could threaten and undermine the very characteristics that have produced it in the first place.

(c) *Land use goals.* To guard against the negative impacts of unmanaged growth, the citizens of the county have articulated a clear and strong vision of the future which is contained in the six overarching public policy goals guiding the comprehensive plan. These are: maintain the distinction between rural and developing areas; protecting the character and quality of existing communities; supporting an ethic of quality growth; fostering and managing economic development; managing growth through infrastructure investment policies and plans; and recognizing constraints to growth. These goals are more fully explained as follows:

(1) *Maintaining the distinction between rural and developed areas.* Maintaining the distinction between rural and developed areas is important for several reasons. First, the quality of the natural environment, local waterways and fisheries is essential to preserving the character of the county that is attractive to tourism and second home development. This includes the county's natural features and resources, along with large areas of contiguous open space. Second, protecting rural areas also protects the traditional sectors of the local economy, such as farming, timbering and fishing. Third,

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preventing sprawl development means a more efficient and economical way to provide infrastructure such as schools, fire departments and law enforcement. Fourth, emergency evacuation can be carried out more effectively from developed areas with adequate road systems. Finally, the preservation of rural areas is directly related to the preservation of the county's historic heritage and resources.

(2) *Preserving and protecting existing communities and developing new communities.* The county's existing historic communities, including Lady's Island, the Corner community on St. Helena's Island, Dale, Sheldon and Bluffton all contribute toward the creation of an image of the county that is essential to the sense of place that residents and visitors alike share about their community. The preservation and protection of buildings, structures, sites, objects, districts and landscape features of historic, architectural, cultural, archeological, educational and aesthetic merit are critical to the character of the county. Moreover, these communities also serve as an important model for the development of new communities in the county, especially as they provide an example of the type of traditional development pattern where a clear distinction is maintained between developed and undeveloped areas. In addition, these existing communities make an important contribution to the diversity of the county in terms of race, age and income.

(3) *Defining and perpetuating an ethic of quality development.* Another important goal is the establishment of a widespread, generalized, approach to development based on quality. While it is recognized that each community approaches development from its own perspective, based on its own needs and opportunities, the goal of the county comprehensive plan is to articulate and encourage a development ethic that fully recognizes the historic and environmental resources of the county and attracts developers and lenders interested in the challenges and opportunities these represent. In return, it recognizes that the regulatory process must be fair and effective.

(4) *Fostering sustainable economic development.* Even as the county has succeeded in attracting and emphasizing quality development in the areas of tourism and second home development, it recognizes that, in a global economy where goods, services and labor compete across national borders, downward pressure on wages in lesser skilled, labor intensive industries, such as tourism, creates a situation where the underemployed residents of the county face the possibility of longterm wage erosion. However, just as the county has been able to realize the benefits of quality development because of its remarkable environmental, cultural and historic heritage, the potential also exists to leverage these assets to attract those high-value, knowledge-based industries such as software, telecommunications and market research, which prize high-amenity environments like the county as a business location. A goal of this plan is to formulate a plan which creates jobs and economic opportunity for all residents of the county, in close proximity to their homes. These jobs should be of sufficient wages and good benefits to allow people to remain in the county, and share in economic growth.

(5) *Managing growth through infrastructure investment.* New growth produces new demands for community services like police, fire and emergency management and new

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facilities like schools, roads, water and sewer service, and stormwater drainage. When this growth occurs in areas unserved by an existing network of services or facilities, it creates fiscal pressures on public budgets and frequently means higher taxes. Coordinating new growth, both in terms of location and timing, with existing or planned infrastructure provides a way to manage this growth so that it is not only appropriate from a land use perspective, but is fiscally responsible and prudent from a public finance perspective, as well.

(6) *Recognizing challenges to growth.* In addition to environmental and fiscal challenges, the comprehensive plan recognizes special features of the county which create other challenges to growth such as the county's cultural diversity, its coastal geography, its vulnerability to natural hazards, and the presence of military installations. When these elements cannot be fully or adequately addressed by general land use policies, they are subject to specifically tailored programs.

(d) *Growth management plan.* Future growth and development will be coordinated, and the land use goals of the county implemented, through a growth management plan which establishes a two-stage framework for land development. The first part of this plan calls for a countywide base density of one unit per three acres. The second part creates performance standards designed to provide for higher or lower densities in given areas depending upon appropriate community character. In general, higher densities are to be limited to urbanized or transitional areas. Higher than base density is not to be allowed in rural areas, except in areas where they contribute to the stock of affordable housing in the county and where they do not adversely affect other conditions. To implement the plan, the county is divided into three planning areas for the purpose of public investment and infrastructure development: priority investment areas; transitional investment areas; and rural investment areas. Priority investment areas will be targeted for investment in publicly funded infrastructure, parkland, schools, roads, and sewer and water facilities. The transitional investment areas are to receive moderate levels of capital investment and are defined as those areas likely to become priority investment areas within a ten- to 15-year time horizon. Finally, rural investment areas are those areas intended to remain rural and to receive limited capital investment and basic services (except, however, where these services are related to this growth management objective, such as for purchase of development rights and open space acquisition). These areas are further explained as follows:

(1) *Priority investment areas.* Priority investment areas are designated according to any one of the following three criteria: the area already has a concentration of public infrastructure, including possibly excess capacity in either infrastructure and/or a number of community services; the area has an existing concentration of homes and/or businesses which themselves might not be fully serviced and has a current source of health and safety issues; or, finally, the area is anticipated to be developed within a five-year time horizon. The purpose of the priority investment area designation is to allow the county to make effective use of tax dollars, to make up deficits related to outlays for infrastructure, to allow the county to phase capital investment for infrastructure, and to coordinate private development plans with the provision of public infrastructure and investment.

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(2) *Transitional investment areas.* Transitional investment areas are those areas of the county likely to become priority investment areas within a five- to ten-year period. However, property owners and developers may accelerate development of property included in this classification by financing the full cost of their own infrastructure and service needs. Review of development projects within the transitional investment area will include a more detailed review to include traffic studies, delineation of wetlands and the mapping of sensitive areas, and detailed site inventory including identification of major tree stands and existing site vegetation.

(3) *Rural investment areas.* The goal of the rural investment area is to protect the rural character of the county which is a central goal of the comprehensive plan. Key issues related to this goal include preventing widespread suburban development; protecting the capacity of roads and highways by minimizing curb cuts and, thus, commercial development along the county's major roads and thoroughfares; and limiting development densities to one unit per three acres in order to adequately handle septic system effluent (since rural areas are outside the service boundaries of sewer and water utilities). The recommendations for the rural investment areas include the creation of rural service areas and resource conservation areas. Rural service areas are designed to stay in their present state and not be targeted for development of public infrastructure. Within rural service areas, design and development standards should reflect rural character and be subject to: a base zoning of 0.3; open space development, particularly when it includes contiguous tracts of land; transfer of development rights; and appropriate wastewater treatment provisions.

(4) *Resource conservation areas.* Resource conservation areas are land areas which share a number of similar characteristics: they are generally difficult to access and include barrier islands and those islands within the major waterways of the county not accessible by land; they have both significant natural and archaeological resources; and they possess sensitive environmental characteristics, such as high water quality impacts from septic systems due to location or soil type. For these reasons, the comprehensive plan recommends that development be restricted and/or limited along the following lines: that development density be no more than one unit per ten acres; that land uses be limited to single-family residential, government, and park and recreation; that the clustering of residential generally be discouraged, due to the problems associated with septic systems; that vegetation of all kinds, but particularly native varieties, be maintained and conserved; and that development along waterways be restricted through the use of 100-foot development buffers.

(Ord. No. 99-12, § 1 (div. 01.100), 4-26-1999)

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Sec. 106-3. Purpose.

(a) In addition to implementing the policies of the county comprehensive plan as established in section 106-2, this section promotes the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the county's present and future inhabitants and businesses by the following:

(1) *Land use patterns and community character.*

a. Establishing rational land use and growth patterns and encouraging the most appropriate use of individual pieces of land in accordance with the 1997 Beaufort County Comprehensive Plan.

b. Dividing the county into districts of distinct community character according to the use of land and buildings; the intensity of such use, including bulk and height; and the surrounding open space, to promote health and safety.

c. Providing suitable transitions between different community character areas to minimize the amount of incompatible land use and adverse impacts on property value.

d. Regulating the location and use of buildings, structures, and land for trade, industry, residences, and other uses.

e. Providing protection from noise, glare, odor, or vibration through buffers and other regulations.

f. Securing adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment.

g. Limiting the bulk, scale, and density of new and existing structures to preserve the desired character of the county and its various neighborhoods for residents and promote and encourage the community's growth and economic health.

h. Encouraging high-quality, attractive, and marketable development for the present and future population and businesses.

(2) *Natural and cultural resources.*

a. Protecting watershed and surface water resources for safe and secure drinking water upon which the county's population depends.

b. Controlling the density, open space, land use, and vegetative cover to prevent surface water contamination.

c. Protecting life and property by avoiding or lessening the hazards of flooding, stormwater accumulation, runoff, or destabilization of soils by district or performance standards.

d. Avoiding or lessening soil erosion hazards.

e. Preserving and protecting areas with limited development potential due to topography, hydrology, soils, or other natural conditions as habitats for wildlife.

f. Respecting the area's history by preserving archaeological, historical, and architectural resources in a form that is as close to their historic use and character as is consistent with the economic realities of the neighborhoods and county.

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(3) *Public infrastructure.*

a. Creating an environment safe from fire, flood, and other dangers.

b. Ensuring adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities and controlling access and by planning and building roads to accommodate anticipated growth.

c. Protecting and enhancing a pattern of streets, arterial streets, and highways that produces a unified, safe, and efficient system for movement.

d. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other hazards.

e. Protecting residential streets from degradation by nonresidential traffic.

f. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities to ensure adequate and safe facilities. When appropriate, establishing and regulating build-to lines to create a pedestrian-scale sense of place.

g. Promoting economy in governmental expenditures.

h. Promoting and encouraging basic public services which meet the needs of the county's citizens and providing for public safety and services that ensure the health of residents and businesses.

(4) *Growth management.* Encouraging development patterns that permit interim land uses when utilities are not available, but do not preclude the desired future pattern of development.

(5) *Justifiable expectations.*

a. Protecting and enhancing the value of land and buildings.

b. Seeking to balance this chapter's impact by permitting clustering at higher densities, and a greater variety of uses to offset restrictions.

c. Protecting landowners from adverse impacts of adjoining developments.

d. Protecting and respecting the justifiable reliance of existing residents and businesses on the continuation of existing, established, and planned land use patterns.

e. Abating nuisances by regulating proximate uses' compatibility using quantifiable performance standards.

f. Maintaining a desirable lifestyle for residents.

(6) *Administration.*

a. Defining the powers and duties of administrative officers and bodies necessary to administer this chapter.

b. Prescribing penalties for violating this chapter.

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(b) Each purpose listed in subsection (a) of this section serves to balance the interests of the general public of the county with those of individual property owners.
(Ord. No. 99-12, § 1 (div. 01.200), 4-26-1999)

Sec. 106-4. Legislative intent.

(a) This chapter is intended to protect the interests of both present and future neighbors and the general public from adverse impacts of land uses. Each standard is developed as a regulatory response to an identifiable negative impact or potential. At the same time, this chapter is intended to respect landowners' rights to a beneficial use of their property. Regulations were designed to use greater flexibility and more development options to protect public rights, while minimizing impact on property owners to the greatest extent consistent with good planning principles.

(b) A sound interpretation of any standard cannot be ensured without a careful analysis of the end to which the regulation is directed. Administrators and other persons shall interpret this chapter based on an understanding of the purposes intended.

(c) The intent of the standards and supporting definitions is to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed land use. To this end, those called upon to interpret this chapter shall proceed as follows:

(1) *Public purpose.* Before any decision is made, the purposes for which the regulation or standard was initially imposed by the legislative body must be explicitly identified. This should include the purposes stated in this chapter and its relevant articles, divisions, or sections, and an examination of the comprehensive plan.

(2) *Impact.* Two questions must be asked to determine the actual impact of various proposed interpretations:

a. Does the interpretation reduce protection to the public or site's occupants?

b. Does the interpretation provide greater freedom to the landowner to use the property?

(3) *Decision criteria.* The decision should permit flexibility in design provided it shall not lower the protection afforded to the public. An interpretation which permits increased design freedom is to be encouraged. An interpretation which provides for any of the following is prohibited:

a. Permitting a use prohibited in the district, or one similar to a prohibited use.

b. An intensity increase in the use beyond the degree specified in this chapter.

c. A decrease in a standard that reduces the protection afforded neighbors, the amount of open space, the environment, or the general public.

d. A decrease in a standard that endangers users of a property or others.

(4) *Balancing rights.* This chapter has been carefully designed to avoid regulations that either sacrifice legitimate public goals, including protecting adjoining property owners,

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or require undue limitations on property owners' abilities to use their land in manners consistent with the county comprehensive plan's goals. Great care has been taken to balance competing groups' rights and achieve maximum protection with flexibility and a range of use options. Interpretations of the sections of this chapter shall not conflict with the county council's legislative intent.

(Ord. No. 99-12, § 1 (div. 01.300), 4-26-1999)

Sec. 106-5. Applicability of chapter.

This chapter shall apply to all development, as defined in section 106-6, within the unincorporated areas of the county, unless expressly exempted or otherwise provided for in this chapter. No development or use of real property shall occur unless authorized pursuant to this chapter. Nothing in this chapter shall act to prohibit the reconstruction, repair or replacement of any single-family residence lost to natural disaster, acts of God, or accidental loss. Any new highway construction by SCDOT that impacts trees, wetlands or water must meet the requirements of this chapter.

(Ord. No. 99-12, § 1 (div. 01.400), 4-26-1999)

Sec. 106-6. Types of development requiring compliance with chapter.

Types of development that must be in compliance with this chapter are as follows:

(1) *Use or construction of building, structure, land, or water.* All construction, modification, or use of any lot, parcel, building, or structure, on land or on water, shall comply with this chapter.

(2) *Disturbance of land, soil, vegetation, or waterways.* Individual or cumulative disturbances of land surfaces of 10,000 square feet or greater shall comply with this chapter. The Standard Building Code and state law, however, may require permits for all types of disturbances.

(3) *Division of land or land development.* All development designs and layouts, whether by metes and bounds, subdivision, or land development, shall comply with this chapter.

(Ord. No. 99-12, § 1 (01.410), 4-26-1999)

Sec. 106-7. Exemptions of development types.

The following development types are exempt from certain requirements of this chapter as follows:

(1) *Exemption 1:* Single-family development and places of worship on lots of record. Any single-family development or place of worship sited on a lot created through recording of a subdivision, prior to the effective date of the ordinance from which this chapter derives, and conforming to the applicable zoning at the time of creation is exempt from

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minimum lot size (area and dimensions) standards and setbacks for its respective zoning district (this does not apply to setbacks from the OCRM critical line). Where single-family development or places of worship on lots of record cannot meet the setbacks for their respective zoning districts, these lots shall adhere to the following minimum setbacks:

a. Single-family development: front—25 feet; side—10 feet; rear—10 feet.

b. Places of worship: front—50 feet (major thoroughfare); ½ ROW (all other roads); side and rear—20 feet with a 10-foot buffer.

(2) *Exemption 2:* Planned unit developments (PUDs).

a. A PUD, including conditional use PUD, approved prior to July 1, 1999, is exempt from this chapter if:

1. The PUD has more than 50 percent of the lots platted and recorded, e.g., "lots of record," or more than 50 percent of the utilities and infrastructure for the entire project completed as of January 1, 2010; or

2. The PUD is deemed a "low-impact" development, which develops less than 25 residential dwelling units, or sells less than 25 lots per year and/or less than 10,000 square feet of commercial area and the rates provided herein are not exceeded. The entire project must be completed as of January 1, 2010.

b. Notwithstanding the above, all PUDs, including conditional use PUDs, are subject to current tree and landscaping standards, fire safety standards, engineering and stormwater management standards, environmental quality standards, parking standards, fee adjustments, and impact fees unless otherwise provided for in a development agreement or in an ordinance that created or amended a particular PUD. On-site stormwater BMPs will be required for new dwellings if approved PUD stormwater management standards do not include current runoff volume controls. In no case will the imposition of stormwater volume controls for lots of record result in the lots becoming unbuildable. The zoning administrator shall be empowered to make this determination at his or her discretion without recourse to the zoning board of appeals for hardship.

c. When a PUD concept plan or master plan lacks a specific provision on a matter such as use, lot size, density or intensity, height, setbacks, buffers, open space or design standards, the following factors shall be considered by the DRT in developing an appropriate standard:

1. Compatibility and consistency with the overall PUD concept plan or master plan;

2. Compatibility with areas near the PUD;

3. Provisions of the ZDSO covering similar matters in areas not in a PUD district; and

4. Any related materials governing the approval of the PUD.

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d. Approved PUDs may seek a development agreement with the county as guided by state law, S.C. Code 1976, Sec. 31-6-31 or an amendment to the PUD as provided for in Article XI, Division 5, Sec. 106-2447.

(3) *Exemption 3:* Utilities. Any public utility or public infrastructure installation is exempt except for applicable tree protection, wetland and river buffer requirements of Article VII, stormwater requirements of Article XIII, Division 4, and applicable standards as specified in table 106-1098 pertaining to local/regional utilities and section 106-1357 pertaining to commercial communication towers.

(Ord. No. 99-12, § 1 (01.420), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-26, 6-12-2000; Ord. No. 2004/23, 6-14-2004; Ord. No. 2009/28, § A, 8-24-2009; Ord. No. 2009/40, 10-26-2009; Ord. No. 2011/17, 6-13-2011)

Sec. 106-8. Exemption from subdivision review.

In order to acknowledge state law regarding certain subdivisions, provide opportunities for simple and minor subdivisions of land and a streamlined review process for each, those landowners proposing the following subdivisions of their land may utilize one of the following applicable options:

(1) *State law exemption.* Certain exemptions from the formalized subdivision review process are permitted when one of the following circumstances are present. Notification to the ZDA by the landowner of the action is required so that inclusion of the information can be attached to the plat:

a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased, and the resultant lots are equal to the standards of the county.

b. The division of land into parcels of five acres or more where no new street is involved (nothing in this chapter shall allow any development, structure or construction on such five-acre parcel in violation of the RC district provisions).

c. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

d. The division of land into parcels for conveyance to other persons through the provisions of a will or similar document, and in the settlement of an intestate's estate.

e. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record.

f. Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property, and not resulting in the creation of new parcels.

g. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including the following:

1. The creation or termination of leases, easements, or liens.

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2. The creation or termination of mortgages on existing parcels of record, approved subdivisions or commercial projects, partly or undeveloped land.
3. Lot line corrections on existing recorded properties.
4. The creation, termination or amendment of private covenants or restrictions on land.

h. A transfer of title to land not involving the division of land into parcels.

(2) *Minor subdivision exemption.* These subdivisions shall be exempt from certain review requirements that larger subdivisions must comply with. Individual homes in these subdivisions are required to meet on-site stormwater requirements (section 106-2865) unless the subdivision waives exemption. All other appropriate standards of this chapter shall be adhered to. The ZDA shall review and approve minor subdivisions complying with the specific requirements explained as follows:

a. Minor subdivisions are exempt from DRT review and the site capacity analysis in article VII, except for the calculation of the base site area, provided the subject land has not been previously subdivided within five years.

b. During the preapplication conference, the applicant shall discuss the location of existing forested areas, specimen trees and wetlands on the property proposed for subdivision with the ZDA, whereby the ZDA shall determine the appropriateness of the proposed property lines, and whether the required open space easement or street yard buffer would be more appropriate. The ZDA shall also explain the significance of protecting specimen trees, forested areas and wetlands, through literature handouts.

c. The applicant shall be required to provide the option in subsection (2)c.1 or (2)c.2 of this section, which shall be indicated on the plat, and all minor subdivisions shall comply with subsections (2)c.3 through (2)c.5 of this section as follows:

1. Designate the percentage of open space required in table 106-1526 within the proposed subdivision; or
2. Provide a 25-foot natural vegetated street yard buffer along all streets (public and private, including access easements) that the proposed lots have frontage:
   i. For the purposes of this section, the required buffer shall consist of trees, shrubs and natural growth that maximize opacity of the interior portions of the subdivided lots from the adjacent streets;
   ii. Where no existing vegetation is present, the applicant shall provide landscaping according to section 106-1680, bufferyard landscaping standards, every 40 feet of buffer length;
   iii. Where only a portion of the required buffer is absent of vegetation, the applicant shall discuss with the ZDA, landscaping methods for restoring the missing buffer to full compliance with this section; and

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3. The ZDA shall review the proposed minor subdivision to determine if additional studies, maps or information is required before approval of the subdivision can be granted;
4. Minor subdivisions in the rural and rural residential districts which include private access easements with the potential to serve no more than four lots total may be 40 feet wide without gravel surface improvements ditches, as long as documentation from the local fire official is provided, stating that emergency vehicles can be accommodated; and
5. Proposed minor subdivisions that do not meet the requirements of this section or are not consistent with environmental or public safety standards shall require consideration and approval by the DRT, and subject to all standards required in division 2 of article XII of this chapter.

(Ord. No. 99-12, § 1 (01.430), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2008/8, 2-25-2008; Ord. No. 2011/17, 6-13-2011)

Sec. 106-9. Nonconformities.

(a) *Purpose.* This section regulates nonconforming uses, buildings and structures, lots, and signs. This chapter recognizes that nonconformities vary in the degree of conflict, annoyance, incompatibility, or hazard to the surrounding community. The purpose of regulating nonconformities is to gradually increase the degree of compatibility and functionality within zoning districts. All nonconforming uses, buildings and structures, lots and signs shall be encouraged to become conforming, while attempting to minimize disruption of surrounding, established, conforming situations. Over time, this chapter will lead to greater conformity and functionality within zoning districts as nonconformities are abandoned, damaged, or converted to conforming status. It is recognized that this is a slow and gradual process, and not one that is intended to be unduly disruptive to a property owner or a community. Rules and procedures are intended to balance the desire to eventually eliminate the nonconformity against the degree of the problem and the landowner's rights. Table 106-9 provides a detailed description of types of nonconforming situations, and limitations and standards for each.

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TABLE 106-9. DESCRIPTION OF NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

Type	*Definition*	*Standards for Use or Expansion*	*Conversion to Conforming Use*	*Termination by Damage or Abandonment*	*Additional Information*
Uses	Any existing use not permitted in the general use table 106-1098 is a nonconforming use.	15 percent disturbed area expansion allowed within required setbacks and with maximum feasible buffers.	Nonconforming uses may become conforming by correcting the nonconformity or through approval of a special use permit. See subsection (b) of this section.	Nonconforming uses with damage greater than 50 percent of their market value shall be replaced by conforming uses, except as otherwise provided. Abandonment by damage: Any partially destroyed nonconforming use shall be considered abandoned if substantial reconstruction (see section 106-18) of the damaged use has not been initiated within 180 days of the destruction date. Voluntary abandonment: Any use shall be considered abandoned if vacant or unused for 120 days. Abandoned uses shall only be replaced with conforming uses.	A nonconforming single-family use may be continued following a fire or natural disaster so long as that use is resumed within one year and all applicable building codes are met.
Buildings and structures	Buildings and structures are nonconforming if they exceed floor area, setback or density standards by 20 percent or have less than 75 percent of required open space or landscaped surface.	Expansions of up to 15 percent are allowed provided setbacks are not reduced and maximum feasible landscaping and buffers are used. A building's intrusion into setbacks shall not project further into the setback than at present. Nonconforming structures may expand only within the existing setback requirements.	Nonconforming buildings and structures may become conforming by correcting the nonconformity or through approval of a special use permit. See column at left and subsection (b) of this section.	Nonconforming buildings or structures with damage greater than 50 percent of their market value shall be replaced by conforming buildings or structures, except as otherwise provided. Note: Regardless of the percentage of damage, any building that is deemed unsafe by the building codes official and a threat to life and safety of repair crews, the public, or neighbors shall be ordered demolished and terminated. Abandonment by damage: Any partially destroyed nonconforming building or structure shall be considered abandoned if substantial reconstruction (see section 106-18) of the damaged building or structure has not been initiated within 180 days of the destruction date. Voluntary abandonment: Any nondamaged building or structure shall be considered abandoned if vacant or unused for 120 days. Abandoned buildings or structures shall only be replaced with conforming buildings or structures.	A single-family residential structure may be rebuilt within one year of a fire or natural disaster without meeting zoning standards so long as all applicable building codes are met.

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Type	*Definition*	*Standards for Use or Expansion*	*Conversion to Conforming Use*	*Termination by Damage or Abandonment*	*Additional Information*
Lots	Lots are nonconforming if they do not: (1) meet area, width, or frontage standards, and (2) have approved water, septic, or sewer systems.	When a nonconforming lot is sold to an adjacent landowner, the lot must be combined with the adjoining lot to create a conforming lot.	Nonconforming lots may become conforming by correcting the nonconformity or through approval of a special use permit. See subsection (b) of this section.	Not applicable.	Development on nonconforming lots may not fall below the standards of table 106-1526 and/or 106-1556 by more than 10 percent. Any development seeking to fall below these standards by more than 10 percent must obtain a variance.
Signs	Off-premises signs, billboards, pole signs, and other signs not in conformance with this chapter are prohibited.	Existing nonconforming, on-premises signs may remain in place as long as they are maintained in good condition. Off-premises signs in right-of-way may be removed by the county without notice.	N.A.	Abandonment by damage: Abandoned or nonconforming signs requiring repairs exceeding 50 percent of the sign's value shall be replaced by conforming signs. Voluntary abandonment: Signs are considered abandoned if unused for 60 days. Any partially destroyed nonconforming sign shall be considered abandoned if action is not initiated to have it inspected to determine if it can be rebuilt within 60 working days of the destruction date.	Nonconforming signs that have been abandoned or damaged must be removed within 60 days of notice by the county (see division 4 of article XV of this chapter).

(b) *Procedure for becoming conforming.* Nonconformities may become conforming as follows:

(1) *Types of situations.* The following are three types of situations whereby a nonconforming use, building, structure, lot or sign can become conforming:

a. *Correct the nonconforming situation.* If the nonconformity is terminated and a different use is proposed which is permitted within the subject zoning district, the ZDA shall ensure that all standards for the proposed use, building, structure, lot or sign within the zoning district are met. Once this review by the ZDA is completed and approved, the new use, building, structure, lot or sign shall become conforming through issuance of the appropriate permit. Note: Where a proposed change of use is different than the nonconforming use, and a special use permit is required according to table 106-1098, the procedures beginning in subdivision IV of division 3 of article III of this chapter must be followed.

b. *Apply for special use permit as nonconformity.* Many nonconformities have existed in their neighborhood locations for a long time. In fact, some may have only recently become nonconforming. In some instances, the nonconformity is even an integral part of the neighborhood's function. Since zoning's purpose is to protect neighborhoods, and if the community is comfortable with the particular

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nonconformity, the classification "nonconformity" may run counter to community desires. Under such conditions, the nonconforming situation may be mitigated and made conforming through application for, and approval by the ZBOA for a special use permit. The purpose of this is to remove the stigma typically associated with the designation of being nonconforming with this chapter. The provisions of this section for nonconforming uses, buildings, structures, and lots provide the procedures for making a nonconformity become conforming. In no case shall nonconforming signs be approved as a special use.

c. *Apply for special use permit to adaptively reuse nonconforming historic structures.* Beaufort County has a rich inventory of vernacular architecture, much of which is being lost to redevelopment and neglect. Protection of these older structures is a goal of the Beaufort County Comprehensive Plan. For buildings listed in the Beaufort County Above Ground Historic Resources Survey (1997), or eligible to be listed in the survey as determined by the Historic Preservation Review Board, a special use permit to make the site conforming may be approved by the ZBOA even if the structure has been vacant for more than 120 days and/or is damaged more than 50 percent of market value. The proposed use of the structure shall be the same or similar to its historic use, unless the ZBOA determines that another use is compatible with the surrounding community. In addition to the required submittals for a special use application, the applicant shall provide plans for rehabilitation of the structure, which shall be reviewed and approved by the historic preservation review board and corridor review board, if applicable, prior to final approval of the special use permit.

(2) *Procedure for mitigating nonconformity by special use permit.* Owners of nonconforming uses, buildings, structures, or lots may apply for a special use permit to become conforming without changing the use or necessarily modifying the entire physical nature of the nonconformity. The special use permit application is reviewed by the DRT who then provides a recommendation to the ZBOA for a final decision. The DRT and ZBOA, at their discretion, shall require the following studies and reports from the property owner as part of their consideration in deciding whether to approve the request and/or how much of the request to grant:

a. *Operation plan.* This shall include a site plan of the entire site, and narrative defining the specific elements of the use that may create problems; for example: exhaust fans, air conditioning and mechanical equipment, junk, exterior storage, lack of buffering or other landscaping, visual conditions, intrusion into yards close to neighbors, and the use of the adjoining property, as well as the general impact on the community as a whole will be considered. Reductions in hours of operation, noise, odor, dust and/or exterior storage shall be considered beneficial and will favor approval of the special use permit. Increases in landscaping, buffers, or improved building quality and materials shall also be considered beneficial.

Note: Where an expansion of a nonconforming use is proposed, elements of the use identified as a nuisance to adjoining properties by the ZBOA shall be

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mitigated as a condition of approval. Additional conditions shall include one or more of the following: additional buffering, fences or landscaping, relocation of doors, waste storage or exterior storage, cleaning up of the site, or mitigation of other problems with the use. The purpose of the additional conditions shall be to give the same level of protection to neighbors that would be afforded by a conforming structure. The degree to which mitigation is accomplished by additional conditions shall effect the degree of expansion or other approval granted the nonconformity.

b. *Community impact statement (CIS).* See subsection 106-366(g). The CIS consists of four separate assessments, including the following:

1. The area impact assessment;
2. The environmental impact assessment;
3. The traffic impact assessment; and
4. The archaeological and historic impact assessment.

One or all of the assessments shall be required depending on the applicant's proposal, as required by this chapter. The CIS, or portions thereof, will assist the DRT and the ZBOA in determining whether the proposed change in the nonconformity is more, equal or less intensive than the existing use, and if it significantly lessens the adverse impacts to surrounding and nearby property owners. A study of how the proposed mitigation of the nonconformity affects the surrounding and nearby neighborhoods and properties shall be assessed, and shall be part of the CIS.

(3) *Criteria for approval of nonconformity through special use permit.* In addition to the standards and criteria for special use permit approval set forth in subsection (b)(2) of this section, in division 2 of article V of this chapter and subdivision IV of division 3 of article III of this chapter, the applicant shall meet the following requirements:

a. Demonstrate that the nonconformity, as conducted and managed, has minimal incompatibilities that have been integrated into the neighborhood's function. Factors to evaluate this criteria include the following:

1. The neighborhood residents patronize or are employed at the use (for nonresidential uses).
2. Current management practices that eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
3. The nonconformity's history of complaints against it.
4. The nonconformity has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.

b. The DRT shall review the application and require in writing any conditions relative to the expansion of bufferyards, landscaping, or other site design. The review may also contain specific limitations believed necessary to address any concerns that as a conformity it might become a nuisance.

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c. The ZDA shall submit a list of all the property's nonconforming conditions.

d. The ZBOA shall determine that the nonconformity is generally integrated into the neighborhood and has minimal adverse impacts. Upon that finding, the ZBOA may require conditions it deems necessary to protect the public health, safety and general welfare.

e. Sign mitigation shall not be permitted under any circumstance.

(4) *Effect.* Upon granting a special use permit, the ZBOA shall require that a notation be placed on the official zoning maps stating that the property is a special use. Granting the special use permit makes the use, building or structure, or lot conform to the specifics of the special approval, eliminating the nonconformity.

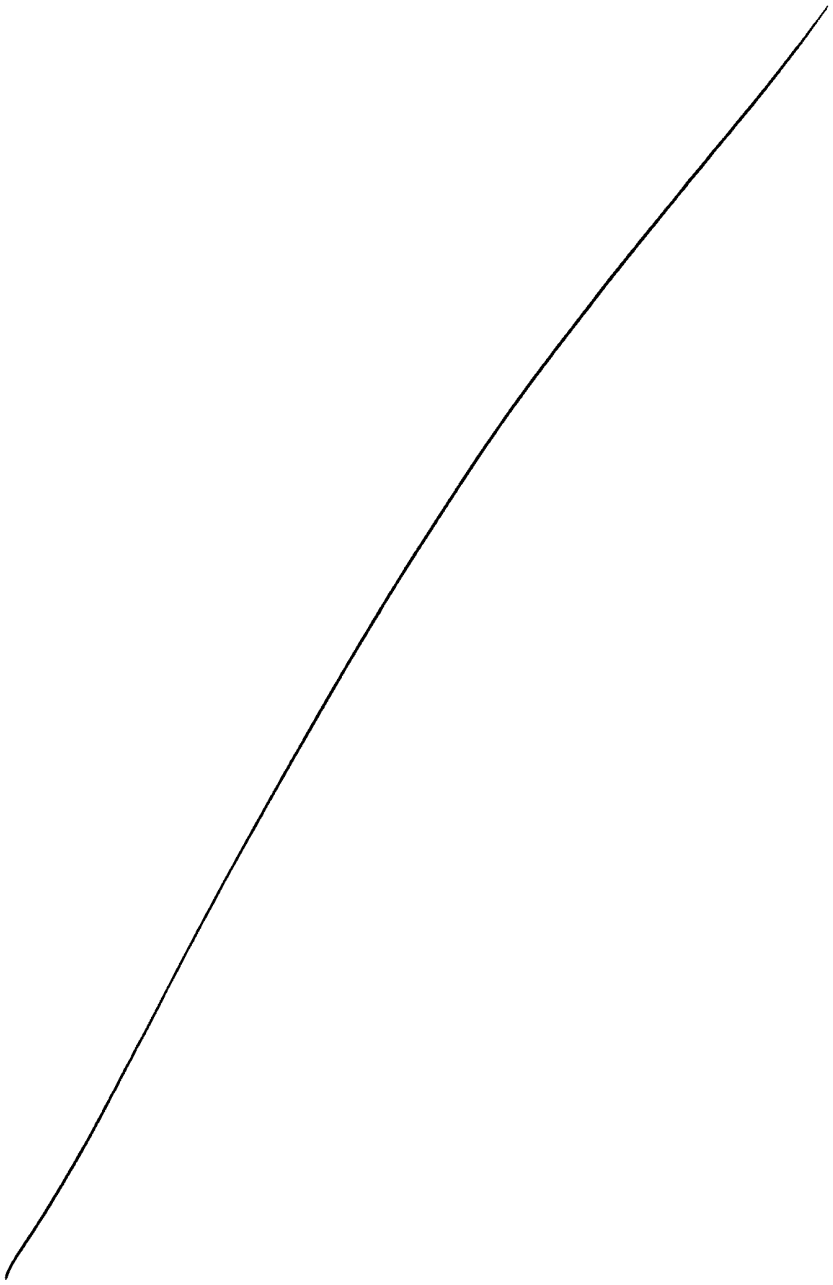
(Ord. No. 99-12, § 1 (div. 01.500), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2010/22, 9-27-2010)

Sec. 106-10. Authority.

The county council is authorized to adopt this chapter pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq., as amended.

(Ord. No. 99-12, § 1 (01.610), 4-26-1999)

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Sec. 106-11. Severability.

If any article, division, section, paragraph, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected. If any application of this chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.
(Ord. No. 99-12, § 1 (01.620), 4-26-1999)

Sec. 106-12. Repealer.

This chapter specifically repeals Ordinance No. 90-3, as amended, except for PUDs vested under the terms of this chapter, and all other ordinances or parts of ordinances in conflict with the provisions of this chapter.
(Ord. No. 99-12, § 1 (01.630), 4-26-1999)

Sec. 106-13. General usage of definitions.

The words, terms and phrases used in this chapter shall have the meanings ascribed to them in section 106-18, except where the context clearly indicates a different meaning.
(Ord. No. 99-12, § 1 (div. 23.000), 4-26-1999)

Cross reference—Definitions generally, § 1-2.

Sec. 106-14. Rules of construction.

The following provisions and rules shall be observed and applied when interpreting this chapter, except when the context clearly requires otherwise:

(1) Words used or defined in one tense or form shall include other tenses or forms.

(2) Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.

(3) The masculine gender shall include the feminine. The feminine gender shall include the masculine.

(4) The word "may" is permissive.

(5) The word "person" includes individuals, partnerships, firms, corporations, associations, trusts or any employees, assistants, agents and any other similar entities or combination of individuals.

(6) The word "shall" is mandatory.

(Ord. No. 99-12, § 1 (div. 23.100), 4-26-1999)

Sec. 106-15. County terms.

The following words, terms and phrases pertaining to the county, when used in this chapter, shall have the following meanings:

Board means the board of adjustments and appeals, corridor review board or historic preservation review board, whichever is relevant to the referenced section.

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Building code means the current county building code.

Comprehensive development plan means the Comprehensive Plan of Beaufort County. It includes all maps, charts and explanatory materials adopted on December 15, 1997, and any subsequent amendments thereto.

Council means the Beaufort County Council.

County means Beaufort County, South Carolina.

County Engineer means the Beaufort County Engineer.

CRB means the corridor review board.

Department means the department of planning.

DRT means the development review team.

HPRB means the historic preservation review board.

Planning commission means the county planning commission, formerly known as the joint planning board.

Register of deeds means the county office of register of deeds.

ZBOA means the zoning board of appeals, formerly known as the zoning board of adjustment and appeals.

ZDA means the zoning and development administrator.
(Ord. No. 99-12, § 1 (23.110), 4-26-1999)

Sec. 106-16. State agencies and terms.

The following words, terms and phrases pertaining to state agencies and terms, when used in this chapter, shall have the following meanings:

DHEC means the state department of health and environmental control.

DNR means the state department of natural resources.

OCRM means the state office of ocean and coastal resource management.

SCDOT means the state department of transportation.

State means the State of South Carolina.
(Ord. No. 99-12, § 1 (23.120), 4-26-1999)

Sec. 106-17. Abbreviations.

The following abbreviations are used in this chapter:

AASHTO	American Association of State Highway and Transportation
ac.	Acre
BMPs	Best management practices

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BOCA	Building Officials and Code Administrators International, Inc.
dbh	Diameter at breast height for a tree
SCDOT	South Carolina Department of Transportation
SHPO	State historic preservation office
DHEC	State department of health and environmental control
DNR	State department of natural resources
du or du's	Dwelling unit(s)
FAR	Floor area ratio
FEMA	Federal Emergency Management Agency
ft.	Feet or foot
GD	Gross density
GFA	Gross floor area
GFAR	Gross floor area ratio
Ldn	Day-night level
LOS	Level of service
LSR	Landscape surface ratio
max.	Maximum
min.	Minimum
na. or N.A.	Not applicable
NAICS	North American Industrial Classification System
ND	Net density
NFAR	Net floor area ratio
OSR	Open space ratio
sf. or sq. ft.	Square feet or square foot
S.F.	Single-family

(Ord. No. 99-12, § 1 (23.130), 4-26-1999)

Sec. 106-18. Definitions.

This section contains the definition of words used in this chapter. For definitions of specific uses not found in this sections 106-13 through this section, please refer to section 106-1098 and/or division 4 of article III.

Abandoned sign means a sign which is erected on property in conjunction with a particular use which has been discontinued for a period of 90 days or more, or a sign the contents of which pertain to a time, event or purpose which no longer applies.

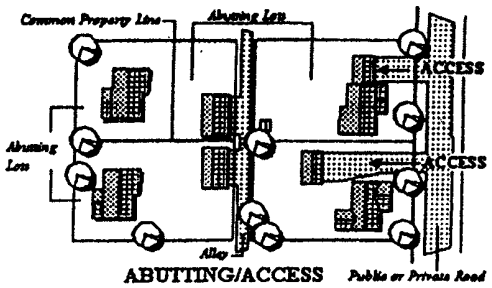
Abandonment means that the use, structure, or sign is not used, occupied, or otherwise operating for the intended nonconforming activity for the period specified in table 106-9. Periods of active remodeling during which the use is closed for repairs should not be considered in determining abandonment, provided the remodeling is completed within a reasonable time period as indicated on the zoning permit issued for remodeling nonconforming use. Abandonment of signs shall mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

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Abutting means two lots sharing the same, or common, property lines, including lots separated by an alley. See figure 106-18(1).

Access means an area designated as a way for vehicles to enter or leave a property or lot to a public or private street or alley. Access is intended to permit residents to bring their vehicles onto the property, customers or tenants to park, and to provide for public access in emergencies. See figure 106-18(1).

Figure 106-18(1)



Access easement means that portion of a lot used for ingress/egress to an abutting lot and shown on a record plan by a recorded easement declaration. In no case shall a street right-of-way be construed to mean an easement.

Accessory building means a building detached from a principal building located on the same lot, and which is incidental and subordinate to the principal use or building.

Accessory dwelling unit means an attached or freestanding habitable dwelling unit subordinate to the principal single-family dwelling that provides the basic requirements of shelter, heating, cooking, and sanitation.

Accessory use means a use of land or a building, or portion thereof, incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

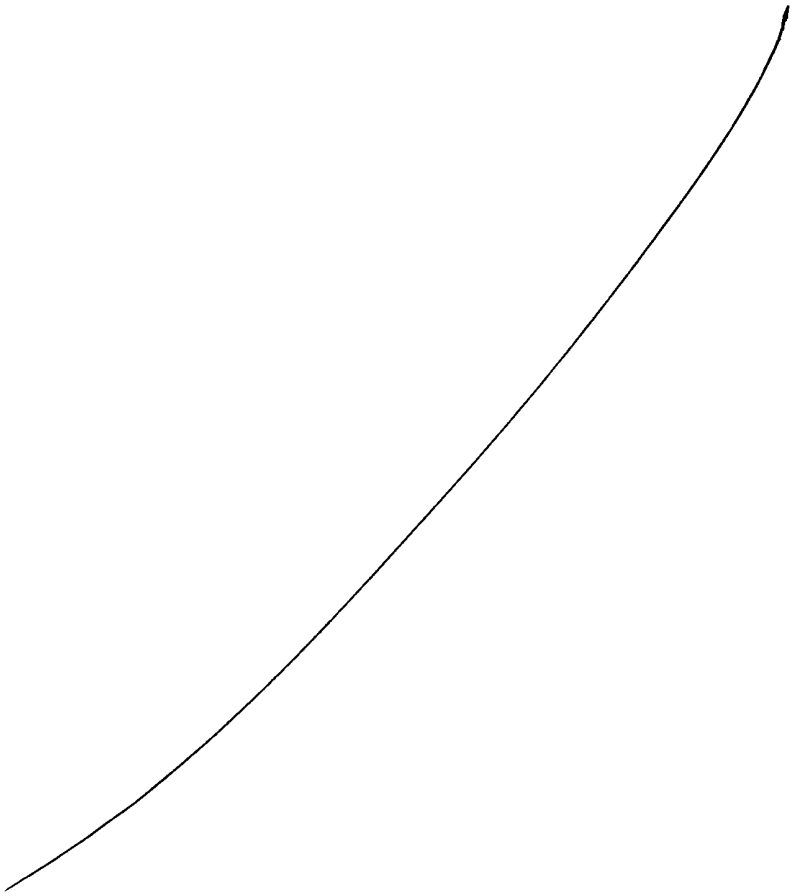
Accident potential zone (APZ) means the area lateral to, and immediately beyond, the ends of runways along primary flight paths.

Active recreation means recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas, biking trails and golf courses are examples of active recreation uses. Also see *Passive recreation.*

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Addition means any construction which adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area, or height of a building or structure. Examples of an addition are: a porch, carport, new room, roof configuration, etc. Also see *Conversion, building or use* and *Structural alteration.*

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Airport means a tract of land or water that is maintained for the landing and takeoff of aircraft, and for receiving and discharging passengers and cargo, and that usually has facilities for the shelter, supply and repair of planes.

Airport environs means those areas identified according to their accident potential and/or noise rating.

Airport obstruction means a structure or object or object of natural growth or use of land which would exceed the federal obstruction standards which obstructs the airspace required for flight of aircraft in landing or taking off of aircraft.

Airspace height means the determination of height limits in all zones set forth in the airport districts, the datum of which shall be above mean sea level elevation unless otherwise specified.

Airstrip means a runway without normal airbase or airport facilities.

Alley means a secondary means of ingress and egress serving more than one tract of land and used primarily for vehicular service, and which may be used for public utility purposes. Also see *Street, service.*

Alter or *alteration* means a change in the appearance of a building, structure, site, or object, which is not otherwise covered by the definition of demolition, or any other change for which a permit is required pursuant to this chapter.

Alteration means a change in the external architectural or environmental features of any historic resource; a change in the landscape features of any historic site or place; and/or work having an adverse effect upon designated archaeological resources; and/or a reconstruction or alteration of the size, shape or facade of a historic resource, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements; and/or demolition or relocation of a historic resource; and/or commencement of excavation for construction purposes; and/or the erection, alteration, restoration or removal of any building or other structure within a historic resource or district, including walls, fences, steps and pavements or other appurtenant features.

Ancillary uses means uses subordinate to the principal use being conducted on a lot located either on the same lot as the proposed uses or on a separate lot, but which provide services convenient to the operation of the principal use.

Antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Apartment means a multifamily dwelling unit contained in a building comprised of three or more dwelling units, each having an entrance to a hallway, stairway or balcony in common with at least one other dwelling unit. See figure 106-2406.

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Appeal means a way to obtain review of a decision, determination, order, or act of an administrative agency pursuant to the terms of this chapter. See division 6 of article III of this chapter.

Applicant means a person, firm or governmental agency who executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated by this chapter.

Approach/departure zone means an area longitudinally centered about each runway centerline extended, beginning 200 feet beyond each end of the primary zone and extending outward for 25,000 feet. The width of the approach clearance zone is the same as the primary zone, uniformly flaring to 8,000 feet at 25,000 feet distance. An approach zone is designed for each runway based upon the type of approach available or planned for the runway end.

Approval means final approval given by a department, board, commission, or when county council action is required for final approval, approval means the adoption of all necessary ordinances, resolutions or the signature of the chair of the county council when no ordinance or resolution is required.

Approved segment means a portion of a subdivision street for which a developer has posted a bond, letter of credit, or other surety with SCDOT or the county to ensure completion of specified public or private street improvements.

Aquiculture means the cultivation and/or production of aquatic resources including fish, crustaceans, mollusks and aquatic plants.

Aquifer means a body of rock (sand, gravel, or crystalline) that contains sufficient saturated permeable material to yield economically significant quantities of groundwater to wells.

Arterial street, minor. See minor arterial road.

Arterial street, principal. See principal arterial road.

As-built plans means a set of engineering or site drawings that delineate the lot lines, roads, water, sewer, other utilities, and stormwater management facility as actually constructed.

Atrium house means an attached, one-story dwelling unit with private individual access for a single family. Each unit shall have a private yard called an atrium. The entire lot area of atrium and house shall be enclosed by a wall. All living spaces (that is, living rooms, dens or bedrooms) shall face an atrium. An atrium house is permitted only in planned developments as provided in articles V and VI of this chapter. See figure 106-2406.

Attic means the area between roof framing and the ceiling of the rooms below, and that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Awning or *canopy* means a structure partially attached or entirely supported by a wall, and which is covered by canvas, cloth, plastic, other similar material, used as a protective cover for a door, entrance, window, walkway, or service area.

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Back-to-back sign means a sign that is constructed on a single act of supports which may have two messages visible on either side, provided double message boards are physically contiguous.

Barrier islands are highly dynamic landforms, fronting the open ocean, and constantly reshaped by wind, waves and tidal currents. The barrier islands are mostly sandy and range from excessively drained to very poorly drained. Barrier islands are not independent entities; they function as part of an overall coastal geomorphic system involving water, wind, and sediment transport and sand budgets. Beaufort County's barrier islands consist of Harbor, Hunting, Fripp, Pritchards, Capers, St. Phillips, Bay Point, Hilton Head and Daufuskie. Most of the beaches on the barrier islands are highly unstable, and many are moving inland at a rate of a few inches to more than twenty feet each year (Hunting Island). In several areas the barrier island beaches or dunes are enlarging. Beach erosion is the result of tidal currents, and storm and hurricane winds.

Base flood, also called the 100-year flood, means a measure of flooding of a specific magnitude used as a standard in the National Flood Insurance Program. The base flood has a one-percent chance of occurrence in any given year.

Base site area means a calculated area obtained by subtracting various land areas from the gross site area. See section 106-1813.

Basement means the lowest level or story of a structure which has its floor below grade and which is at least 50 percent below the average finished grade of the building. For purposes of establishing building height, a basement shall not count toward the maximum number of stories allowed. Also see *Story, first.*

Beach-dune is an environmental unit that includes the beach and primary dune area. The beaches include all soils classed as coastal beaches by the Soil Survey of Beaufort and Jasper Counties, South Carolina, United States Department of Agriculture, Soil Conservation Service.

Benchmark means a definite point of known elevation and location, and of more or less permanent character. The identity and elevation shall be based on NAD 1927/National Geodetic Vertical Datum (NGVD) 1929 or NAD 1983/National Geodetic Vertical Datum (NGVD) 1988.

Best management practices (BMPs) means that combination of conservation measures, structures, vegetation or management practices, that reduces or avoids adverse impacts of development on adjoining site's land, water, or waterways and water bodies.

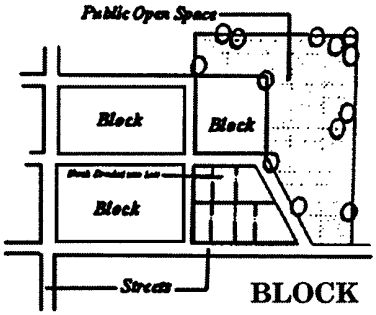
Best management practices, on-site means mandated individual dwelling stormwater practices determined by the amount of impervious surface on lot. Used when not covered in a community or regional stormwater management for both volume and quality.

Billboard. See *Sign, off-premises.*

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Block means a piece of land surrounded on all sides by streets or other transportation rights-of-way, or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots. See figure 106-18(2).

Figure 106-18(2)



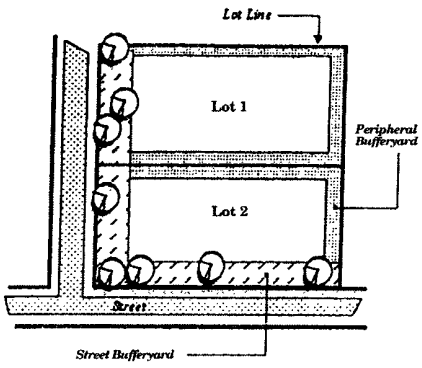
BLOCK

Buffer means a designated area between two uses deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise preclude such incompatibility by some combination of construction design, vegetative plantings, fences and/or maintenance practices which shall be permanently maintained.

Buffer, river. See *River buffer.*

Bufferyard means a strip of land on the periphery of a property created to visually separate one type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or screen undesirable uses. See figure 106-18(3).

Figure 106-18(3)

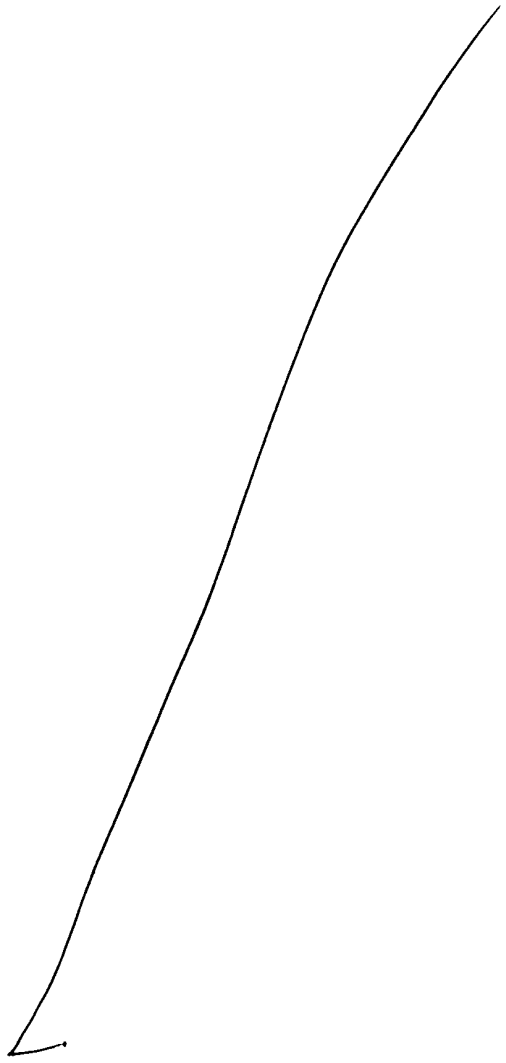


BUFFERYARDS

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Buildable area means the space remaining on a lot after the minimum open space or landscape surface requirements, bufferyards and setbacks have been met. See figure 106-18(4) and *Net buildable site area.*

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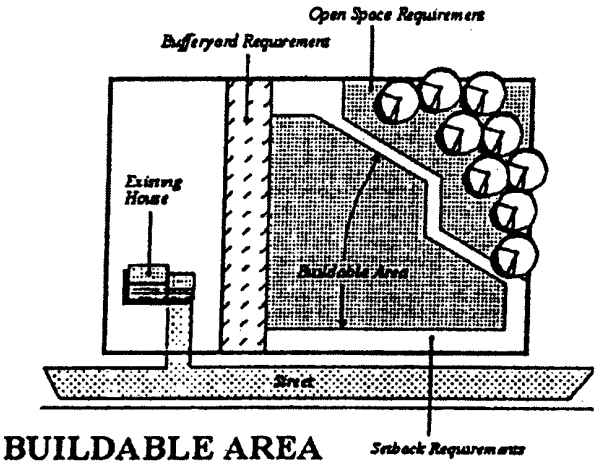


Figure 106-18(4)

Building means a structure built on a lot, having a roof, and intended to shelter people, animals, property or business activity. Any structure used or intended to be used for supporting or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

Building code. See section 106-15.

Building front means that exterior wall of a building which faces the front lot line.

Building height. See *Height, building.*

Building line means that line formed by the rear, side, and street setbacks. Also see *Buildable area.*

Building official means the director of the building codes department or the director's designee.

Caliper means the diameter of new landscape plantings measured six inches above ground.

Canopy tree. See *Tree, canopy.*

Certificate of appropriateness means a document issued by the historic preservation review board following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Certificate of occupancy means a statement signed by the building official setting forth that a building, structure, or use legally complies with this chapter and the building code, and that the building, structure, or use may be used for the purposes stated therein.

Certificate of zoning compliance means certification by the ZDA that a building or use complies with all regulations of this chapter.

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Clean fill means a nondecomposable, environmentally inert solid, such as rock, soil, gravel.

Clear zone means the fan-shaped area 1,500 feet wide at the end of the runway expanding to 2,284 feet wide 3,000 feet from the end of the runway.

Clearcutting means the practice of wholesale, complete removal of all trees, disturbing shrubs, or other vegetation in the process. This definition does not include the selective removal of trees on a building pad or normal maintenance of vegetation.

Cluster, single-family means a development pattern or design technique in which lots or homes are grouped together rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space and the preservation of natural resources. See figure 106-18(5).

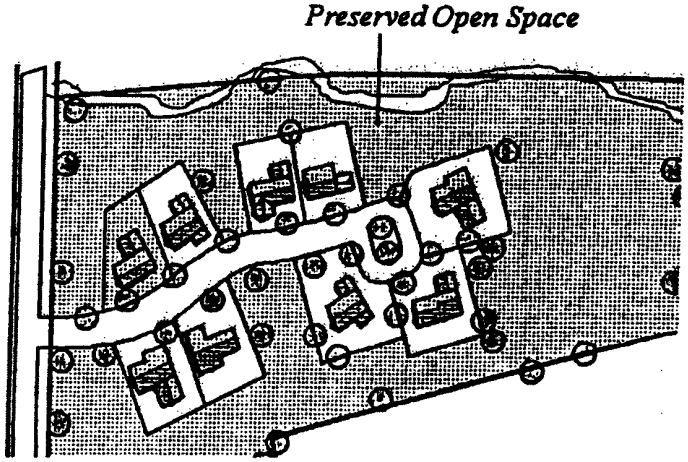


Figure 106-18(5)

Coastal high hazard area means a flood hazard area subject to high velocity waters.

Coefficient of runoff means a number used as a multiplier in measuring the change of stormwater runoff.

Collector, residential means a street intended to gather traffic from local residential streets and convey it to higher levels streets. It is found only in residential areas or developments, serves more than 240 dwelling units, and is not intended to serve individual residential lots. See *Street, residential collector.*

Collector street, major. See major collector road.

Collector street, minor. See minor collector road.

Collocation study means a study used to determine the availability of existing sites for locating antennas with other similar uses, so that the development of new sites can be avoided.

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Commencement of construction means that a building permit or other written permit required to be issued by the department has been issued and work has commenced under such permit which is recognizable upon an inspection of the property. The work is also of a nature and character that reflects a good faith intention to continue the work until completion. Examples include the clearing of rights-of-way, rough grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

Commercial sign. See *Sign, commercial.*

Common facilities refers to all private open spaces designated on the record plan, and also any common areas or common amenities that may be depicted on the record plan, including but not limited to streets unless accepted for dedication by the county or SCDOT, curbs, sidewalks, stormwater management facilities including recharge systems, parks, recreational facilities, fire hydrants, landscaping, parking areas, rights-of-way, easements, monuments and markers, and all improvements located thereon.

Common land means that land set aside for open space, including stormwater retention lakes, ponds or recreational use areas for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use and enjoyment of the lot owners.

Common parking means any parking area shared by occupants of two or more dwelling units.

Communication tower (commercial) means a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television receiving antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Commercial communication towers can either be conventional, monopole, camouflaged or stealth:

(a) *Conventional tower:* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers and other similar structures.

(b) *Monopole tower:* A telecommunication tower consisting of a single pole constructed without lattice-work and without guy wires or ground anchors.

(c) *Camouflaged tower:* Any wireless communication tower that is designed to hide, obscure or conceal the presence of antennas and the tower. Examples include but are not limited to, clock towers, bell towers, church steeples, utility poles, flag poles, light poles, tree towers, stadium lights and water towers.

(d) *Stealth tower:* A tapered monopole that is equipped with visually low impact antenna mounts of wireless communication service providers. Examples include, but are not limited to, low profile mounts, close mounts and side arm antennas.

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Community facilities means facilities and services required to serve new development, including but not limited to:

(1) Roads, streets, highways, bridges and public transportation facilities.

(2) Water supply production, treatment and distribution facilities.

(3) Sewage collection, treatment and disposal facilities.

(4) Drainage facilities.

(5) Parks, open space and recreation facilities.

(6) Public primary and secondary schools.

(7) Police protection services.

(8) Fire and paramedic services.

(9) Libraries.

Comprehensive amendment means any map amendment affecting all land in a district, or any change in a map affecting more than 100 lots or parcels of land.

Condominium means a multifamily dwelling, or single-family detached or attached dwelling, governed by the (add applicable S. C. condo statute).

Conical zone means an area extending outward and upward from the periphery of the inner horizontal zone at a slope of 20:1 for 7,000 feet.

Conservation means the planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Conservation easement means a portion of a lot that is covered by an easement, running in favor of the county, or a nonprofit agency providing that such land shall be left in a natural state or open space access easement. The area of the lot, exclusive of the easement, shall meet the minimum lot area requirements of article VI of this chapter.

Construct or *construction* means the erection of a new building, structure, or object upon a site.

Constructed wetland means a low-lying area artificially created by dredging, damming, or leveeing of earth for the retention of water, and the establishment of a hydrophytic vegetative community.

Construction buffer means a specific separation distance that serves to absorb the impact of land disturbing activities and protect a designated resource area.

Contiguous means land that abuts other land, that are separated only by streets, ways, pipelines, electric power lines, conduits or rights-of-way, owned in fee or less than fee, by third parties.

Contributing building, structure, site or object means a building, structure, site, or object within a historic district that reflects the historical or architectural character of the district.

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Conversion, building or use means the process by which the original use of a building or land is changed to a different use. See also *Addition* and *Structural alteration.*

Copy area includes the entire sign area, excluding trim, moldings, battens, cappings, and nailing strips.

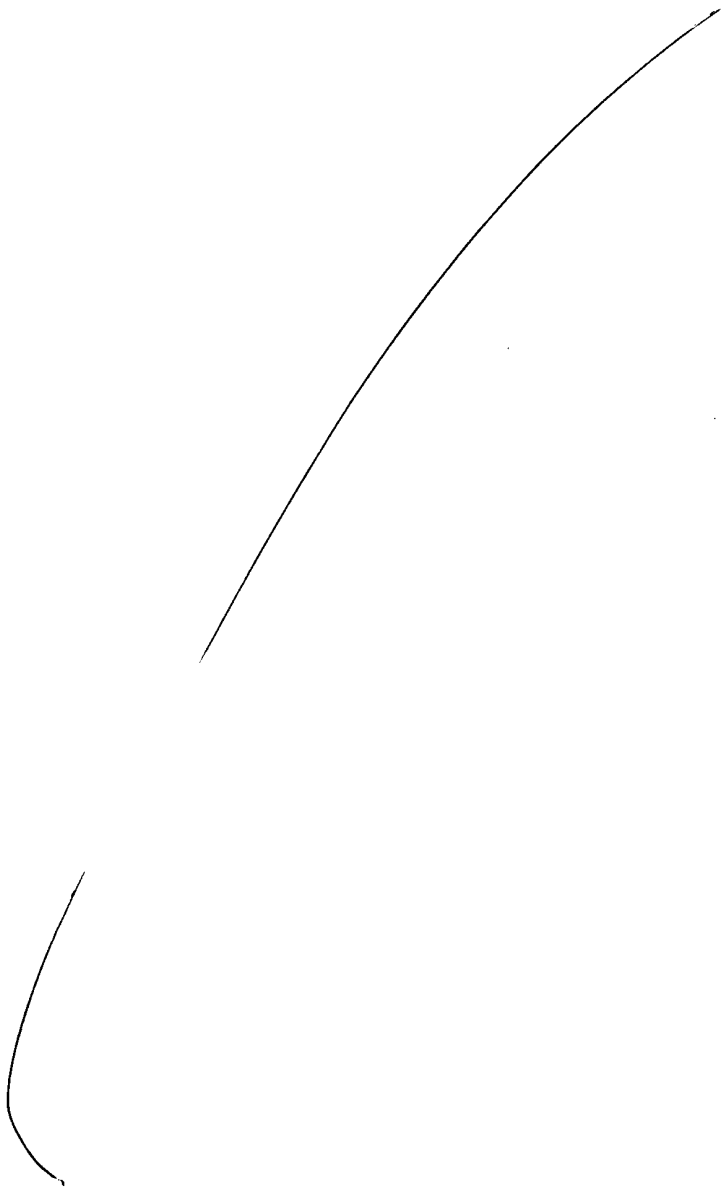
Copy, changeable means a sign message where the copy may be changed, manually or electrically.

Corridor review means a discretionary review by one of two corridor review boards of the design of all nonexempt land developments impacting designated highway corridors within the county. Compatibility and aesthetic issues are considered in regard to a project's fit with local community character. See articles II, III, V, and XI of this chapter.

Cutoff means the point at which all light rays emitted by a lamp, light source, or luminaire are intercepted by a shield preventing their continuation. For signs, the term "cutoff" simply refers to the use of shields to direct the light so light rays shine exclusively on the sign.

Cutoff angle means the angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.

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Cutoff-type luminaire means an outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than 90 degrees. See figure 106-1743.

Cutout means an appendage to a sign extending outside of the regular square or rectangular sign area. The area of a cutout shall not exceed ten percent of the sign area. Cutouts shall be included in sign area calculations for the purposes of this chapter.

Day-night level (Ldn) means a basic measure for quantifying noise exposure. The A-weighted sound level energy average over a 24-hour time period, with a ten-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

Days means working days, unless otherwise noted.

Decibel means a unit of measure describing the loudness of sound. Decibel is denoted as "dB," and is logarithmic in which a change of ten indicates a doubling of intensity.

Dedication means the transfer of private property to public or common ownership for a public purpose. The transfer may be in fee simple interest, or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

Demolish or *demolition* means the razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site; the removal or destruction of the facade or surface; or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition also includes demolition by neglect as defined in this section.

Demolition by neglect is a term applied to historic structures meaning the failure to provide ordinary and necessary maintenance and repair to a building, structure or object designated as historic which results in any of the following conditions. Demolition can occur by ordinary negligence or willful neglect, purpose or design.

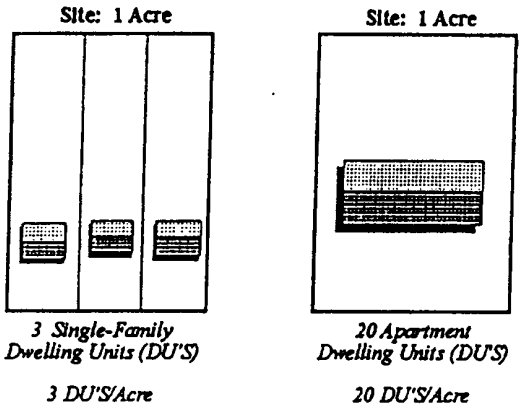
(1) The deterioration of the exterior features so as to create or permit a hazardous or unsafe condition to exist.

(2) The deterioration of exterior walls, roofs, chimney, windows; the lack of adequate waterproofing; or deterioration of interior features or foundations which will or could result in permanent damage or loss of exterior features.

Density means the average number of dwelling units allowed on an acre of land. It may also measure the families, housing units, rental rooms, or persons. For example, figure 106-18(6) shows two types of land uses on an acre of land. The first shows a density of three homes per acre. The second shows a density of 20 apartment units per acre.

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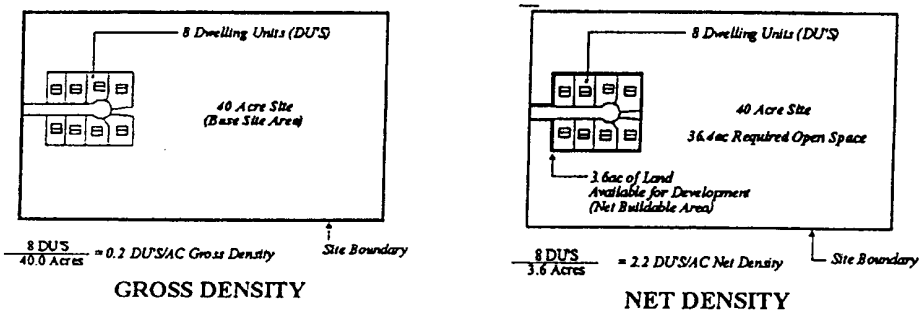
Figure 106-18(6)



Density, gross (GD) means the total number of dwelling units on a site divided by the base site area. See figure 106-18(7).

Density, net (ND) means the number of units per net buildable area of the site. See figure 106-18(7).

Figure 106-18(7)



Design storm frequencies means time interval, in years, at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

Detached sign means any sign that is not attached to a building in any manner and that is structurally freestanding.

Detention / retention basin means a natural or manmade structure designed as a wet or dry temporary holding basin for water. Water may be detained to minimize flooding downstream, or retained to increase aquifer recharge.

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Developable land means all land within the boundaries of any tract proposed for development except for land which is located within the existing rights-of-way of any public or private road or any overhead utility line, floodplains, including land continuously covered with water, wetlands and prohibitive steep slopes.

Developer means a person seeking to build or develop as defined in this chapter.

Development means any action covered by sections 106-5 through 106-8.

Development agreement means a properly executed and legally binding contract between the developer of a parcel of land and the county to proceed with development as noted therein.

Diameter at breast height (dbh) means a measurement of the size of tree equal to the diameter of its trunk measured 4.5 feet above the adjacent natural grade. See also *Caliper.*

Dilapidated sign means any sign which is insecure or otherwise structurally unsound, has defective parts, or is in need of painting or maintenance.

Directional sign means an off-premises sign, the content of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

Discharge rate is the rate at which stormwater leaves a development or redevelopment site.

Disposal field means a system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Disturbed area means that portion of a site in which clearing, building, or construction activities are planned.

Domestic animals means the normal farm animals and house pets. Wild animals, birds, reptiles or other species are expressly excluded.

Dormitory means a building with many rooms providing sleeping and living accommodations for a number of usually unrelated persons; usually associated with an educational institution.

Drainage means the process by which surface water (usually from rainfall) moves across the land surface. See *Stormwater management.*

Drainage areas means the delineated areas that currently contribute or are proposed to contribute runoff to a specific location or point.

Drainage facility means any system of artificially constructed drains, including open channels and separate stormwater sewers, used to convey stormwater, surface water, or groundwater, either continuously or intermittently, to natural watercourses.

Drip line means a generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

Driveway means a private accessway, primarily for vehicles, leading from a street to a parking or loading area.

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Dry waste includes clean fill, plastics, lumber, trees, stumps, vegetative matter, asphalt pavement, asphaltic products incidental to construction/demolition debris, or other materials which have reduced potential for environmental degradation and leachate production.

Duplex means a form of multifamily dwelling with no more than two units per structure, located on different floors. See figure 106-2406.

Dwelling means a building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

Dwelling, attached means two or more dwelling units in a single structure or attached structures, each of which could have a single lot, which are separated from each other by a dividing wall. Such units may be side by side, back to back or both. This includes twin houses, atrium houses, weak-link townhouses, and townhouses.

Dwelling, multiple-family means a structure containing more than one dwelling unit with either direct access to the outside, or through a common hallway, with a separate kitchen facility and living quarters in each unit.

Dwelling, single-family detached means a dwelling unit, including a manufactured home, designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate facilities for all of the following: sanitation, living, sleeping, cooking and eating.

Easement means any portion of a parcel subject to an agreement between the property owner and another party which grants the other party the right to make limited use of that portion of the property for a specified purpose. For example, a property owner may give, or be compensated for, a small portion of his property to allow installation of power lines or pipelines or to allow access to another property. See *Conservation easement.*

Elderly means a person who meets the criteria set forth in the Federal Older Americans Act of 1965, as amended.

Elevation certificate means a FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including basement, of all new and substantially improved structures.

End use plan means a combination of drawings and narratives which explain how the completed project or use will have affected the subject site. This includes, but is not limited to, reclamation plans, mitigation procedures, landscaping plans, etc.

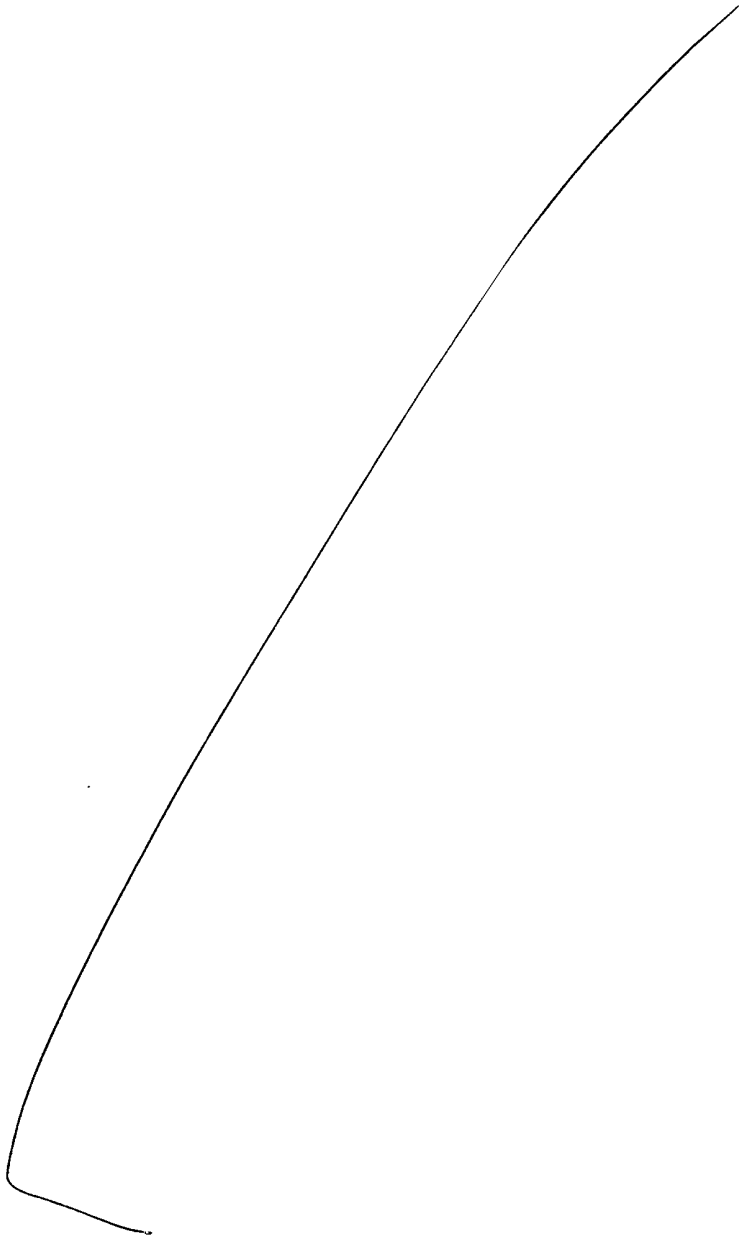
Endangered species areas means areas where endangered species exist in the county. The department will check for known sites upon a request for a landowner. Other sites could be identified during the planning for a property; such sites will also qualify.

Engineer, professional means an individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the state.

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Erosion means the wearing away of soil or rock fragments by water, rain, wind or earth gravity.

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Essential access means an access that must cross a resource restricted area, such as a wetland or water body, to reach an area of the site that is otherwise buildable, and would result in damage to the restricted resource.

Expressway means a limited access highway, in which all intersections are grade separated, designed to carry regional traffic.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a historic resource, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing, in addition to any interior features that are a visible component of the exterior appearance of the resource.

Exterior environmental features means those aspects of the landscape or the development of a site which affect the historical character of the property.

Exterior features means the architectural style, design and general arrangement of the exterior of a building, structure or object, including the color, nature and texture of building materials, and the type of style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of a building, structure or object.

Exterior storage means outdoor storage of fuel, raw materials, products, equipment and other materials used in commercial, office or industrial activities. Exterior storage includes all building materials, waste or scrap materials stored outdoors. Truck trailers held on the site for more than one night storing materials or awaiting pickup shall be considered exterior storage. In the case of truck terminals, exterior storage includes all trucks, truck beds and truck trailers that are not involved in active loading.

Facade means the elevational surface of a building. See *Building front.*

Family means any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to four unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common. Fraternities, sororities, group homes, and other social or institutional residential units are excluded.

Family compound means a form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.

Family, immediate means a property owner's heirs at law who would succeed to his estate or inheritance under the South Carolina Statute of Descent and Distribution.

Farm means the land, buildings, structures and machinery which are primarily adapted and used for agricultural purposes.

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Fascia means a band located at the top edge of a building but below the actual roofline and above the building wall. Fascia material is often of a different type than either the actual roof or the building wall.

Filling means the depositing on land, whether submerged or not, of sand, gravel, earth or other materials. Biodegradable materials and other materials subject to decomposition or significant settling, such as garbage and other organic matter, shall not be considered filling.

Fire flows means the quantity of water available for firefighting in a given area, calculated in addition to the normal water consumption in the area.

Fish farming means the cultivation and/or production of seafood products including fish, crustaceans, mollusks and aquatic plants for market and/or consumption. Fish farming is a form of aquiculture devoted to the production of seafood products intended for human consumption.

Flag lot. See *Lot, flag.*

Flashing sign means any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards are not considered flashing signals for the purpose of this chapter.

Flood hazard district means that area designated by the federal flood insurance on official flood area maps, subject to a one-percent or greater chance of flooding in any given year.

Flood protection elevation means a point one foot above the water surface elevation of the 100-year flood.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floodproofing certificate means a FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed nonresidential building has been constructed in accordance with NFIP requirements.

Floor area, gross means the sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

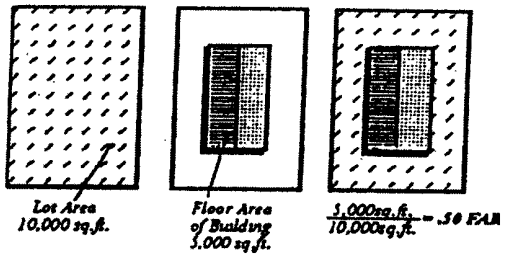
(1) The horizontal square footage is measured from the outside face of all exterior walls.

(2) Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.

(3) No deduction shall apply for horizontal areas void of actual floor space; for example; elevator shafts and stairwells. The protected upper floors of open atriums and foyers shall not be included.

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Floor area ratio (FAR) means a measure of the allowable size of a building area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded. See figure 106-18(8).

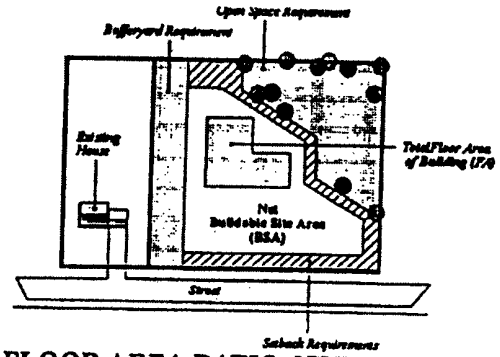


FLOOR AREA RATIO (FAR)

Figure 106-18(8)

Floor area ratio, gross (GFAR) means the gross floor area of a building or structure divided by the base site area.

Floor area ratio, net (NFAR) means the gross floor area of a building or structure divided by the net buildable site area. See figure 106-18(9).



FLOOR AREA RATIO, NET (NFAR)
FA/BSA=NFAR

Figure 106-18(9)

Footcandle means a unit measuring the amount of illumination produced on a surface. One footcandle is the amount of illumination falling on all points which are one foot from a uniform point source of one candle.

Forest means an area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a woodland, woodlot, grove, or stand of trees meeting the specifications of the forest type.

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Forest management practices means that combination of generally accepted methods for preserving, promoting and protecting silviculture, which may include selective cutting, burning and removal of trees.

Forest, maritime means an area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a dbh of at least 18 inches or greater covering at least 75 percent of that area; also, any stand or grove consisting of eight or more individual trees having a dbh of at least 18 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. This forest type is also known as the South Atlantic Inland Maritime Forest and is characterized by a canopy dominated by live oak, swamp laurel oak, southern magnolia, and cabbage palm.

Forest, mixed upland mature means an area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a dbh of at least 18 inches or greater covering at least 75 percent of that area. Also, any stand or grove consisting of eight or more individual trees having a dbh of at least 18 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. This forest type is characterized as being southern mixed hardwood, beach-magnolia hammock, or mesic oak-hickory communities.

Forest, mixed upland young means an area or stand of trees whose total combined canopy covers an area of one acre or more, with canopy trees having a dbh of six inches and covering at least 60 percent of the area. However, no trees kept or grown for commercial purposes shall be considered a young forest. This forest type is characterized as being southern mixed hardwood, beach-magnolia hammock, or mesic oak-hickory communities.

Forest, pine means an area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a dbh of at least 16 inches or greater covering at least 75 percent of that area; also, any stand or grove consisting of eight or more individual trees having a dbh of at least 18 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. This forest type includes the following natural communities: pine flatwoods (southeastern coastal plain subxeric longleaf pine), spruce-pine-mixed hardwood, and pine-saw palmetto flatwoods. Pine plantations are not included.

Forester means a person trained in forestry, botany, biology, or ecology and possessing at least a bachelors degree in forestry or closely related field.

Former code means the county zoning ordinance in existence as of March, 1990, prior to the effective date of the ordinance from which this chapter derives.

Freeboard means the vertical elevation between design high water level and the top of bank.

Freeway means a multilane, divided highway with a minimum of two lanes for the exclusive use of traffic in each direction and full control of access without traffic interruption.

Front lot line. See *Lot line.*

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Garage, private means a garage accessory to a principal building, used for storage purposes only, and in which no business, service or industry is conducted.

Garage, public means a garage available to the public for free or for a fee.

Garden apartment. See *Apartment.*

Grade means the natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

Grading means the excavating, filling (including hydraulic fill) or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

Gross area means the total land and water surface area contained within the boundaries of a lot or tract.

Gross floor area. See *Floor area, gross.*

Ground sign. See *Sign, ground.*

Groundcover means any perennial evergreen plant material species that generally does not exceed 12 inches in height and covers 100 percent of the ground all year.

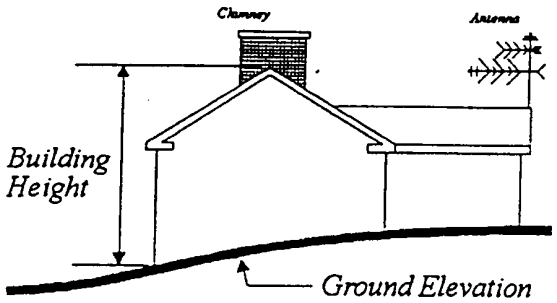
Groundwater means a portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

Hazardous substance means any substance as found in 40 CFR 116, Designation of Hazardous Substances.

Health hazard means a classification of a chemical for which there is statistically significant evidence based on a generally accepted study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed persons.

Height, building means the maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys, cupolas and antennae. See figure 106-18(10) and table 106-1526.

Figure 106-18(10)



BUILDING HEIGHT

CD106:55

Height, sign means the vertical distance measured from the highest of the adjacent sidewalk grade, adjacent street grade, or upper surface of the street curb to the highest point of the sign. Elevated roadways shall not be used to measure sign height.

Highway means any road thoroughfare, street, boulevard, lane, court, railway, right-of-way or easement used for, or laid out and intended for, public passage of vehicles or persons.

Historic buildings or sites means those buildings or sites listed on the National Register of Historic Places, or in state or local historic listings.

Historic district means a district possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development as designated by the county, upon recommendation of the historic preservation review board, and pursuant to the provisions of this chapter.

Historic object. The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

Historic resource means any building, structure, object, landscape element (for example, groves or allee), site or historic district that is important historically, architecturally or archaeologically in the history of the county, the state or the nation. These may be determined by the following criteria:

(1) Listed in or determined to be eligible for the National Register of Historic Places as provided in the National Historic Preservation Act of 1966, 16 USC 470. Historic resource may be listed individually or as part of a district.

(2) Designated or determined to be eligible for designation as a historic overlay district according to this chapter.

Historic resource means any place including an archaeological site or the location of a significant historical event, building, structure, work of art, fixture or similar object that has been individually designated by the county council or designated as a contributing property within a historic district.

Historic site means the location of a significant event, a prehistoric or historic occupation or activity of a building or structure, whether standing, ruined or vanished, where the location itself maintains historical, cultural or archaeological value regardless of the value of any existing structure. Four types of sites are regulated. See division 2 of article X of this chapter.

Historic structure. The term "structure" is used to distinguish buildings whose function and constructions are usually for purposes other than creating human shelter.

Home occupation. See table 106-1098.

Homebuyer means and refers to any person whose intent is to accept a deed to a lot or dwelling unit.

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Homeowner means and refers to those individuals who accept a deed to a lot or dwelling unit.

Hydraulically critical areas means locations where the design high water level may exceed the top of bank, or overtop a catchbasin or facility, causing flooding conditions.

Hydric soils means soils which in their natural, undrained state are wet frequently enough at or near the surface to periodically produce anaerobic conditions, thereby influencing plant species composition and/or growth.

Hydrophytic vegetation means those plants which are adapted to life in saturated soil conditions.

Illuminated sign means any sign which is directly lighted by an electrical source, internal or external.

Impact statement means a statement containing an analysis of a project's potential impact on the surrounding communities in terms of environment, traffic, aesthetics, schools, public services, and/or municipal costs and revenues, as well as comments on how the project fits into the comprehensive plan.

Impervious surface ratio (ISR) means the proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

Impervious surfaces means areas that do not allow significant amounts of water to penetrate.

Infiltration means the passage or movement of water through the soil profile.

Intensity means the degree to which land is allowed to be used for development. See *Density* and *Floor area ratio.*

Intermittent stream means a channel with banks and a bed within which concentrated water flows some of the time.

Interpretation means an administrative decision regarding the general provisions of this chapter to specific cases.

Land banking means the reservation of land for future use, such as parking, that will be landscaped. Such area shall not count towards the minimum required open space.

Land development, major means a plan that proposes one or more of the following:

(1) A building of 20,000 square feet GFA or more on an undeveloped site, or additions of 20,000 square feet or 30 percent or more of the original building and which result in a building in excess of 20,000 square feet.

(2) Apartment or multifamily development of ten dwelling units or more.

(3) A new street.

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Land development, minor means a plan, not involving a new street, that proposes one or more of the following:

(1) Buildings less than 20,000 square feet GFA on an undeveloped site.

(2) Apartment or multifamily development of less than ten dwelling units.

Land grading. See *Grading.*

Land, improved means vacant land which has been provided with power, water, sewage, streets and sidewalks, and other infrastructure.

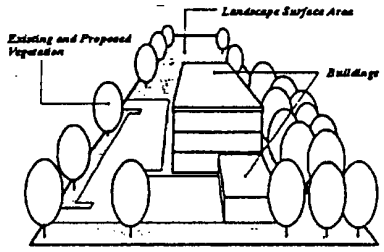
Landowner means the holder of legal title to the land as recorded in the register of deeds.

Landscape architect means an individual registered by the state to practice the profession of landscape architecture.

Landscape plan means a plan associated with a subdivision, land development or parking facility plan indicating the placement of trees, shrubs, ground cover and affiliated structures and improvements, including specifications, species, quantities and installation as prepared by a landscape architect.

Landscape surface area means surface area of land not covered by any buildings, storage areas, or impervious surface. These areas shall be maintained as lawn or a natural area and may be left undisturbed. See figure 106-18(11).

Figure 106-18(11)



LANDSCAPE SURFACE AREA

Landscape surface ratio (LSR) means the area of landscaped surface divided by the base site area.

Landscaping means the design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

Leachable wastes means waste materials including, without limitation, solids, sewage sludge and agricultural residue which may release waterborne contaminants to the surrounding environment.

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Leachate means liquid that has passed through, contacted or emerged from dry waste and contains dissolved, suspended or miscible materials, chemicals and microbial waste products removed from the dry waste.

Legal conforming means a status conferred on a use that has been built or created in conformance with this chapter.

Legal nonconforming structure means a building or structure lawfully constructed with a building permit prior to the effective date of the ordinance from which this chapter derives or any amendment thereto, which does not comply with the applicable bulk regulations of the zoning district in which it is located.

Legal nonconforming use means a use lawfully established prior to the effective date of the ordinance from which this chapter derives or any amendment thereto, with appropriate building permits and/or business licenses, which does not conform to the use regulations of the zoning district in which it is located.

Loading space means a durably paved, properly designed for drainage, off-street space used for the loading and unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

Local residential access street means a street that provides access to individual residential lots.

Local road means a road that provides access to land adjacent to the collector road network and that serves travel over a relatively short distance. Local roads provide direct access to individual residential parcels. Local roads include all roads not classified as arterials or collectors.

Local street. See local road.

Lot means a parcel of land whose boundaries have been established by a legal instrument such as a court order or a recorded plot which is recognized as a separate legal entity for purposes of transfer of title.

Lot area means the area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way, or any conservation or open space easement.

Lot coverage means that portion of the lot area that is covered by buildings.

Lot, depth of means the average depth measured in the mean direction of the side lot lines from the front street line to the rear lot line. The rear line shall be deemed to be not farther back than a line drawn parallel with the front street line, entirely on the lot, and not less than ten feet long.

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Lot, flag means a tract of land having insufficient lot width along a road or at the minimum setback line to meet article VI requirements but with sufficient area to meet all lot requirements further back on the lot. The area to the rear shall meet minimum lot area requirements. See figure 106-18(12).

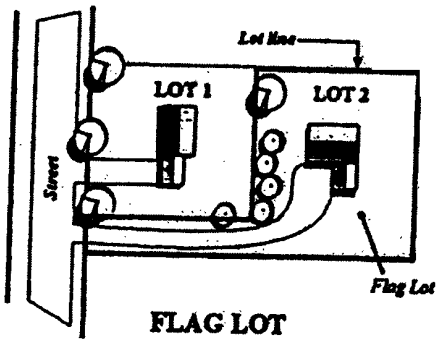


Figure 106-18(12)

Lot line means a line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are basically four types of lot lines: front, rear, side, and street. See figure 106-18(13).

(1) *Front lot line* means the street lot line from which the unit takes access; or where more than one street yard could safely provide this access, the street serving the smallest traffic volume.

(2) *Rear lot line* means the lot line opposite the front lot line.

(3) *Side lot line* means the lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street or rear lot line.

(4) *Street lot line* means any lot line that is also a street right-of-way line.

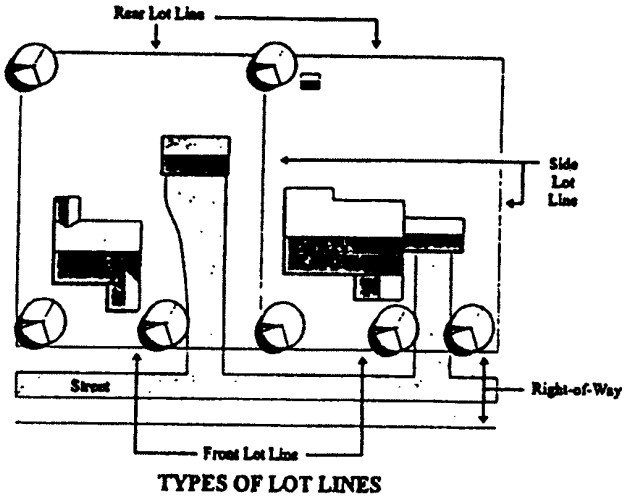


Figure 106-18(13)

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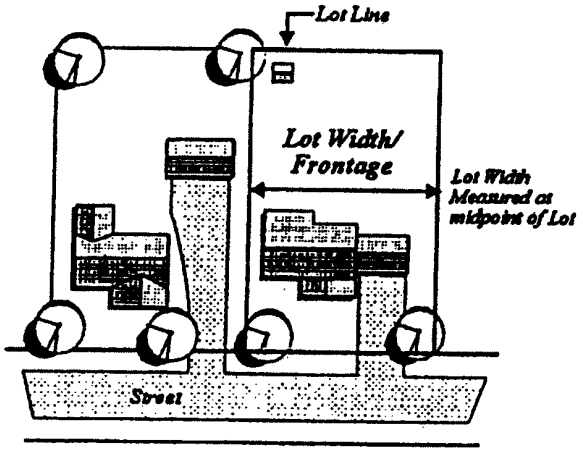
Lot-line house means a dwelling type consisting of a single-family, fully detached residence located on an individual lot with only one side yard (see figure 106-2406). No windows are permitted on the zero lot-line wall of the house. The zero lot line may be achieved by:

(1) Placing the house on a side lot line and providing a maintenance easement six feet wide on the adjoining lot; or

(2) Locating the house so as to provide two side yards, one of which shall be a six-foot side yard with a use easement for the neighboring property.

Lot of record, legal means a valid, approved existing lot as of the effective date of the ordinance from which this chapter derives.

Lot width means the distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less. Lot width is also the measure of frontage for lots (for signs, see *Frontage*). See figure 106-18(14).



LOT WIDTH/FRONTAGE

Figure 106-18(14)

Lower power radio services facility or wireless telecommunications facility means an unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or (wireless) transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. Low power radio services facilities include cellular or PCS (personal communications system) communications and paging systems.

Lowest floor means the lowest habitable floor of the lowest enclosed area, including basement, intended for human occupancy, excluding storage, mechanical and parking.

Luminaire means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts ready to be mounted on pole or other location.

Luminaire, cutoff-type. See *Cutoff-type luminaire.*

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Maintenance guarantee means a guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this chapter, or to maintain such.

Major change means a change to the plan that increases density or floor area; decreases open space, bufferyards, or parking; or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of the ordinance from which this chapter derives, any use proposed not contained in the original advertisement shall be considered a major change.

Major collector road means a road that connects arterial roads and local roads, thus requiring a balance between accessibility and mobility. This type of road provides land access and traffic circulation between residential neighborhoods and commercial areas.

Manufactured home means a one-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it was built in compliance with the county building code or the Federal Manufactured Housing Construction and Safety Code. The following shall apply:

(1) It has a minimum of 750 square feet of floor area. Units consisting of 560 square feet of floor area are permitted when the only occupant is an elderly or handicapped person.

(2) It has a minimum width along any exterior front, side and rear elevation of 12 feet, exclusive of any garage area. If applicable, it shall be multiple transportation sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet wide.

(3) It is permanently mounted on a solid foundation or pier foundation system and anchored, or complies with state law at 23 S.C. Code Ann. Regs. § 19-425.43 (Supp. 1998).

(4) All wheels, axles, transportation lights and removable towing apparatus, if any, shall be removed from the dwelling when it is placed on the foundation in accordance with subsection (3) of this definition.

(5) All utilities shall be permanently connected in accordance with the county plumbing and mechanical codes.

(6) It has a storage area either in the living area, in an attic area, in a closet area, in an attached or detached garage or in an enclosed structure constructed on a permanent foundation and having an area of at least 80 square feet or any combination thereof. The total storage area must not be less than ten percent of the gross floor area of the dwelling unit.

(7) It shall have a weather-resistant exterior covering material consistent with state law at 23 S.C. Code Ann. Regs. § 19-425.43 (Supp. 1998).

(8) The siding of all dwellings shall be continuous so as to enclose any joining of two or more sections.

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(9) It complies with all other pertinent sections of the building and housing codes of the county, and the fire and health codes of the state.

Mariculture means the cultivation and/or production of seafood products including fish, crustaceans, mollusks and seaweed in marine or brackish water for purposes which are typical to other forms of aquiculture. Mariculture is a form of aquiculture executed in seawater or brackish water.

Marina means a facility for storing, servicing, fueling, berthing, securing and launching private boats. It may include supporting facilities and services.

Marquee means a hood, awning or permanent roof-type construction which projects from the wall of a building above an entrance for movie theaters and similar uses.

Maximum aggregate means the total of the sign area of all signs located on a parcel.

Maximum permitted illumination means the most illumination, measured in footcandles, that is allowed at the interior lot line or bufferyard line; if a bufferyard is required, at ground level.

Mean surface water elevation means the observed limit of dry weather flow elevation in a watercourse or mean high water level in tidal areas.

Minimize means to reduce to the smallest amount possible using BMPs. The term "minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement of the term "minimize" shall include but not be limited to the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor arterial road means a road that interconnects and augments the principal arterial system. This type of road accommodates trips of highest traffic volumes and of moderate trip length at a slightly lower level of mobility than a principal arterial (i.e., it offers more access to adjacent land uses).

Minor change means a change or deviation to the plan that does not increase density or floor area, does not decrease open space, bufferyards or parking, or does not alter the alignment or layout of streets by more than five feet.

Minor collector road means a road that links local traffic generators to rural areas. These roads also channel traffic from local roads to arterial roads.

Minor deviation. See *Minor change.*

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Mitigation means any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Mixed use. See table 106-1098.

Mobile home or mobile dwelling unit means a transportable one-family dwelling larger than 320 square feet, designed to be used as a yearround residence. This definition shall not include motor homes or recreational vehicles.

Monument means a stone or concrete boundary marker, as required by this chapter, intended to fix the physical location of property lines.

Motel. See table 106-1098.

Moving message board means an electrical sign having a continuous message flow across its face by utilization of lights forming various words.

Multifamily dwelling. See *Dwelling, multifamily.*

Multiplex means a multiple-family building type. Units may have either private or shared access. The units may be arranged in a variety of configurations, including back to back, side to side or vertical. However, no fewer than two and no more than eight units shall be attached in any single building. A multiplex is permitted only in planned developments as provided in articles V and VI of this chapter. See figure 106-2406.

National Geodetic Vertical Datum (NGVD) means elevations referenced to mean sea level datum of the 1929 or 1988 U.S. Geological Survey.

National Register of Historic Places means the national list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

Native ground cover plants. See appendix F to this chapter pertaining to native plants.

Net buildable site area means a calculated value, determined by the calculations specified in article VII of this chapter.

Noncommercial sign. See *Sign, noncommercial.*

Nonconforming building means a building or structure, other than a sign, lawfully existing on the effective date of the ordinance from which this chapter derives or at the time a subsequent amendment to this chapter becomes effective, which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming lot means a lot, legally established prior to the effective date of the ordinance from which this chapter derives, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

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Nonconforming sign means any sign, erected or displayed prior to the effective date of the ordinance from which this chapter derives or subsequent amendments thereto, which does not fully comply with the standards of this chapter.

Nonconforming situation means a building/structure or the use of a lot or building/structure lawfully existing at the effective date of the ordinance from which this chapter derives or at the time a subsequent amendment to this chapter becomes effective which does not conform to the dimensional and/or use requirements of the district in which it is located.

Nonconforming use means a use of land or use of a building/structure lawfully existing at the effective date of the ordinance from which this chapter derives or at the time a subsequent amendment to this chapter becomes effective which does not conform to the use requirements of the district in which it is located.

Notice of disturbance indicates that the DRT (limited uses) or county council has approved a disturbance of a certain acreage of natural resources. Each shall be listed along with the acres involved. The notice shall contain an indication of resources that may be further disturbed or any areas where resources will have to be restored if the site is developed.

Off-premises sign. See *Sign, off-premises.*

On-premises sign. See *Sign, on-premises.*

Open space means land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of this chapter. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of the county or the state.

Open space ratio (OSR) means the proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

Open storage means goods, equipment or supplies held for safekeeping or eventual sale or distribution, not entirely within totally enclosed buildings. T-structures, lean-to-type structures or roofed-over, fenced-in areas shall not be considered totally enclosed buildings.

Outfall point means a specific location, as defined by local topography, where stormwater runoff exits a specific land area.

Outflow hydrograph means graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

Outparcel means a lot used for drainage, detention, agriculture or open space, with distinct boundaries, which shall not be used for residential or nonresidential uses, that is created in the process of subdivision.

Overlay district means a district that is applied over other zoning districts and which may modify the permitted uses or intensity of use.

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Owner. See *Landowner.*

Parcel. See *Lot.*

Park means an area reserved for recreational, educational or scenic purposes.

Parking space means an area of land designated for the parking of motor vehicles and connected to a street or private accessory.

Parking structure means a structure designed to accommodate vehicular parking spaces which are fully or partially enclosed or located on the deck surface of a building. This definition shall include parking garages, deck parking and underground or underbuilding parking areas.

Parkway. See *Right-of-way.*

Passive recreation means recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas. Bicycle riding, hiking and bird watching are examples of passive recreation activities.

Patio house means a dwelling type that is a detached or semidetached unit (i.e., attached by a common wall to another dwelling unit) for a single family, with one dwelling unit from ground to roof. Each dwelling unit's lot shall be fully enclosed by a wall located at the lot line, thus creating a private yard, referred to as a "patio," between the house and the wall. A minimum patio area, rather than setbacks, is used to determine minimum yard area. All living spaces, such as living rooms, dens and bedrooms, shall face into the yard or patio. A patio house is permitted only in planned developments as provided in articles V, VI and XI of this chapter. See figure 106-2406.

Paved area. See *Impervious surfaces.*

Peak flow means the time of greatest runoff concentration, the volume or velocity in cubic feet per second being discharged at a given point.

Peak hours or *peak periods* means in general, periods from 7:00 p.m. to 9:00 a.m. and from 4:00 a.m. to 6:00 p.m. on weekdays. A peak hour is a 60-minute period occurring within a peak period. Different peak hours may be established by the department, based on type of development or traffic counts on a street.

Pedestrian precinct means a paved or largely paved area set aside for pedestrian circulation and providing a full range of pedestrian amenities. Amenities include seating areas and other street furniture, lighting, landscaping, fountains or water features, art or other appropriate amenities.

Pedestrian way means a publicly or privately owned right-of-way or easement for pedestrian or bicycle use.

Pennants. See *Sign, flag* and *Sign, banner.*

Percolation tests. See *Soil borings and percolation tests.*

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Perennial stream means a channel with banks and a bed within which concentrated water flows all of the time.

Performance guarantee. See *Surety.*

Performance standards means standards which establish certain criteria which must be met on a site, but allow flexibility as to how those criteria can be met.

Pervious is a description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

Phasing means the proposed order of development beginning with initial disturbance of a site, to completion and build-out.

Plan, final means a complete subdivision or land development plan, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements; or a plan of private streets to be dedicated to public use.

Plan, major land development means a plan depicting a major land development which may include the subdivision of land.

Plan, minor land development means a plan depicting a minor land development which may include the subdivision of land.

Plan, preliminary means a plan of a land development, including all required supplementary data, showing the approximate proposed street and lot or site layout including existing and proposed buildings and structures, setbacks, landscaping, parking, etc., as a basis for consideration by the DRT and the technical advisory committee prior to the preparation of a final plan.

Plan, sketch means an informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or land development.

Planned development means a form of cluster development and residential use type.

Planned unit development (PUD) means a planned development approved by the county council before the effective date of the ordinance from which this chapter derives, which contains open space and which may contain one or more types of residential, commercial, industrial, and institutional uses.

Plans, construction means the architectural or engineering drawings showing the construction details and the types of material for the physical structures and facilities, excluding dwelling units, to be installed in conjunction with the development of the project.

Plat, preliminary means a plan of a subdivision, including all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use, as a basis for consideration by the DRT and the technical advisory committee prior to the preparation of a final plan.

Plot. See *Parcel.*

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Pole sign means a sign erected above ground supported by poles or other stanchions and not attached to a building.

Portable sign means any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

Predevelopment conditions means those conditions which existed on a property before alteration, resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface water or groundwater flow as indicated by the best available historical data.

Primary dune means the major front dune immediately behind the beach.

Principal arterial road means a road expected to provide mobility for moving vehicles long distances in an efficient manner. This road serves the highest traffic volumes on the longest trips, and provides for travel between towns and communities.

Principal building or use means the main use on a property in terms of size, area, and function. See *Accessory building* or *Accessory use.*

Property line. See *Lot line.*

Public improvement means any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public space within a building means spaces designed for use by the public, such as auditoriums, courtrooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Public utilities means publicly or investor owned or regulated entity which provides services to the general public utilities, e.g., water, sewer, telephone, solid waste, cable, gas and electric.

Public water supply well means a well from which the water is used to serve a community water system by section 106-2828 pertaining to public water systems in the state regulations governing public drinking water systems.

Rare species means endangered or threatened state or national species.

Rational method means an engineering method of predicting peak runoff rates.

Receiving streams means those streams which are downstream from a development area which may be affected by changes in course, volume, quality or velocity of flow, due to construction or development activity.

Receiving waters means any water body, watercourse or wetland into which surface waters flow either naturally, in manmade ditches or in a closed conduit system, and are as defined as any county, state or federally regulated water body in Beaufort County, South Carolina.

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Recharge areas means the recharge water resource protection areas which are designated as having the best potential for groundwater recharge. They were delineated using methodology described in a report prepared by the state geological survey entitled "Delineation of Ground-Water Recharge Resource Protection Areas in the Coastal Plain of Beaufort County, South Carolina," dated January 1993 ("recharge resource area").

Recreation, active. See *Active recreation.*

Recreation, passive. See *Passive recreation.*

Recreational vehicle means a vehicle designed or used as living quarters for recreational, camping, vacation, or travel use, such as house trailers, travel trailers, trucks, trailers, pickup trucks and vans. For the purposes of this definition, a recreational vehicle shall not include trailers in excess of 28 feet in length or in excess of 4,500 pounds gross weight.

Redevelopment means any expansion, addition or replacement of more than 5,000 square feet or 15 percent, whichever is less, of impervious surface area on an already developed site.

Reforestation means replanting or planting of forest plant materials. Also includes planting in areas not originally forested for mitigation purposes.

Reserve strip means a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

Residential collector street means a new street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Residual lot means the remaining lot from a rural subdivision, on which the landowner usually resides. This lot cannot be subdivided further.

Restoration means the reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

Restricted access (gated) community means an intentionally designed, secured bounded area with designated and landscaped perimeters, usually walled or fenced, that are designed to prevent penetration by nonresidents. For purposes of this chapter, restrictions on gated communities apply to communities of more than 50 units.

Retaining wall means a wall or similar structural device used at a grade change to hold the soil on the uphill side from slumping, sliding, or falling.

Retention means all stormwater that is collected within a development or redevelopment and is not directly discharged into receiving waters.

Reverse frontage lot means a lot extending between and having frontage on two generally parallel streets.

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Rezoning means an amendment to the zoning map.

Right-of-way means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure, including but not limited to water lines, sewer lines, power lines and gas lines. In no case shall a right-of-way be construed to mean an easement.

River buffer means a buffer along all tidal waters or tidal wetlands. It extends inland 50 feet from the OCRM critical line.

Road, local. See local road.

Road, minor arterial. See minor arterial road.

Road, principal arterial. See principal arterial road.

Road, major collector. See *major collector road.*

Road, minor collector. See *minor collector road.*

Roadway means the portion of a highway including the cartway and shoulders within a right-of-way.

Roof sign means a sign which is located upon or over the roof of a structure.

Roofline means the top of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

Rookery means an area used by colonial water birds for nesting and rearing their young.

Rotating sign means any sign which revolves around one or more fixed areas.

Runoff means the rainfall, snowmelt, or irrigation water flowing that has not evaporated or infiltrated into the soil, but flows over the ground surface.

Sanitary sewage means any liquid discharge from a structure or animal containment area, except roof drains.

Sanitary sewage disposal, community means a sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary sewage disposal, on-lot means a system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a septic tank and tile disposal field located within the boundaries of an individual lot.

Sanitary sewage disposal, public means a system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

Sanitary sewer line means a sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes, that run to a central treatment and disposal plant.

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Sanitary sewer system means a central treatment and disposal plant and related systems and pipes, including but not limited to sanitary sewer lines.

Screen, visual means a physical device and/or landscaping, such as berms, walls or hedges, used to hide or conceal a use or structure from sight.

SCS method means a method of estimating runoff and peak discharges in a watershed, including Technical Release 20 and Technical Release 55, promulgated by the U.S. Department of Agriculture.

Secondary containment means a system installed to prevent any volume of a substance released from the primary containment tank from reaching the soils and/or water outside the system for the anticipated period of time necessary to detect and recover the released substance.

Secretary of the Interior means the Secretary of the Interior of the United States and/or publications or regulations issued by the office of the Secretary of the Interior of the United States.

Sediment means soils or other surface materials transported and/or deposited by the action of wind, water, ice or gravity as a product of erosion.

Selective cutting means the felling of certain, but not all, trees in an area for the purpose of:

(1) Removing dead, diseased, damaged, mature or marketable timber;

(2) Improving the quality of a tree stand or species; or

(3) Meeting personal domestic needs.

Septic system, individual. See *Sanitary sewage disposal, on-lot.*

Septic tank means a multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter and discharge of the liquid portion into a disposal area.

Setback means a stated minimum distance between every structure and the lot lines of the lot on which it is located on a lot as measured from a lot line. Setbacks are illustrated by a line parallel to and at the specified minimum distance from the rear, side, or street lot line. See figure 106-18(15).

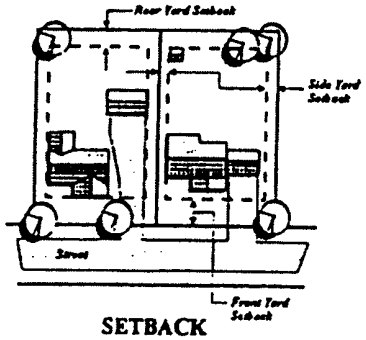


Figure 106-18(15)

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Sewage treatment plant means a licensed facility that purifies sanitary sewer effluent to a minimum level as established by state and/or federal environmental protection agencies.

Sheltered care. See table 106-1098.

Shopping center means a group of retail, personal, or professional service establishments planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

Sidewalk means a pedestrian way extending along, parallel to and within an easement or the right-of-way of a public or private street.

Sign means any object, device, or structure, or part thereof, situated outdoors or indoors, which is used to identify, advertise, display, direct or attract to an object, person, institution, business product, organization, service, event or location by means including words, letters, figures, designs, symbols, fixtures, logos, colors, illumination or projected images. Signs do not include the flag or emblem on any nation, organization of nations, state, county, or any religious organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign, commercial means any sign which is in the nature of commercial advertising, and which transmits a message pertaining to a product, service, use, occupancy, business, operation, event or function.

Sign, ground means a freestanding sign flush to the ground and not elevated upon poles or other stanchions.

Sign, noncommercial means a sign which is not in the nature of commercial advertising, and which transmits a message which does not relate to product, good, or service that is sold or rendered for profit.

Sign, off-premises means any sign, commercial or noncommercial, the content of which relates to use, occupancy, or function on property other than that upon which the sign is located.

Sign, on-premises means any sign, commercial or noncommercial, the content of which relates to use, occupancy, or function on the same property as that upon which the sign is located.

Siltation control means the installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction up to and including such times as permanent ground cover is attained.

Single lot development means a development consisting of one or more buildings to be erected on a platted parcel of land or a single lot which is part of a subdivision, intended to be separately owned, developed and otherwise used as a unit.

Site disturbance. See *Grading, Filling,* and section 106-6.

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Site plan means a plan or drawing showing the location of buildings, parking, or other elements that is used for the issuing of approvals other than subdivision plans or land developments. Site plans cover a single land use issue. The drawings shall show sufficient detail to enable the DRT to determine whether the standard requiring a site plan has been met.

Site volume ratio (SVR) means a calculated value resulting from subtracting the building volume ratio from the landscape volume ratio.

Sketch plan means a conceptual plan submitted for review and comment in order to obtain guidance from the county regarding how county requirements would apply to a proposed development.

Sludge means any solid, semisolid or liquid waste, including grit and screenings generated from a municipal, commercial or industrial wastewater treatment plant or water supply treatment plant or air pollution control facility or any other such use having similar characteristics.

Soil borings and percolation tests means field tests conducted and used in judging the suitability of soil for on-site, subsurface sewerage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the absorptive capacity of the soil and provide a basis for the design of seepage facilities.

Soil stabilizing function means a plant or structure which encourages resistance of soil to erosion, soil creep or other movement which results in net loss of soil from an area.

Solid waste transfer station means a facility used to combine and compact loads of solid waste into larger units of waste, which are then loaded onto trucks for delivery to landfill sites.

Special use means uses permitted in particular zoning districts only after careful review of their location, design, configuration, and impacts by the DRT and the ZBOA, to determine the desirability of their development on a given site and the applicability of specific conditions to mitigate potential impacts.

Specified anatomical areas includes those portions of the human body less than completely and opaquely covered including: the human genitals and pubic region, buttocks, and female breast below a point immediately above the top of the areola, and the human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specimen tree means:

(1) Understory trees as follows: dogwood, redbud, and southern magnolia greater than four inches dbh.

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(2) Canopy trees as follows: American holly, bald cypress, beech, black oak, black tupelo, cedar, hickory, live oak, palmetto, pecan, red maple, southern red oak, sycamore, or walnut with a dbh of greater than 16 inches.

(3) All other trees with a dbh of 24 inches or greater.

Stabilization means the prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include but are not limited to straw mulch with temporary or permanent vegetation, wood chips and stone or gravel ground cover.

Start of construction. See *Commencement of construction.*

State historic preservation office (SHPO) means the state historic preservation office, which is the state department of archives and history.

Stormwater management means the management of drainage to ensure that water moves in a manner that protects people and property from damage or flooding. It includes manmade and natural channels, drainage structures, storage areas, sedimentation control, and erosion control.

(1) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and

(2) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Stormwater management plan means a plan for the control of soil erosion, sedimentation, stormwater quantity and water quality impacts resulting from any land disturbing activity.

Stormwater management system means all stormwater control infrastructure within a development or redevelopment.

Stormwater utility means an administrative organization that has been established for the purposes of funding sediment control, stormwater management or flood control planning, design, construction, maintenance and overall resource needs by authorized and imposed charges.

Story, first means the ground floor story of a building, provided its floor level is not more than four feet below the mean lot level adjacent to the foundation.

Story, half means a story under a sloping roof at the top of the building, the floor of which is not more than two feet below the wall plate.

Street means a strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than three separate parcels contiguous to one another shall not be considered a street as this term is defined.

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Street, boulevard means a street which is divided by a landscaped median which is continuous or exists at development's entrance.

Street, cul-de-sac means a short, independent, minor street having only one point of ingress and egress, terminating in a circular turnaround or other approved termination.

Street frontage means the linear measurement of a parcel along a street line, private road or right-of-way to which the parcel abuts.

Street, half (partial) means a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street line means a property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

Street, marginal access means a local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Street, private means any street right-of-way not dedicated to public use.

Street, public means any street right-of-way dedicated to public use or maintained by the SCDOT division of highway operations.

Street, residential collector means a street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Street right-of-way. See *Street* and *Right-of-way.*

Street, service means a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Structural alteration means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists, roof rafters or stairways.

Structure means any manmade object having an ascertainable stationary location on land or in water.

Structure, permanent means a structure placed on or in the ground, or attached to another structure in a fixed position.

Structure, temporary means a structure that is designed to be repeatedly erected or inflated, tents and inflatable structures, or buildings that are picked up and moved.

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Subdivision means:

(1) The division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership or of building development.

Subdivision, major means a subdivision of land into five or more lots.

Subdivision, minor means a subdivision of four or fewer lots.

Subdivision regulations means articles II, III, XII, and XIII of this chapter.

Subdivision, rural means a subdivision of land in the rural areas that allows a land owner to subdivide with less review than the standard subdivision process. Depending on the size of the land proposed for subdivision, and other requirements, a landowner is permitted up to four subdivisions, not including a residual lot. See section 106-2539.

Substantial construction means as follows:

(1) For subdivisions, payment of surety, the clearing and grading of the site, installation of roads and utilities. This shall not apply to property subject to agricultural exemption, which shall not be considered substantially constructed.

(2) For land developments, installation of parking, roads, utilities, stormwater facilities and installation of foundations.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial hardship means hardship, caused by unusual and compelling circumstances, based on one or more of the following: (i) the property cannot reasonably be maintained in the manner dictated by this chapter, and/or (ii) there are no other reasonable means of saving the property from deterioration or collapse.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration would not preclude the structure's continued designation as a historic structure.

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Substantial reconstruction means the on-site rehabilitation, renovation, or alteration of more than 50 percent of the floor area of an existing building or demolition of an existing building and reconstruction of a new building on the lot.

Sump means a point of comparatively low elevation which cannot be drained by means of surface flow.

Superblock means an area bounded by arterial or collector streets or cut off by a body of water.

Surety means a form of financial guarantee that required improvements will be made by providing the county with the resources to install the improvements should the developer fail to do so. These include bonds, cash, letters of credit, or other financial instruments approved by the county attorney.

Surface water means natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as depicted on USGS Topographic Quadrangles and/or as determined by on-site surveys by a registered surveyor, landscape architect or engineer. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds or other facilities associated with agricultural operations, sewage lagoons and other facilities for which normal maintenance and repair is necessary.

Survey means the process and product of precisely ascertaining the area, dimension and location of a piece of land, produced by either a professional engineer or surveyor duly licensed by the state.

Surveyor means a land surveyor registered by and licensed to practice in the state.

Temporary sign means any sign or information-transmitting structure intended to be erected or displayed for a limited period of generally 60 days or less.

Tidewater means water inland which is affected by tidal influence.

Time and temperature sign means an electrical sign displaying only time and temperature.

Top of bank means a point above the mean water surface of a watercourse which defines the maximum depth of channel flow in the watercourse. It is either determined visually or computed as an elevation using the peak rate of runoff from a two-year storm event.

Topography means the characteristics of a parcel of land with respect to elevation.

Townhouse means a single-family attached dwelling unit, with a single unit going from ground to roof, and with individual outside access. See figure 106-2406.

Townhouse, weak-link means a single-family attached dwelling unit, with a single unit from ground to roof, and with individual outside access. Each unit shall have both a one- and two-story section, with the one-story section constituting at least 20 percent of frontage. See figure 106-2406.

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Transfer of development rights means the conveyance of development rights by deed, easement or other legal instrument authorized by the county to another parcel of land and the recording of that conveyance.

Travel demand management program means a program initiated by the employer that provides some combination of the following: business supplied car/van pooling, subsidy of transit passes, flex hours, staggered work hours, home work programs, subsidy of rents for living within walking commuting distance, company vehicles for daytime use or company run pickups from nearby transit stations.

Travel trailer. See *Recreational vehicle.*

Tree, canopy means a tree whose leaves would occupy the upper level of a forest, 40 or more feet above the ground in a natural ecological situation. These trees are also called shade trees, and typically reach heights of 50 to 100 feet at maturity.

Tree, understory means a tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. These trees are also called ornamental trees.

Tree aeration system means an engineered alternative to protect the root zone of a protected tree if paving cannot be avoided.

Tree protection zone means the area around a tree equal to a circle with a radius of one foot for every one inch of dbh (diameter at breast height) of the tree or five feet, whichever is greater.

Trellis means a frame of latticework designed to support plants.

Twin house means a single-family dwelling that is attached by one common wall to one other dwelling unit. See figure 106-2406.

Underground petroleum storage means any underground storage vessel, including the underground pipes connected thereto, which is used to contain petroleum products including heating oil and diesel fuel, and the volume of which, including the volume of the underground pipes connected thereto, is buried ten percent or more beneath the surface of the ground.

Underground storage tank system means any one or a combination of tanks including underground pipes connected thereto, which is used to contain an accumulation of regulated substances, and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground.

Understory tree. See *Tree, understory.*

Undevelopable area means the portion of a lot that is unusable for or not adaptable to the normal uses made of the property, which may include area covered by water, areas that are excessively steep, included in certain types of easements, or otherwise not suitable for development, including areas designated on a plat as undevelopable.

Unlawful acts means the violation of any note, regulation, order, permit condition or provision of this chapter.

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Variance means a departure from the strict terms or express provisions of this chapter when it will not be contrary to the public interest, and when, as a result of the peculiar conditions of the property and not from the actions of the property owner, the enforcement of this chapter would result in unusual and unnecessary hardship.

Vegetation means living plant material, including but not limited to trees, shrubs, vines, ferns, mosses, flowers, grasses, herbs, and groundcover.

Village house means a single-family residence which is detached from neighboring structures. A village house has very small front yards with special landscape requirements. Homes shall be built to the build-to line. A village house is permitted only in planned developments as provided in articles V, VI and XI of this chapter. See figure 106-2406.

Visual amenity means any type of visible feature which the observer finds attractive or pleasing to the eye.

Volume means the quantity of water that is generated by rainfall and other sources within a development or redevelopment.

Water body means any watercourse, tidal wetland or lake defined by a bank or shore in which water can be found.

Water distribution system means as follows:

(1) *Community* means a system for supplying and distributing water from a common source to two or more dwellings or other buildings within a single neighborhood.

(2) *On-site* means a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

(3) *Public* means a system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Water quality means those characteristics of stormwater runoff, usually from a land disturbing activity that relate to the chemical, physical, biological or radiological integrity of water.

Water table means the level below the surface at which the ground is saturated by water.

Watercourse means a stream channel (perennial, intermittent, mapped or unmapped) with banks and a bed within which concentrated water flows.

Watershed means the total or partial drainage area contributing stormwater runoff to a single point.

Wetland means those areas inundated or saturated by surface 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; or areas that are defined and delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January 10, 1989, and as may be amended from

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time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the state department of natural resources and environmental control.

Wetland delineation and report means an on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, from 1987 and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands.

Wetland, nontidal means wetlands that are not effected by tidal action. They include lacustrine, palustrine, and riverine wetlands or natural communities except for riverine-tidal wetlands.

Wetland, tidal means wetlands that are effected by tidal action or that are submerged. They include estuarine, marine, and riverine-tidal wetlands or natural communities.

Wildlife habitat means a community of plants that provide food, water, cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals.

Woodland. See *Forest.*

Yard means those portions of a lot outside the buildable area which are for the use of the occupants. Such areas are unobstructed from the ground up, except for permitted accessory buildings or architectural features. Such areas are required regardless of ownership type. The type of yards are front, rear, side, and street. See figure 106-18(16).

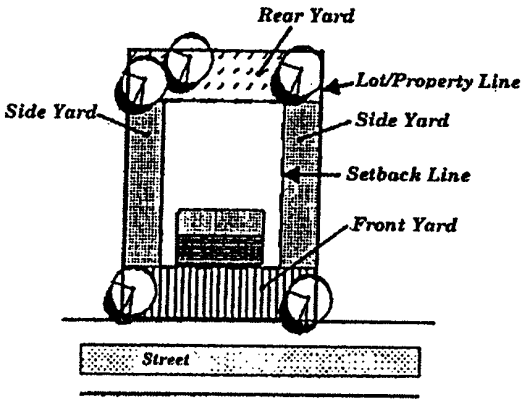
Yard, rear means a yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street. See figure 106-18(16).

Yard, side means a yard between the parts of the principal building and the adjacent side line of the lot and extending from the front yard to the rear yard. See figure 106-18(16).

Yard, street means a yard extending the full width of the lot between the street line and the parts of the principal building erected thereon setting back from and nearest such street line. See figure 106-18(16).

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Figure 106-18(16)



YARDS

Zero lot line. See *Lot-line house.*

Zoning district means a designation shown on the zoning map as being in a district enumerated in article IV of this chapter in which a specific set of zoning standards apply. The term may refer to the standards or an area so mapped. The term is also analogous with zoning classification or designation.

Zoning map means the map showing the location and boundaries of the zoning districts established by this chapter. These maps are entitled, "Official Zoning Map of Beaufort County."

Zoning permit means a written permit issued by the ZDA that certifies that the proposed use of the land will be in compliance with this chapter.

(Ord. No. 99-12, § 1 (div. 23.300), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-14, 3-13-2000; Ord. No. 2001-15, 6-11-2001; Ord. No. 2002-14, 4-22-2002; Ord. No. 2004/15, 6-14-2004; Ord. No. 2004/32, 10-4-2004; Ord. No. 2007/9, 2-12-2007; Ord. No. 2008/8, 2-25-2008; Ord. No. 2009/40, 10-26-2009)

Cross reference—Definitions generally, § 1-2.

Secs. 106-19—106-55. Reserved.

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ARTICLE II. ADMINISTRATIVE BODIES AND AGENTS*

DIVISION 1. GENERALLY

Sec. 106-56. Purpose.

This article establishes the responsibilities of and procedures for administrative bodies and agents created by this chapter. This article does not attempt to recite all responsibilities granted under the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, only those required of this chapter.
(Ord. No. 99-12, § 1 (div. 20.000), 4-26-1999)

Sec. 106-57. Responsibility.

The responsibility for major actions required by this chapter is set forth in this article. The following codes are used in table 106-57 to indicated responsibility. Any body or agent may have more than one responsibility, typically holding a hearing in addition to any action. Further, regardless of the appeal notation, decisions are appealable to the courts in accordance with state law.

TABLE 106-57. PROCEDURAL RESPONSIBILITIES

Type of Action	*Administrative Bodies*			*Administrative Agents*		
	County Council	*Planning Commission*	*Zoning Board of Appeals*	*Development Review Team*	*Planning Department*	*Zoning& Development Administrator*
Discretionary:						
Zoning text amendment	HD	HR			R	
Zoning map amendment	HD	HR			R	
Comprehensive plan amendment	HD	HR			R	
Special use			HD	R		
Zoning variance			HD			R
Plat Vacation	HD			R		
New street naming—Local and minor collector**				D		
New Street naming—Major collector and arterials**		HD				
Street renaming**		HD			R	
Administrative:						
Major subdivision plat*		HA		D		
Minor subdivision plat*		HA				D
Major land development plan*		HA		D		
Minor land development plan*		HA		D		
Modulation of standards			HA	D		
Zoning permit			HA			D

*__Cross reference__—Administration, ch. 2.

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Type of Action	*Administrative Bodies*			*Administrative Agents*		
	County Council	*Planning Commission*	*Zoning Board of Appeals*	*Development Review Team*	*Planning Department*	*Zoning& Development Administrator*
Discretionary:						
Sign permit			HA			D
Interpretation			HA		R	D

Note:

*Certain subdivisions and developments require reviews by special boards or agencies, not listed.

**All new street names are initially approved by the E-911 Addressing Center.

R = The body makes recommendations to the decision-makers.

H = The body must hold a public hearing. In some cases, public hearings are held at the time of the final action.

D = The body makes the final decision.

A = The body hears an appeal to the decision.

(Ord. No. 99-12, § 1 (20.110), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-58—106-85. Reserved.

DIVISION 2. ADMINISTRATIVE BOARDS*

Subdivision I. In General

Secs. 106-86—106-110. Reserved.

Subdivision II. County Council†

Sec. 106-111. Powers and duties.

The county council shall have the following powers and duties under this chapter:

(1) Appoint and approve members of the planning commission (PC).

(2) Appoint and approve members of the zoning board of appeals (ZBOA).

(3) Appoint and approve members of the historic preservation review board (HPRB).

(4) Appoint and approve members of the corridor review boards (CRB).

(5) Take such other action not delegated to the planning commission, ZBOA, HPRB, CRB, or heads of county departments, as the county council may deem desirable and necessary to implement the provisions of the comprehensive plan and this chapter.

(6) Adopt, by resolution, rules of procedure to carry out the powers and duties of each appointed administrative board.

(Ord. No. 99-12, § 1 (20.210), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-112—106-140. Reserved.

*__Cross reference__—Boards and commissions, § 2-191 et seq.

†__Cross reference__—County council, § 2-26 et seq.

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*Subdivision III. Planning Commission**

Sec. 106-141. Powers and duties.

The planning commission (referred to in this article as the commission) shall have the following powers and duties under this chapter:

(1) Review, hear, consider, and make recommendations to approve or disapprove applications for zoning map and ordinance text amendments.

(2) Initiate, prepare, or cause to be prepared a zoning, subdivision, land development or landscaping ordinance or amendments thereto, and oversee the administration of such regulations.

(3) Prepare or cause to be prepared the comprehensive plan, or any element or portion thereof, and recommend its adoption.

(4) Initiate, review, hear, consider, and make recommendations to approve or disapprove amendments to the comprehensive plan.

(5) Prepare or cause to be prepared an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites or open spaces within the county.

(6) Prepare or cause to be prepared a capital improvements program, setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the county council prior to preparation of its capital budget.

(7) Approve and authorize the name of a street or road located within the county, pursuant to S.C. Code 1976, § 6-29-1200.

(8) Make studies of the county's resources, possibilities, and needs and report its findings and recommendations, with reference thereto, from time to time, to the county council.

(9) Hear and decide appeals by an aggrieved party where it is alleged that there is error in a decision made by the DRT with regard to an application for a subdivision plat or development plan.

(Ord. No. 99-12, § 1 (20.220), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-142. Membership.

(a) *Composition.* The planning commission shall consist of nine members as follows: one member from each of the five planning areas identified in the Comprehensive Plan, including Sheldon Township, Port Royal Island, Lady's Island, St. Helena Township, and Bluffton Township/Daufuskie Island, and four at-large members. Members appointed from the five planning areas shall reside within the unincorporated portions of those areas, while members

*__Cross reference__—Boards and commissions, § 2-191 et seq.

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appointed at-large may reside anywhere within the county, including municipalities. All members of the commission shall be appointed by county council. No member of the planning commission shall hold elective office in Beaufort County. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate and related fields, and to representatives of neighborhood groups.

(b) *Terms of office.* Members shall be appointed to three-year terms, staggered so that one-third of the members shall have terms expiring in each year.

(c) *Officers.* Selection of officers and duties is as follows:

(1) *Chairman and vice-chairman.* At an annual organizational meeting, the members of the commission shall elect a chairman and vice-chairman from among its members. The chairman's and vice-chairman's terms shall be for one year with eligibility for reelection. The chairman shall be in charge of all procedures before the commission and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the commission. In the absence of the chairman, the vice-chairman shall act as chairman.

(2) *Secretary.* The planning director or designee shall serve as secretary of the commission. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the commission, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the commission members voting. In addition, the secretary shall maintain a public record of commission meetings, hearings, proceedings, and correspondence.

(3) *Staff.* The planning department shall be the commission's professional staff.

(d) *Quorum and voting.* Five commission members shall constitute a quorum of the commission necessary to take action and transact business. All actions shall require a simple majority of the number of commission members present.

(e) *Removal from office.* The county council by a simple majority vote, shall terminate the appointment of any member of the commission and appoint a new member for the following reasons: (i) absent from more than one-third of the commission meetings per annum, whether excused or unexcused; (ii) is no longer a resident of the county; (iii) is convicted of a felony; or (iv) violated conflict of interest rules according to the county-adopted template ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

(f) *Vacancy.* Whenever a vacancy occurs on the commission, the county council shall appoint a new member within 30 days of the vacancy subject to the provisions of this section. A new member shall serve out the former member's term.

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(g) *Compensation.* The commission members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the commission-approved budget.
(Ord. No. 99-12, § 1 (20.221), 4-26-1999; Ord. No. 2000-20, 4-24-2000)

Sec. 106-143. Meetings.

Planning commission meetings shall be held on the first Tuesday of every month. Additionally, meetings may be called by the chairperson or at the request of five commission members. The location of all commission meetings shall be in the county administration building in a place accessible to the public. The following shall apply to the conduct of all meetings:

(1) *Meeting records.* The commission shall keep a record of meetings, resolutions, findings, and determinations. The commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

(2) *Open to public.* All meetings and public hearings of the commission shall be open to the public.

(3) *Recommendations or decisions.* All recommendations shall be made by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.

(4) *Notice and agenda.* The commission must give written public notice of regular meetings at the beginning of each calendar year. The commission must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The commission must notify any persons, organizations and news media that request such notification of meetings. In addition notice shall be given at least 15 days in advance of a commission meeting in a newspaper of general circulation in the county, and in cases involving comprehensive plan, zoning map and text changes, street renamings or appeals to land development decisions by staff. Conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property.
(Ord. No. 99-12, § 1 (20.222), 4-26-1999; Ord. No. 2000-20, 4-24-2000; Ord. No. 2004/40, 11-22-2004)

Secs. 106-144—106-170. Reserved.

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*Subdivision IV. Zoning Board of Appeals**

Sec. 106-171. Powers and duties.

The zoning board of appeals (referred to as the ZBOA) shall have the following powers and duties:

(1) Hear and decide appeals by an aggrieved party where it is alleged that there is error in an order, requirement, decision, or determination made by the ZDA or other county official in the enforcement of this chapter.

(2) Hear and decide appeals for variance from the requirements of this chapter when strict application of the provisions of this chapter would result in unnecessary hardship.

(3) Hear, consider, and approve or disapprove applications for special use permits, pursuant to division 3 of article V of this chapter.

(Ord. No. 99-12, § 1 (20.230), 4-26-1999; Ord. No. 2000-6, 2-14-2000)

Sec. 106-172. Membership.

(a) *Membership.* The zoning board of appeals (ZBOA) shall consist of seven members appointed by the county council. No member of the ZBOA shall hold elective office in the county, the Town of Port Royal, the Town of Bluffton or the City of Beaufort. Members shall be appointed from each of the five county planning districts: Beaufort/Port Royal Island, Lady's Island, Southern Beaufort County, St. Helena Island and Northern Beaufort County (north of Whale Branch), and two shall be selected, one each north and south of the Broad River. The membership shall include, to the greatest extent practical, at least one attorney and one design professional, either a registered architect or a registered landscape architect. In addition, the ZBOA shall have one ex-officio member to be appointed by the county council who shall be an attorney or other professional person and who shall assist the ZBOA in situations needing professional advice.

(b) *Terms of office.* The original ZBOA shall be appointed as follows: three members for two-year terms, two members for three-year terms, and two members for four-year terms. Thereafter, all members shall be appointed for four-year terms.

(c) *Officers.* Selection of officers and duties are as follows:

(1) *Chairperson and vice-chair.* At an annual organizational meeting, the members of the ZBOA shall elect a chair and vice-chair from among its members. The chair's and vice-chair's terms shall be for one year. The chairperson shall administer oaths, shall be in charge of all procedures before the ZBOA, may compel the attendance of witnesses, and shall take such action as necessary to preserve order and the integrity of all proceedings before the ZBOA. In the absence of the chairperson, the vice-chair shall act as chairperson.

***Cross reference**—Boards and commissions, § 2-191 et seq.

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(2) *Secretary.* The ZBOA shall appoint a secretary, who may be an official of the county or a member of the ZBOA; however it is customary for the ZDA to serve as secretary to the ZBOA. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the ZBOA, which shall show the vote of each member upon every question, or in the absence or failure to vote, indicating such fact. The minutes shall be approved by a majority of the ZBOA members voting. In addition, the secretary shall maintain a public record of ZBOA examinations, findings, determinations, and all other official actions, all of which shall be of public record.

(3) *Staff.* The ZDA shall be the professional staff for the ZBOA.

(d) *Quorum and voting.* Four or more members of the ZBOA shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the members present.

(e) *Removal from office.* The county council, by a simple majority vote, shall terminate the appointment of any member of the ZBOA and appoint a new member for the following reasons: (i) absent from more than one-third of the ZBOA meetings per annum, whether excused or unexcused; (ii) is no longer a resident of the county; (iii) is convicted of a felony; or (iv) violated conflict of interest rules according to the county-adopted template ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

(f) *Vacancy.* Whenever a vacancy occurs on the ZBOA, the county council shall appoint a new member within 30 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.

(g) *Compensation.* The ZBOA members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the ZBOA-approved budget.
(Ord. No. 99-12, § 1 (20.231), 4-26-1999; Ord. No. 2000-6, 2-14-2000)

Sec. 106-173. Meetings.

(a) *Date, time and location.* Meetings of the zoning board of appeals shall be held each month on a date noticed annually by the county. Additionally, meetings may be called by the chairperson or at the request of four members of the ZBOA. The location of all ZBOA meetings shall be in the county administration building in a place accessible to the public.

(b) *Notice and agenda.* The ZBOA must give written public notice of regular meetings at the beginning of each calendar year. The ZBOA must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The ZBOA must notify any persons, organizations and news media that request such notification of meetings. In addition notice shall be given at least 15 days in advance of a ZBOA meeting in a newspaper of general

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circulation in the county, and, in cases involving variances or special use permits, conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property.

(c) *Meeting records.* The ZBOA shall keep a record of meetings, resolutions, findings, and determinations. The ZBOA may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

(d) *Open to public.* All meetings and public hearings of the ZBOA shall be open to the public. (Ord. No. 99-12, § 1 (20.232), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-174—106-200. Reserved.

*Subdivision V. Historic Preservation Review Board**

Sec. 106-201. Powers and duties.

The historic preservation review board (referred to as the HPRB) shall have the following powers and duties:

(1) Review, hear, consider, and make recommendations for the designation of individual historic properties.

(2) Review, hear, consider, and make recommendations for the designation of historic districts.

(3) Review applications for construction within historic districts and applications for construction or demolition pertaining to or affecting duly designated historic resources. The HPRB shall approve, approve with modifications, or deny such applications in accordance with article X of this chapter.

(Ord. No. 99-12, § 1 (20.240), 4-26-1999)

Sec. 106-202. Membership.

(a) *Composition; qualifications.* The historic preservation review board shall consist of seven members appointed by the county council. No member of the HPRB shall hold elective office in the county, the Town of Port Royal, the Town of Bluffton or the City of Beaufort. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have established professional qualifications in history (with a specific knowledge of local history), historic architecture (an architect or, if an architect is unavailable, a person who is knowledgeable about building design and construction, with specific experience or training with historic resources), or architectural history. Professional qualifications include the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Membership shall be representative of unincorporated areas of the county, including one from Northern Beaufort County, one from Southern Beaufort

*__Cross reference__—Boards and commissions, § 2-191 et seq.

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County, one from Port Royal Island, one from Lady's Island, and one from St. Helena Island. The membership shall also include representatives from the Historic Beaufort Foundation and the Bluffton Historic Preservation Organization.

(b) *Terms of office.* All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.

(c) *Officers.* Selection of officers and their duties is as follows:

(1) *Chairperson and vice-chair.* At an annual organizational meeting, the members of the HPRB shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the HPRB, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the HPRB. In the absence of the chair, the vice-chair shall act as chairperson.

(2) *Secretary.* The county historic preservationist shall serve as secretary for the HPRB. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the HPRB, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the HPRB members voting. In addition, the secretary shall maintain a public record of HPRB meetings, hearings, proceedings, and correspondence.

(3) *Staff.* The historic preservationist shall be the HPRB's professional staff.

(d) *Quorum and voting.* Four HPRB members shall constitute a quorum of the HPRB necessary to take action and transact business. All actions shall require a simple majority of the number of HPRB members present.

(e) *Removal from office.* The county council, by a simple majority vote, shall terminate the appointment of any member of the HPRB and appoint a new member for the following reasons: (i) absent from more than one-third of the HPRB meetings per annum, whether excused or unexcused; (ii) is no longer a resident of the county; (iii) is convicted of a felony; or (iv) violated conflict of interest rules according to the county-adopted template ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

(f) *Vacancy.* Whenever a vacancy occurs on the HPRB, the county council shall appoint a new member within 30 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.

(g) *Compensation.* The HPRB members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the HPRB-approved budget.

(Ord. No. 99-12, § 1 (20.241), 4-26-1999)

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Sec. 106-203. Meetings.

Meetings of the historic preservation review board shall be held on the fourth Thursday of every month. Additionally, meetings may be called by the chairperson or at the request of four HPRB members. The location of all HPRB meetings shall be in the county administration building in a place accessible to the public. The following shall apply to the conduct of all meetings:

(1) *Meeting records.* The HPRB shall keep a record of meetings, resolutions, findings, and determinations. The HPRB may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

(2) *Open to public.* All meetings and public hearings of the HPRB shall be open to the public.

(3) *Recommendations or decisions.* All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.

(4) *Notice and agenda.* The HPRB must give written public notice of regular meetings at the beginning of each calendar year. The HPRB must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The HPRB must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 99-12, § 1 (20.242), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-204—106-230. Reserved.

*Subdivision VI. Corridor Review Boards**

Sec. 106-231. Created; powers and duties.

There shall be two corridor review boards. Both boards shall review and take action on development applications pursuant to article II, division 2, subdivision V, of this chapter. The boards and areas of jurisdiction are as follows:

(1) The Southern Beaufort County Corridor Review Board (referred to as the SCRB) has design review responsibility for all proposed projects and developments situated on the following designated highway corridors within Beaufort County and the Town of Bluffton:

a. U.S. 278, from the Hilton Head Island town line to the Jasper County line.

b. S.C. 170 (segment south of the Broad River), from the Jasper County line in Okatie to the New River (Jasper County line).

*__Cross reference__—Boards and commissions, § 2-191 et seq.

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c. S.C. 46, from U.S. 278 to the northern terminus of the Town of Bluffton, and from the eastern terminus of the Town of Bluffton to S.C. 170.

d. S-163 (Burnt Church Road), from U.S. 278 to the northern terminus of the Town of Bluffton.

e. Buckwalter Parkway from U.S. 278 to S.C. 46.

f. Bluffton Parkway from S.C. 170 to the eastern terminus at U.S. 278 (Phases 5A and 5B of the Bluffton Parkway shall come under the jurisdictions of the Southern Beaufort County Corridor Review Board once construction commences for those portions of the Bluffton Parkway).

g. Designated highway corridors within the Town of Bluffton.

(2) The Northern Beaufort County Corridor Review Board (referred to as the NCRB) has design review responsibility for all proposed projects and developments situated on the following designated highway corridors:

a. U.S. 21, from the Hampton County line to the northern terminus of the City of Beaufort, and from the eastern terminus of the City of Beaufort to Fripp Island.

b. U.S. 17, from the Colleton County line to the Jasper County line.

c. S.C. 170 (segment north of the Broad River), from the southern terminus of the City of Beaufort to the Jasper County line in Okatie.

d. S.C. 802, from S.C. 170 to the southern terminus of the Town of Port Royal, and from the eastern terminus of the Town of Port Royal to Coosaw Island.

e. S.C. 280, from U.S. 21 to S.C. 802.

f. S.C. 116 in its entirety to the entrance gate of the Laurel Bay Military Housing Development.

g. S.C. 21 (Old Sheldon Church Road) from U.S. 17/21 to LeCreuset Road.

(Ord. No. 99-12, § 1 (20.250), 4-26-1999; Ord. No. 2004/18, 6-14-2004; Ord. No. 2008/17, 5-5-2008; Ord. No. 2009/29, 8-24-2009)

Sec. 106-232. Membership.

(a) *SCRB.* The SCRB shall consist of seven members. No member of SCRB shall hold elective office in Beaufort County, the Town of Port Royal, the Town of Bluffton, the Town of Hilton Head Island or the City of Beaufort. Beaufort County and Town of Bluffton board representation will each consist of one architect, one landscape architect and one citizen representative to be appointed by the respective Councils. The Town of Hilton Head Island Council will appoint one citizen representative to the SCRB.

(b) *NCRB.* The NCRB shall consist of seven members appointed by Beaufort County Council. No member of the NCRB shall hold elective office in Beaufort County, the Town of Port Royal, the Town of Bluffton, the Town of Hilton Head Island or the City of Beaufort. Membership shall include two architects, one landscape architect, one other design professional and three citizen representatives who reside in the respective area served.

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(c) *Terms of office.* The board members shall be appointed as follows: three members for two-year terms, two members for three-year terms, and two members for four-year terms. Thereafter, all members shall be appointed for four-year terms.

(d) *Officers.* Selection of officers and their duties are as follows:

(1) *Chairperson and vice-chair.* At an annual organizational meeting, the members of each CRB shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall administer oaths, shall be in charge of all procedures before the CRB, may compel the attendance of witnesses, and shall take such action as necessary to preserve order and the integrity of all proceedings before the CRB. In the absence of the chair, the vice-chair shall act as chairperson.

(2) *Secretary.*

a. *NCRB:* The county development review planner shall serve as secretary for the NRCB.

b. *SCRB:* Beaufort County and Town of Bluffton staff shall serve as secretary for the SCRB rotating on two-year periods.

c. *[Duties.]* The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the CRB, which shall show the vote of each member upon every question, or in the absence of failure to vote, indicating such fact. The minutes shall be approved by a majority of the CRB members voting. In addition, the secretary shall maintain a public record of CRB examinations, findings, determinations, and all other official actions, all of which shall be of public record.

(3) *Staff.* The Town of Bluffton and the County shall appoint a planner to staff the SCRB. The county's development review planner shall staff the NCRB.

(d) *Quorum and voting.* A majority of appointed members shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the members present.

(e) *Removal from office.* The county council, by a simple majority vote, shall terminate the appointment of any member of the CRB and appoint a new member for the following reasons: (i) absent from more than one-third of the CRB meetings per annum, whether excused or unexcused; (ii) is no longer a resident of the county; (iii) is convicted of a felony; or (iv) violated conflict of interest rules according to the county-adopted template ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

(f) *Vacancy.* Whenever a vacancy occurs on either corridor review board, the county council shall appoint a new member within 30 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.

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(g) *Compensation.* All CRB members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the CRB-approved budget.
(Ord. No. 99-12, § 1 (20.251), 4-26-1999; Ord. No. 2009/29, 8-24-2009)

Sec. 106-233. Meetings.

Meetings of both corridor review boards shall be held twice per month unless no projects are submitted for review or there is a conflict of scheduling due to holidays. Additionally, meetings may be called by the chairperson or at the request of four CRB members. The following shall apply to the conduct of all meetings:

(1) *Meeting records.* Each CRB shall keep a record of meetings, resolutions, findings, and determinations. Each CRB may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

(2) *Open to public.* All meetings and public hearings of each CRB shall be open to the public. The Northern County CRB shall meet in the county main administration building; the Southern County CRB shall meet at a centrally located venue near the Bluffton area.

(3) *Recommendations or decisions.* All recommendations shall be by vote of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.

(4) *Notice and agenda.* Each CRB must give written public notice of regular meetings at the beginning of each calendar year. Each CRB must post regular meeting agendas 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. Each CRB must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 99-12, § 1(20.252), 4-26-1999; Ord. No. 2004/40, 11-22-2004; Ord. No. 2009/29, 8-24-2009)

Secs. 106-234—106-260. Reserved.

DIVISION 3. ADMINISTRATIVE AGENTS

Sec. 106-261. Development review team (DRT).

(a) *Composition; responsibilities.* The development review team (referred to as the DRT) is facilitated by the ZDA and shall consist of the ZDA, the planning director, the building codes official, and the county engineer or their designees. The DRT shall be responsible for the review and approval or non-approval of all new local and minor collector streets, major subdivision plats, and land development plans. The DRT shall provide recommendations to

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administrative bodies for all special uses and plat vacations. No proposal appearing before the DRT shall be approved except where it is in compliance with this chapter. DRT approvals require the affirmative vote of not less than three DRT members.

(b) *Meetings.* The following applies to meetings of the DRT:

(1) *Administration.* All projects and proposals requiring review by the DRT shall be coordinated and scheduled through the ZDA. When an appropriate application is determined by the ZDA to be complete, the ZDA shall distribute, for its review and comments, copies of the project or proposal application package to all DRT members and, if applicable, to the appropriate public safety departments and other entities that may be vital as determined by the DRT, for properly evaluating the proposed project or proposal.

(2) *Rules of procedure.* The DRT shall adopt rules of procedure and shall keep a record of meetings, findings, and determinations. The DRT shall record and may transcribe such meetings and proceedings as may be deemed necessary.

(3) *Recommendations or decisions.* All reviews by the DRT shall include written comments including a recommendation for approval/ disapproval, and reasoning for the recommendation. Written comments shall be provided by each reviewer to the ZDA. The ZDA shall compile all the comments and forward them to the applicant. A recommendation by the DRT shall not be considered until all staff comments have been provided. Approvals require an affirmative recommendation from not less than three DRT members. All recommendations and decisions shall be accompanied by a written summary of the action, and recommendations shall be mailed to the applicant and included in their file. An applicant receiving a non-approval may, at the applicant's discretion before the scheduled DRT meeting, postpone further consideration of the application to address and correct the issues presented by individual DRT members, or reapply, subject to new application procedures. Once scheduled for a DRT meeting, an applicant may only reschedule twice to correct deficiencies in the proposals or projects to avoid additional fees. If applicable, all applications requiring DRT consideration shall expire 60 days from the date of the first scheduled DRT meeting.

(4) *Notice and agenda.* The DRT shall post all applications scheduled for consideration at the next available meeting five calendar days prior. All meetings of the DRT shall be open to the public. The applicant shall post the property two weeks prior to the scheduled DRT meeting.

(Ord. No. 99-12, § 1 (20.310), 4-26-1999; Ord. No. 2004/40, 11-22-2004; Ord. No. 2009/28, § B, 8-24-2009)

Sec. 106-262. Planning department.

(a) The planning department shall have the following jurisdiction, authority, and duties under this chapter:

(1) Review and make recommendations for the disposition of applications for various permits or approvals as indicated in table 106-57.

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(2) Undertake the planning commission's current and long range comprehensive planning responsibilities.

(3) Review as necessary, but at least every five years the comprehensive plan and this chapter and recommend amendments to the planning commission and county council.

(b) The director of planning or designee from the planning department shall serve as staff to the planning commission.
(Ord. No. 99-12, § 1 (20.320), 4-26-1999)

Sec. 106-263. Zoning and development administrator.

The zoning and development administrator (referred to as the ZDA) is responsible for coordinating, receiving and distributing all land development applications, and for providing staff level interpretive decisions regarding this chapter. In addition to the jurisdiction, authority, and duties which may be conferred upon the ZDA by other provisions of this Code and state law, the ZDA shall have the following jurisdiction, authority, and duties under this chapter:

(1) Receive and coordinate all applications for discretionary and administrative actions and sign permits for processing pursuant to this chapter.

(2) Ensure that adequate public notice is provided for development application pursuant to this chapter.

(3) If designated, serve as chief county code enforcement officer, and department head over staff zoning enforcement officers, and initiate proceedings against the violators of this chapter.

(4) Review, consider, and render interpretations of this chapter or the zoning map.

(5) Issue zoning permits, sign permits as required by table 106-57.

(6) Undertake the day-to-day administration of those sections of this chapter for which the office is responsible under table 106-57.

(7) Inspect buildings, uses, developments, or other activities for compliance with this chapter.

(8) Serve as professional staff to the ZBOA.

(9) Approve, qualify and/or stamp plats exempt, under the terms and conditions of this chapter.

(Ord. No. 99-12, § 1 (20.330), 4-26-1999)

Sec. 106-264. County staff attorney.

In addition to the jurisdiction, authority, and duties which may be conferred upon the county staff attorney by other sections of this Code, the county staff attorney shall have the following authority and duties under this chapter:

(1) Review for form and, when appropriate, documents drafted by the ZDA, planning commission, ZBOA, CRB, DRT or HPRB in connection with any requirement of this chapter.

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(2) Review for form all development agreements, easements, declarations of covenants, letters of credit, performance guarantees, administrative interpretations, or other such documentation in connection with any requirement of this chapter.

(3) Advise the county council, planning commission, planning department, ZDA, ZBOA, CRB, DRT and HPRB in regard to the legal issues which may arise during implementation of the comprehensive plan and this chapter.

(Ord. No. 99-12, § 1 (20.350), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Cross reference—Officers and employees, § 2-56 et seq.

Sec. 106-265. Reserved.

Sec. 106-266. Historic preservationist.

The historic preservationist shall have the following powers and duties under this chapter:

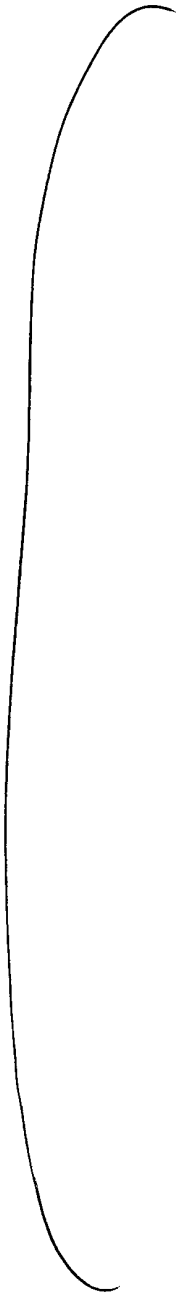
(1) Administer article X of this chapter.

(2) Serve as staff for the HPRB.

(3) Administer and enforce the county archaeology ordinance.

(4) Maintain and update the county historic sites inventory.

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(5) Maintain the South Carolina Institute of Archeology and Anthropology Archaeology Sites file for the county, the county's National Register of Historic Places file, and the county historic sites cartographic maps.

(6) Assist citizens with matters such as National Register nominations, tax credits, state and federal grants, and with state, federal and local compliance responsibilities.

(7) Implement historic preservation issues identified in the county comprehensive plan.
(Ord. No. 99-12, § 1 (20.360), 4-26-1999)

Secs. 106-267—106-305. Reserved.

ARTICLE III. ADMINISTRATIVE PROCEDURES*

DIVISION 1. GENERALLY

Sec. 106-306. Purpose.

This article establishes the procedures for all approvals, administrative reviews, and administrative relief required by this chapter. This article provides the user with a guide to the procedures to be followed and the criteria that must be met for some types of applications. It also provides for appeals from decisions taken to the courts.
(Ord. No. 99-12, § 1 (div. 21.000), 4-26-1999)

Sec. 106-307. Scope of procedure and administration.

This article is divided into divisions that address general procedures common to all applications using those procedures and those addressing the making of decisions on various types of applications. The contents of divisions are as follows:

(1) Division 2 of this article sets forth general procedures applicable to the review of applications.

(2) Division 3 of this article sets forth the procedures governing discretionary reviews including zoning map and text amendments, comprehensive plan amendments, variances, special uses, plat vacations, corridor review, street namings and renamings, and certificates of appropriateness.

(3) Division 4 of this article sets forth the procedures governing administrative interpretations.

(4) Division 5 of this article sets forth the procedures governing administrative reviews for signs, zoning permits, and certificates of zoning compliance.

(5) Division 6 of this article sets forth the procedures governing administrative appeals.

*Cross reference—Administration, ch. 2.

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(6) Division 7 of this article sets forth enforcement provisions.
(Ord. No. 99-12, § 1 (21.010), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-308—106-335. Reserved.

DIVISION 2. PROVISIONS GENERALLY APPLICABLE TO REVIEWS AND ACTIONS

Subdivision I. In General

Sec. 106-336. Scope of division.

The procedures set forth in this division shall be followed for all reviews and actions.
(Ord. No. 99-12, § 1 (div. 21.100), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-337—106-365. Reserved.

Subdivision II. Review of Applications

Sec. 106-366. Preapplication conference.

(a) *Generally.* A preapplication conference is mandatory prior to submitting an application for a special use permit, a zoning text or zoning map amendment, or a comprehensive plan amendment. For all other reviews, a preapplication conference is optional. The preapplication conference's purpose is to familiarize the applicant with any county concerns and with this chapter's applicable provisions. Also, this conference permits staff to assess the proposal and identify any service problems or concerns. A preapplication conference is strongly encouraged for applicants who are unfamiliar with the review process and/or the requirements of this chapter.

(b) *Initiation.* An applicant shall request a date for the preapplication conference with staff. The request shall be accompanied by a description of the character, location, and magnitude of the proposed development and the type of approval sought. If the applicant prepares a concept plat or plan, such a plat or plan should be brought to the preapplication conference.

(c) *Scheduling.* Upon receipt of the request for a preapplication conference, the ZDA or planning department, whichever is applicable, shall schedule and notify the applicant of the time, date, and place of the preapplication conference.

(d) *Conference determinations.* At the preapplication conference, staff shall review the material, make recommendations, and indicate concerns, problems, or other factors the applicant should consider in pursuing the proposal.

(e) *Written summary.* The ZDA or planning department, whichever is applicable, shall provide the applicant with a brief summary of the preapplication conference.
(Ord. No. 99-12, § 1 (21.111), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

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Sec. 106-367. Applications.

(a) *Forms.* All administrative actions under this chapter shall require the appropriate county forms.

(b) *Initiation.* Applications shall be signed and submitted by the owner, or an authorized agent of the owner.

(c) *Application fees.* The following fees are established to defray application review and processing costs.

Type of Action	*Fee*
Residential filing fees	$25.00 per lot (Maximum $2,000.00)
Engineering inspection fees	$50.00 (1—5 lots) $100.00 (6 and up)
Nonresidential filing/ Engineering inspection fee	
Up to 5,000 sq. ft.	$0.10 per sq. ft.
5,001—10,000 sq. ft.	$0.08 per sq. ft.
10,001 sq. ft. and over	$0.06 per sq. ft. (Maximum $2,000.00)
Zoning permits	$25.00
Variances/appeals	$75.00
Sign permits	$0.50 per sq. ft. (Minimum $15.00)
Special uses	$75.00
Text amendment	$250.00
Rezoning all districts except PUD	$250.00
Rezoning PUD	$20.00 per acre (Minimum $250.00; Maximum $2,500.00)
Comprehensive plan amendment	$250.00
Plat vacation	$100.00
Street renaming	$100.00
Certificate of appropriateness	$100.00
CRB (new project)	$175.00 per submittal
CRB (major revision)	$100.00 per submittal
CRB (minor revision)/staff review	$50.00 per submittal

(d) *Submission of application.* All applications shall be submitted to the appropriate county department. No application will be accepted unless accompanied by the required fee. Applications received before 12:00 p.m. shall be dated the same working day. Applications received after 12:00 p.m. shall be dated the next working day.

(e) *Inspection and access.* By submission of an application, the applicant grants the staff reasonable access to view, enter, and inspect the property, or on-site uses or buildings, for compliance with this chapter.

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(f) *Contents of application.* The application shall be submitted in or on a form established by the planning department or the ZDA and made available to the public. An application form, describing the information each application must contain to be considered complete, shall be available from the planning department or the ZDA.

(g) *Studies and reports.* When required, applications must contain special studies or reports as follows:

(1) *Community impact statement (CIS).*

a. *Requirements.* Where required by this chapter, a community impact statement (CIS) shall be submitted as part of the application. The CIS consists of at least four separate assessments. One or all of the assessments shall be required for certain development applications, as required by this chapter. The four assessments include the following:

1. Area impact assessment (AIA).
2. Environmental impact assessment (EIA).
3. Traffic impact assessment (TIA).
4. Archaeological and historic impact assessment (AHIA)

b. *Approval criteria.* The purpose of the CIS is to (i) determine if alternatives would avoid the adverse impacts, (ii) determine that the plan selected minimizes the impact, and (iii) identify mitigation measures that would offset the impacts. The following standards shall determine the approval, denial, or recommended conditions:

1. The developer must establish a need for the use that requires this review.
2. The site or plan that best avoids impacts and is feasible shall be approved. Failure to achieve this objective shall be the basis for denial.
3. The plans shall clearly minimize any adverse impacts. The alternative plan with the least impact shall be a condition of approval.
4. Mitigation shall be required that minimizes or offsets all adverse impacts.

(2) *Area impact assessment (AIA).* Where required by this chapter, an area impact assessment (AIA) shall be conducted and submitted as part of the application. The AIA report includes several different studies or assessments that may be required separately for certain developments. The following shall be part of the AIA:

a. *Fire/police/EMS.* Expected annual number of responses for the proposed development, based on statistics describing similar types of development, which already exist. Letters from appropriate agencies to determine the adequacy of current law enforcement, emergency medical service, and fire facilities to serve the project. All improvements needed to maintain an adequate level of service shall be identified.

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b. *Population.* Expected number of employees (construction, as well as permanent); amount of increase in number of residents and type of housing product associated with proposed development.

c. *Land use compatibility.* Relationship of the proposed development with surrounding land uses, including a description of surrounding land uses, as well as the anticipated impacts upon them.

d. *Economic impact/benefits.* Provide anticipated revenues to the county and the school board, as well as estimated dollar amount of wages and salaries to employees.

e. *School impact.* Provide an estimate of preschool and school age children to be generated by the project and an analysis of the ability of the public school system to absorb the increase. The analysis will provide data on school facility capacity, existing enrollments, cumulative projections of new students, impacts on facilities, support staff, and added cost to the school district.

f. *Facilities impact.* Provide an analysis of public water, sewer, and recreational facilities available or needed to serve the proposed development Should existing facilities be determined inadequate to serve the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated together with the estimated costs for such additional facilities.

(3) *Environmental impact assessment (EIA).* Where required by this chapter, an environmental impact assessment (EIA) shall be conducted and submitted as part of the application. The EIA report includes several different studies or assessments that may be required separately for certain developments. The following shall be part of the EIA:

a. Impacts to air quality due to construction and continued operations must be detailed, along with impacts to noise levels. If the proposed development will produce, or require the storage of hazardous or toxic material on site, the EIA shall include containment plans and disaster mitigation plans in compliance with SCDHEC.

b. Alternative designs or locations on the site shall be considered to determine that the proposed use minimizes the potential for adverse ecological impacts.

c. Identify any environmental impacts on adjoining land uses or communities, or on users of public or private roads.

d. Through an environmental analysis, identify existing natural conditions, any increased risks of flooding, groundwater depletion, water pollution, soil instability, or safety risks to site users.

e. Inventory of federal and state threatened and endangered plant and animal species, as well as candidates for such designation, on site and within 500 feet of the site. Determine the proposed development's impacts, and identify any mitigation.

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(4) *Traffic impact analysis (TIA).* A TIA shall be required according to article V and this section. Also, any development that would generate more than 50 trips during the peak hour shall be required to conduct a traffic impact analysis (TIA). A second phase, second subdivision, or addition that takes a property over the trip limitation when taken as a whole shall also require a TIA even though that development does not qualify on its own. The engineering department shall determine whether a TIA is complete . Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan. Under no circumstances will an applicant change a use to another use permitted in the district without conducting a new TIA, if required. All TIA's shall adhere to the following requirements and standards:

a. The TIA shall be conducted by an engineer registered in the state who is experienced in the conduct of traffic analysis, and approved by the county engineer.

b. The TIA shall indicate current conditions, the traffic generated by the subject site at full development, traffic generated by developments approved in the area that would affect future traffic flows, and an estimate of future traffic on the system at the time of buildout.

c. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated and recommendations made of acceleration and deceleration lanes, left turn lanes, or signalizations shall be part of the TIA.

d. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties the TIA shall make recommendation on interconnections. The DRT may have similar recommendations, or past analyses. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads rather than major roads for short trips.

e. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

f. The engineering department must first approve the TIA in regard to completeness and accuracy and the DRT may require the applicant to provide construction of recommended improvements, fees in lieu of construction, or revise the project to lessen or eliminate the determined impact, provided there is an agreement with the state or county to make the improvements.

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g. Residential development, residential care facilities, hospitals, hotels and resort-oriented developments shall submit an emergency evacuation analysis (EEA), as part of the TIA. The EEA shall indicate how the proposed development utilizes the county's prescribed evacuation routes, as shown in the adopted comprehensive plan. The transportation planner or traffic engineer preparing the report shall indicate the effect of the proposed development upon existing evacuation times for that portion of the county. The EEA shall be reviewed and approved by the director of emergency management prior to submittal as part of the TIA.

h. The methodology outlined in section 106-2450 shall be followed.

(5) *Archeological and historic impact assessment (AHIA).* Where required by this chapter, an archaeological and historic impact assessment (AHIA) pursuant to article X of this chapter shall be conducted and submitted as part of the application. The following shall be part of the AHIA:

a. A determination in the form of a written statement from the county historic preservation planner as to the archaeological or historical significance of the property.

b. If required, an intensive level archaeological survey.

c. If required, historic resource documentation according to state historic preservation office standards.

d. If required, an approved mitigation plan.

e. Inventory of federal, state, or local identified irreplaceable historical, archaeological or paleontological resources on site and within 500 feet of the proposed site; determine the proposed development's impact on the resources and identify any mitigation.

(Ord. No. 99-12, § 1 (21.112), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2004/40, 11-22-2004; Ord. No. 2005/37, 10-24-2005)

Sec. 106-368. Application completeness review and recommendations.

(a) *Application completeness review.* The ZDA or the planning department, whichever is applicable, shall determine, within a specified time, if the application is sufficient and includes data necessary to evaluate the application and will take the following action.

(1) If the ZDA or the planning department determines the application is not sufficient, a written notice shall be mailed to the applicant specifying deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 30 working days, the application shall be considered withdrawn and the application fee refunded.

(2) Upon receipt of a complete application, the ZDA or the planning department shall forward the application to all appropriate county departments and consultants, and schedule the appropriate review meeting dates. All reviews shall be completed by each

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reviewer, and comments with recommendations included on the reviewer's official letterhead, allowing sufficient time for the applicant to be mailed a copy of such recommendation before a scheduled meeting.

(3) If a public hearing is required, the ZDA or the planning department shall schedule a date and time to hear the application, and shall notify the applicant in writing.

(b) *Recommendations.* Recommendations on the application are as follows:

(1) Upon completion of all appropriate county reviews, the planning department or ZDA, whichever is applicable, shall then file a staff report including all review recommendations no later than seven calendar days prior to the scheduled DRT meeting or, if applicable, the ZBOA or planning commission public hearing on the application. Staff may meet with the applicant prior to the DRT meeting to review the recommendations, and the applicant shall be permitted to ask questions and respond to the comments and recommendations. If the applicant chooses to proceed with the scheduled DRT meeting and the DRT determines that revisions to a subdivision plat or land development plan are required before further consideration can be given, a limit of two additional meetings may be scheduled to allow the applicant time to provide the revisions. If the applicant fails to properly submit adequate revisions to previously considered plats or plans, a disapproval of the application or delay of further consideration may result. A disapproval by the DRT will require a new application by the applicant, subject to all applicable fees and conditions of this chapter

(2) The staff report shall recommend any changes in the application, as submitted, and the conditions for approval, if any, necessary to bring the application into compliance with this chapter.

(3) The planning department or ZDA, whichever is applicable, shall make available a copy of the staff report to the applicant no later than seven calendar days prior to the scheduled DRT meeting or, if applicable, the ZBOA or planning commission public hearing on the application.

(c) Examination and copying of application and other documents. Upon reasonable request and during normal business hours, any person may examine any application and materials concerning the application in the county administration building. A copy of written reports and text may be obtained by any person upon applying to the ZDA or planning department and paying the duplication cost of such material. Due to copyright laws, requests for signed and sealed project drawings and plans must be approved by the originator and the graphics provided by the originator.

(Ord. No. 99-12, § 1 (21.113), 4-26-1999; Ord. No. 2004/40, 11-22-2004; Ord. No. 2009/28, § C, 8-24-2009)

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Sec. 106-369. Concept plat or plan review.

(a) *Generally.* In addition to the general design standards of articles V, VI, VII, XI, XII and XIII of this chapter, concept plat or plan reviews shall consider the phasing and organization of major subdivisions and land developments. The concept plat or plan is a general, sketch-type plat or plan that need not contain all design details, but should permit the entire development to be assessed. Such an assessment includes the following elements:

(1) *Phasing.* In particular, elements such as required land uses or land use mixes shall be addressed in the phasing to ensure such requirements are not left until the last phase and then not developed. A phasing plan may be required as part of the concept plat or plan approval.

(2) *Flexibility.* Building flexibility into long-term development is essential since market conditions can change dramatically. In permitting flexibility, rules must govern the types of changes that will be considered consistent. Flexibility will not permit an increase in density or decrease in open space or landscaped surface below this chapter's standards. It may also provide substitution provisions. The developer shall specify the types of flexibility desired or other requirements to ensure important requirements are not dropped. The standards of flexibility are included in article XIV of this chapter pertaining to modulation of standards.

(3) *Design.* This chapter's design review standards and corridor review standards shall be covered after the concept plat or plan approval stage.

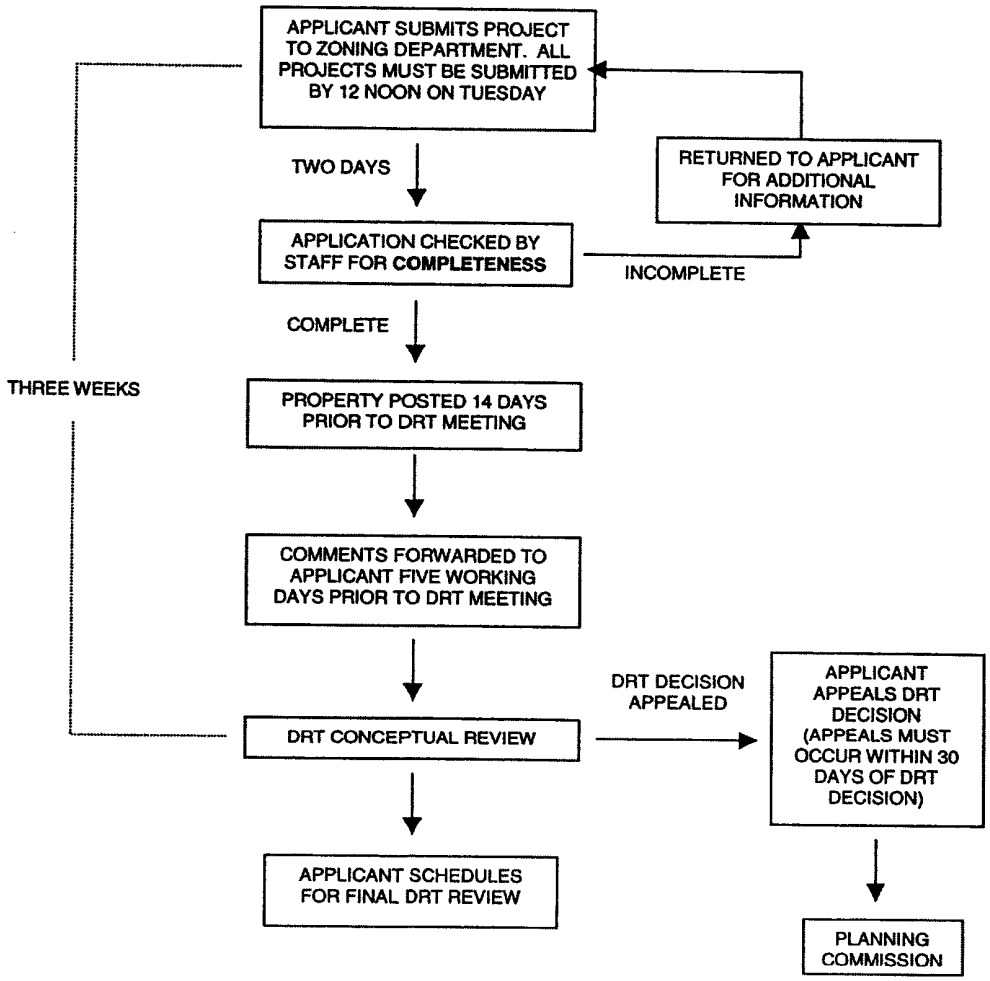
(b) *Conditions.* The DRT shall have the authority to impose such conditions on a concept plat or plan approval that identify additional standards that will have to be met by subsequent plat or plan submissions. Conditions as to the development's layout to meet the standards of this chapter shall be required at this stage.

(c) *Compliance with concept plat or plan.* Compliance with a concept plat or plan in terms of the design details shall be general in nature; subsequent plats or plans will be reviewed for compliance with this chapter. Dimensions and measurements of the concept plat or plan are assumed to be illustrative; even the conditions are likely to be in general terms (percentages, for example). The details become more concrete at final plat or plan stage. Detailed land development planning and engineering are anticipated to result in significant changes in detail, but not overall concept.

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(d) *Amendments.* A concept plat or plan may be amended only pursuant to the standards and procedures established for the original approval of a concept plat or plan.

Figure 106-369: PROCEDURES FOR CONCEPTUAL SUBDIVISION AND LAND DEVELOPMENT REVIEW



Procedures for Conceptual Subdivision and Land Development Review

(Ord. No. 99-12, § 1 (21.114), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

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Sec. 106-370. Plat of subdivision review.

(a) *Generally.* Every owner of any tract or parcel of land who intends to subdivide land into two or more parts for the purpose of laying out lots, shall cause a plat of subdivision to be prepared in accordance with articles VI, XII and XIII of this chapter. The types of subdivision are minor, major and rural, as defined in section 106-18. Each type may require a concept plat, or final review as indicated in table 106-370. No land may be sold, transferred, or offered for sale until a final plat has been recorded. Also, future development in subdivisions may require land development plan review (section 106-371).

TABLE 106-370. REQUIRED PLAT OF SUBDIVISION SUBMISSIONS

	Concept	*Final*
Minor: A subdivision of land into four or fewer lots.	O	Y
Major: A subdivision of land into five or more lots.	Y	Y
Notes: Y = Required O = Optional		

(b) *Effect of approval.* The two types of subdivision plats are concept and final, and each has a different effect. The concept plat sets guidelines for final plat submissions. The final plat indicates how a subdivision must be physically laid out with regard to this chapter. The effect of each approval is as follows:

(1) *Concept plat.* The concept plat gives general guidance to prepare a final plat. It is a sketch plan, expected to be modified as more detailed planning and engineering are completed. The final plat is expected to contain design improvements. Minor concerns regarding concept plats are not to be corrected in the concept plat, but shall be incorporated into the final plat. If major redesign is required, a revised concept plat may be required.

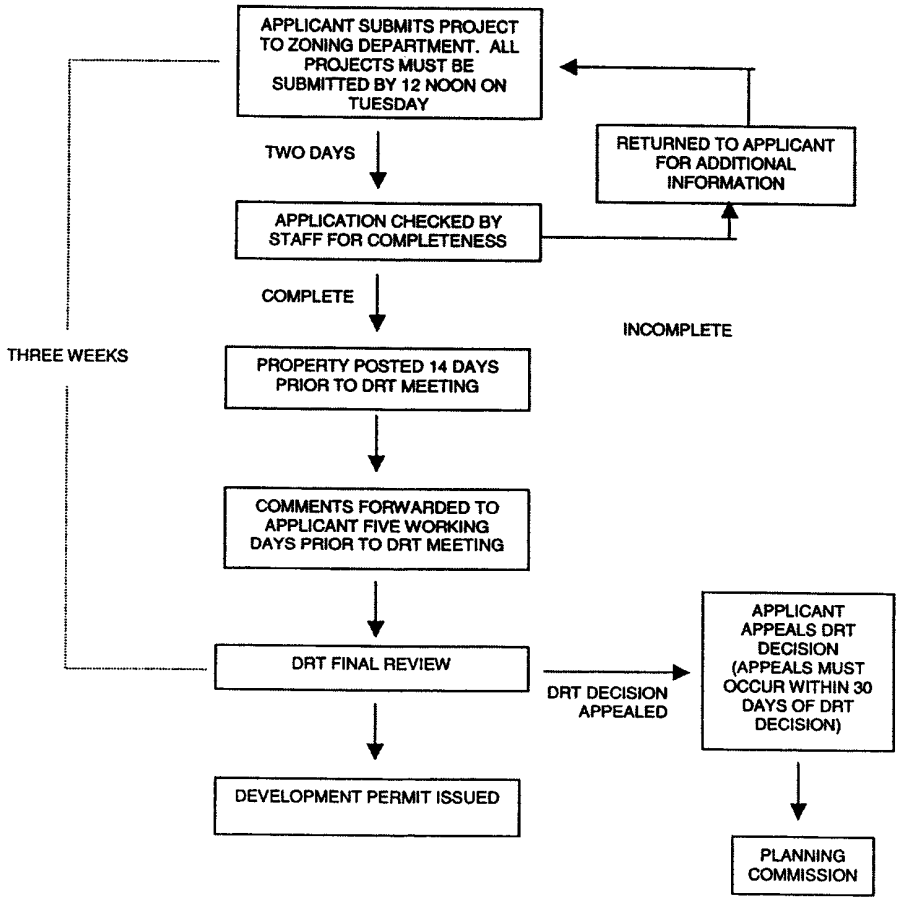
(2) *Final plat.* The final plat is expected to be in substantial compliance with the concept plat with only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes at the final plat stage may, at the discretion of the DRT, be required to be reviewed again as a concept plat. A proposed phasing plan shall require approval by the DRT. The final plat is to be recorded. It is also to be submitted in an electronic format as determined by the DRT and containing state plane coordinates. All construction is to be in accordance with the final plat and engineering. Final engineering may be modified in the field, provided as-built drawings are submitted. As-built drawings must be acceptable by the DRT or its designee; if unacceptable, the work must be corrected at the developer's expense prior to accepting improvements and return of any surety. Should the lots not be laid out as specified, the lots shall be surveyed. Lots not meeting this chapter shall be considered

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illegal nonconforming lots and all development halted until revised plats meeting this chapter are submitted. Lots may have to be combined to correct the problem. All final plats must be in accordance with applicable state laws.

(c) *Recordation.* Upon approval and submission in an approved format, the final plat shall be signed and sealed and dated by the ZDA, certifying that approval has been given by the appropriate agency. The plat shall be filed in the register of deeds' office. The final plat must be recorded within 60 days of DRT approval. No sales or transactions involving lots shall be permitted until a final plat is recorded.

Figure 106-370: PROCEDURES FOR FINAL SUBDIVISION AND LAND DEVELOPMENT REVIEW



Procedures for Final Subdivsion and Land Development Review

(Ord. No. 99-12, § 1 (21.115), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

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Sec. 106-371. Land development plan review.

(a) *Generally.* Every owner of any tract or parcel of land, who intends to develop any tract or parcel of land not addressed in section 106-371, shall submit a land development plan for approval. The types of land developments are minor and major, as defined in section 106-18. Each type may require a concept planner final review as indicated in table 106-371. No building permits shall be issued until a final land development plan is approved.

TABLE 106-371. REQUIRED LAND DEVELOPMENT PLAN SUBMISSIONS

	Concept	*Final*
Minor: A plan involving no new streets and building less than 20,000 sq. ft. GFA or apartment or multifamily of less than ten dwelling units.*	O	Y
Major: A plan proposing a building of 20,000 sq. ft. or more on an undeveloped site, or addition of 20,000 sq. ft. or 30 percent or more to the original building which results in a building in excess of 20,000 sq. ft. or apartment or multifamily development of ten dwelling units or more or a new street.	Y	Y
Notes: Y = Required O = Optional * Projects less than 5,000 sq. ft. involving no new street may be approved by the ZDA.		

(b) *Effect of approval.* The two types of land development plans are concept and final, and each has a different effect. Concept plans set guidelines for final plan submissions. The final land development plan indicates how a development must be built with regard to this chapter. The effect of each approval is as follows:

(1) *Concept land development plan.* The concept land development plan gives general guidance to prepare the final land development plan. It is a sketch plan, expected to be modified as more detailed planning and engineering are completed. The final plan is expected to contain design improvements. The minor concerns regarding concept land development plans are not to be corrected in the concept land development plan, but incorporated into the final plan. If major redesign is required, a revised concept land development plan may be required.

(2) *Final land development plan.* The final land development plan is expected to be in substantial compliance with the concept land development plan, with only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes at final land development plan may, at the discretion of the DRT, be required to be reviewed again as a concept land development plan. A proposed phasing plan shall require approval by the DRT. All construction is to be in accordance

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with the final land development plan and engineering. Final engineering may be modified in the field, provided as-built drawings are submitted and approved. The developer is required to clear any significant deviation with the appropriate agency before making changes. As-builts must be acceptable by the DRT or its designee. If unacceptable, the work must be corrected at the developer's expense prior to accepting the improvements and return of any surety. Should the buildings not be laid out as specified, the DRT shall determine whether they still comply with this chapter. Where the buildings comply, as-builts shall be submitted. Where buildings do not meet requirements, construction shall be halted until corrections are made. All final plans must be in accordance with applicable state laws.

(Ord. No. 99-12, § 1 (21.116), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-372. Development permits.

(a) *Issuance.* Upon approval of a final subdivision plat or land development plan, the ZDA shall issue a development permit that shall authorize the applicant to commence all improvements to the land and the construction of all support facilities as specified by the permit.

(b) *Conditions.* The development permit may include such conditions as are necessary to insure compliance with this chapter. At a minimum, the following conditions shall apply to all development projects:

(1) All tree aeration systems, natural resource, archeological and tree protection barriers, and silt fencing must be constructed prior to any other site work approved under the development permit. Upon their completion, the applicant must request an inspection by the county prior to receiving an authorization to proceed with other construction activities.

(2) Subdivision approvals are for construction of infrastructure only unless infrastructure bonding has been posted and accepted.

(3) Subdivision plats shall not be recorded and sale of lots is not permitted until final approval is affixed and certified on the final subdivision plat and the plat is duly recorded by the registrar of deeds.

(4) Certificates of occupancy shall not be issued until a final certificate of compliance has been granted. Neither the developer nor agents shall receive a final certificate of compliance inspection until all site work has been completed.

(5) A landscape survival bond is required prior to issuance of a final certificate of compliance for all landscape materials planted or relocated on site.

(6) Subdivision infrastructure bonding is for one year. In order to obtain a release of bond, all infrastructure must be completed and a final certificate of compliance issued.

(7) All bonding shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond as approved by the county.

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(8) Any deviations from the approved development plans must be approved by the DRT.

(9) The owner of the property, or if such owner is a corporate entity, an officer of the corporation, shall sign a document provided by the DRT accepting full civil and criminal responsibility for any violations of the Beaufort County's Code of Ordinances arising out of or relating to the development of the subject property during the pendency of the development permit.

(c) *Violations.*

(1) Any violation of the development permit, including those conditions noted in subsection 106-372(b) above, shall result in a stop work order being issued by the ZDA for the project. The zoning administrator in concert with the DRT will ascertain the extent and the nature of the violation and determine appropriate mitigation measures which will resolve the violation or appropriate sanction for such violation. Any violation that the zoning administrator/DRT determines shall have a thirty-day day stop work order imposed upon it will require a notification and approval of the county administrator. If the violation has not been resolved prior to the expiration of the stop work order, the county administrator shall be advised and the stop work order may be extended with the expressed consent of the county administrator.

(2) Withholding or revocation of development permits. Failure of any party to abide by the requirements of this section or to follow the conditions of the development permit shall constitute grounds for withholding or revoking site plan approval, building permits, certificates of occupancy or any other appropriate approvals necessary to continue development. Such sanctions shall be instituted immediately upon the direction of the county administrator with the ratification or removal of such sanctions by the county council at its next regular or special meeting. This ratification or removal of sanctions shall be considered a public hearing at which all interested parties shall have notice and an opportunity to be heard and to be represented by legal counsel.

(Ord. No. 2006/17, 8-14-2006; Ord. No. 2007/27, 6-25-2007)

Secs. 106-373—106-400. Reserved.

Subdivision III. Public Hearings

Sec. 106-401. Scope.

All applications requiring public hearings (see table 106-307) shall follow the procedures in this subdivision.

(Ord. No. 99-12, § 1 (21.120), 4-26-1999)

Sec. 106-402. Notice of public hearings.

(a) *Responsibility.* The applicable administrative body shall be responsible for ensuring newspaper, posted, and mailed notices are handled in regards to public hearings held pursuant to this chapter.

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(b) *Newspaper notice.* Applications shall be advertised in the legal notice section of a newspaper of general circulation in the county. Notice shall appear no more than 30 calendar days before and no less than 15 calendar days prior to the public hearing date and shall contain the following information:

(1) The type of application.

(2) A short description of the proposed action requested.

(3) A legal description of the parcel, the approximate street location or address, and the name of the person seeking the application.

(4) The location, address, date, and time of the public hearing.

(5) Information on where full details of the application may be obtained, including the location, hours, and phone number.

(c) *Mailed notice.* A notice containing all the information required under subsection (b) of this section shall be sent by first class mail to the last known address of all property owners within 500 feet from all property lines of the subject property, no less than 15 calendar days prior to the public hearing. Comprehensive amendments to the zoning ordinance or the zoning

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map are not subject to this requirement. Instead, the county council shall publish a summary of the proposed action in the legal notice section of a newspaper of general circulation in the county and shall make the materials available for public inspection in the appropriate county department.

(d) *Posted notice.* A public hearing notice sign shall be posted on all subject properties no less than 15 calendar days in advance of the public hearing as follows:

(1) One sign shall be placed on each public thoroughfare which the parcel abuts for which the particular application was filed. The applicable administrative body may require additional signs to be placed on the parcel to carry out this chapter's intent.

(2) Signs shall be no less than 22 inches by 28 inches. Sign lettering, of not less than 2.5 inches high and three-eighths inch wide, shall include the following: "PUBLIC HEARING." In lettering of not less than three-fourths inch high and one-fifth inch wide, the sign shall continue: (insert type of action and/or permit). In lettering of not less than one-half inch high and one-tenth inch wide, the sign shall conclude: "APPLICATION FOR (insert type of action and/or permit) FILED WITH (insert applicable administrative body). PUBLIC HEARING WILL BE HELD ON (insert date and time) IN THE COUNTY ADMINISTRATION BUILDING, BEAUFORT COUNTY." The appropriate county department may require additional information to be placed on any such sign serving to fully inform the public as to the nature of the permit.

(3) The sign shall be set back no more than five feet from the street right-of-way.

(4) All signs shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land does not have frontage on a public street, an additional sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

(5) The sign shall be removed after the close of the hearing on the application.

(6) The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with the standards or be grounds to challenge the validity of any decision made on the application. However, it shall be a violation of this chapter to any person, firm, association, or corporation who shall remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with such signs.

(7) Cases in which it would be unduly burdensome to comply with this requirement, such as amendments to the comprehensive plan or large-scale amendments to the zoning text or map, are exempt from this requirement.

(e) *Request for mailing of notification of public hearing.* Notification of all public hearings shall by provided by the applicable administrative body to any person who requests notification in writing and pays the cost of processing and mailing.

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(f) *Other notice requirements.* There may be other notice requirements imposed by bodies other than those governed by this chapter. It is the applicant's responsibility to independently comply with any such notice requirements.
(Ord. No. 99-12, § 1 (21.121), 4-26-1999)

Sec. 106-403. Setting public hearings.

When a public hearing is required by this chapter, the applicable administrative body shall schedule a place and time for the public hearing. The hearing shall be scheduled as soon as the public notice requirements can be satisfied or at such later time as is mutually agreed upon between the applicant and the applicable administrative body.
(Ord. No. 99-12, § 1 (21.122), 4-26-1999)

Sec. 106-404. Conducting public hearings.

(a) *Rules of procedure.* All administrative bodies conducting hearings pursuant to this chapter shall adopt rules of procedure governing the conduct of such meetings or hearings.

(b) *Rights of all persons.* Any person may appear at a public hearing and submit evidence.

(1) If the person represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the organization in regard to the matter under consideration.

(2) Persons appearing at a public hearing shall identify themselves, state an address, and, if appearing on behalf of an organization, state the organization's name and mailing address.

(c) *Continuance.* The body conducting the public hearing may, on its own motion, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the body conducting the public hearing only upon demonstrating good cause.

(d) *Close of hearing.* Upon the completion of all testimony, the hearing shall be closed. No further direct or informal testimony shall be taken during public comment periods. The applicant may be asked questions or allowed to comment on proposed conditions.

(e) *Withdrawal of application.* Notice of withdrawal of an application must be submitted in writing by the applicant. All fees shall be forfeited.

(f) *Record.* A record of the hearing shall be kept as follows:

(1) The body conducting the public hearing shall record the public hearing. The written or taped record of oral proceedings, including testimony and statements of personal opinions; the hearing minutes; all applications, exhibits and papers submitted in any proceeding before the administrative body; the staff report; and the decision of the administrative body shall constitute the record.

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(2) All administrative bodies' records shall be public records, open for inspection at the offices of the ZDA or the planning department during normal business hours upon reasonable notice.

(3) A copy of the public hearing record may be obtained by any person upon applying to the applicable administrative body and paying the duplication cost of the record.

(Ord. No. 99-12, § 1 (21.123), 4-26-1999)

Sec. 106-405. Actions by administrative bodies.

(a) After the close of the public hearing held pursuant to this chapter, the body conducting the hearing shall consider the application, relevant support materials, staff report, and public testimony given at the public hearing. The body conducting the hearing shall render a decision or recommendations, as appropriate, either to approve, approve with conditions, or disapprove the application based on this chapter.

(b) All decision-making bodies and persons shall act within the time limits established in this chapter. Action shall be taken as promptly as possible in consideration of the interests of the county's citizens.

(c) All decisions or recommendations shall be in writing and shall include all of the following:

(1) A clear statement of specific findings of fact and a statement of the basis upon which such facts were determined, with specific reference to this chapter's relevant standards.

(2) A clear statement of approval, approval with conditions where applicable, or disapproval.

(3) Any other information deemed necessary by the administrative body.

(Ord. No. 99-12, § 1 (21.124), 4-26-1999)

Secs. 106-406—106-430. Reserved.

Subdivision IV. Approval

Sec. 106-431. General considerations in rendering decisions.

(a) Except as provided in subsection (b) and (c) of this section, all decisions made under this chapter shall be based solely on this chapter or other relevant county codes or laws.

(b) In discretionary reviews (division 3 of this article), this chapter's minimum standards shall be met, but discretion is permitted to impose or rely on higher standards or other public health, safety, and welfare concerns in making the decision. In making these discretionary decisions, reference should be made to this chapter's purpose, appropriate sections of the comprehensive plan, or to specific professional studies or analyses.

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(c) Where interpretation is required in rendering a decision, the legislative intent (section 106-4) shall be used to guide decisions.
(Ord. No. 99-12, § 1 (21.130), 4-26-1999)

Sec. 106-432. Effect of approval.

(a) *Generally.* Approval of any application pursuant to this chapter shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application. Approvals shall run with the land, except for zoning and comprehensive plan text changes and use interpretations.

(b) *Vested rights for final development plans/plats.*

(1) A vested right is established for two years upon final approval of a development plan or plat. An applicant shall have two years from final approval to receive a building permit or, if no building permit is required, to obtain a certificate of compliance. Such vested right shall receive five one-year extensions for good cause upon written request by the landowner to the ZDA no later than one month prior to expiration unless an amendment to the ZDSO has been adopted that prohibits approval.

(2) A vested right to a final development plan or plat shall not attach until all plans have been received and approved, and all fees paid in accordance with this article.

(3) A vested right is subject to revocation by the county council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

(4) Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.

(5) A vested plan is subject to later overlay zoning requirements that may impose site plan related requirements, but does not affect allowable types, density or intensity of uses.

(6) The zoning board of appeals does not have the authority to grant a vested right and no such right shall accrue as a result of their decision.

(7) Variances or special uses do not create a vested right.

(c) *Time limitations and extensions for other types of approval.* Any approval not listed in table 106-432 or subsection (b) above shall have no time limit. Such approvals shall continue in force until superseded by an ordinance change or specific action to alter it. Permitted timeframes for an approval do not change with changes in ownership and shall expire as indicated in table 106-432 if any of the following occur:

(1) No building permit has been issued to establish the use authorized in the approval.

(2) The use does not require a building permit and the use is not established, ongoing, and in operation.

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(3) The approval is a step in a multistage approval process, and the next stage application has not been accepted as complete.

Upon written request, a one-time extension may be granted by the decision-making body for a period not to exceed that shown in table 106-432 for good cause. No written request for an extension shall be considered unless submitted to the applicable administrative body no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

TABLE 106-432. TIME LIMITS AND EXTENSIONS

Use	*Time Limitation (months)**	*Extension (months)*
Special use	[1]	
Variance	No limit	
Appeal	12	3
Sign permit	6[2]	3
Zoning permit	12	6
Concept plat or plan	12	12

Notes:

*If construction stops, other than for reasons of natural disaster, the permit expires six months after permit approval.

[1]Governed by time limitations established for concept and final development plans/plats (see subsection (b) and table above), unless specified otherwise in the special use approval.

[2]If part of a zoning permit, 12 months or land development plan, 24 months.

(Ord. No. 99-12, § 1 (21.140), 4-26-1999; Ord. No. 2004/40, 11-22-2004; Ord. No. 2005/25, 6-27-2005; Ord. No. 2009/28, § D, 8-24-2009)

Secs. 106-433—106-460. Reserved.

DIVISION 3. DISCRETIONARY REVIEWS

Subdivision I. In General

Sec. 106-461. Scope of division.

Discretionary reviews are those reviews which are considered and decided upon by boards, commissions or councils, other than staff, according to table 106-57. Applicants for these reviews must meet all applicable standards, but the decision-making body retains some degree of discretion. As part of that discretion, meeting additional conditions to protect an important governmental interest, to mitigate possible damage or to ensure the applicant does exactly as

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indicated, may be imposed as part of the approval process. If the evidence or technical requirements are debatable, the decision-makers have discretion to select the one they find most compelling.
(Ord. No. 99-12, § 1 (div. 21.200), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-462—106-490. Reserved.

Subdivision II. Amendments to the Comprehensive Plan, Zoning Map or Text

Sec. 106-491. Purpose.

(a) *Generally.* This subdivision provides a means for changing the comprehensive plan, zoning map boundaries, or this chapter's text. Such changes are not intended to relieve particular hardships or confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the county shall consider the factors set forth in this subdivision and the consistency of the proposed amendment with the comprehensive plan.

(b) *Initiation.* Initiation shall be as follows:

(1) *Zoning map amendment.* The application for a zoning map amendment may be proposed by a landowner, the county council, the planning commission, or the planning department.

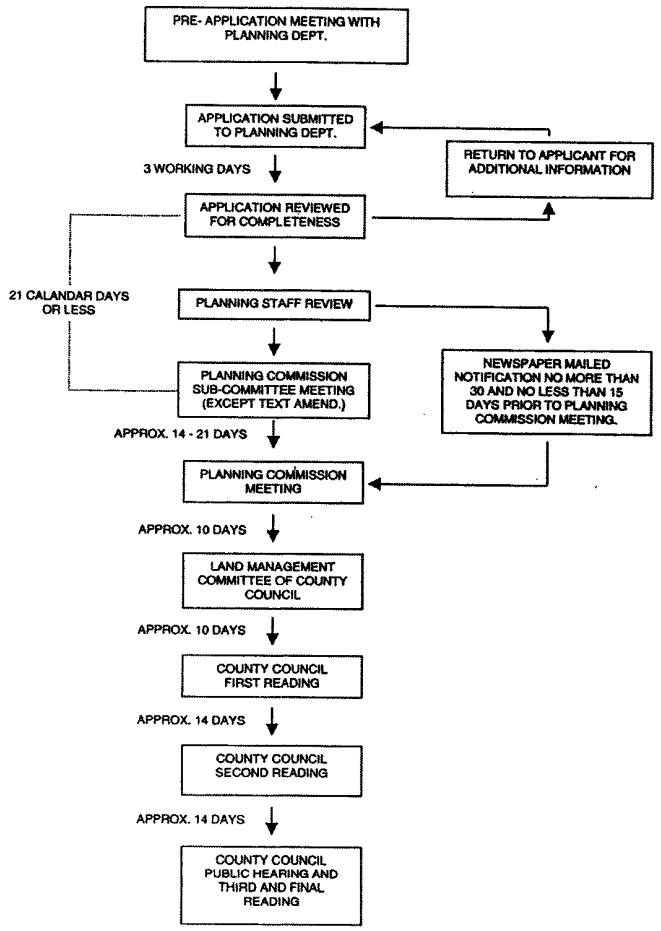
(2) *Ordinance text amendment.* An application for an ordinance text amendment may be proposed by a landowner, a county citizen, the county council, the planning commission, or the planning department.

(3) *Comprehensive plan amendment.* An application for a comprehensive plan amendment may be proposed by a landowner, a county citizen, the county council, the planning commission, or the planning department.

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(c) *General standards.* The applicant shall demonstrate findings that an amendment to the zoning map, or an amendment to this chapter's text, or an amendment to the comprehensive plan meets the standards in section 106-492, section 106-493, or section 106-494.

Figure 106-491 PROCEDURES FOR ZONING MAP AMENDMENT, ZONING TEXT AMENDMENT, AND COMPREHENSIVE PLAN AMENDMENT



Procedures for Zoning Map, Zoning Text, and Comprehensive Plan Amendments

(Ord. No. 99-12, § 1 (21.210), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-492. Standards for zoning map amendment.

There are two types of map amendments. The first involves a change from the rural district with a transitional overlay designation to one of the priority investment area classifications. The second includes all other map amendments. Rezoning requests that are not consistent with the comprehensive plan cannot be considered until an amendment to the comprehensive

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plan has been approved by the county council. Rezoning requests cannot be considered for economic or speculative reasons. A zoning map amendment may be approved if the weight of the findings describe and prove:

(1) All changes as follows:

a. The change is consistent with the county's comprehensive plan and the purposes of this chapter. In areas of new development, consistency with the comprehensive plan shall be considered to meet the standards in subsections (1)b, (1)c and (1)d of this section, unless compelling evidence indicates the proposed amendment would threaten public health, safety, and welfare if so designated as planned in the comprehensive plan.

b. The change is consistent with the character of the neighborhood.

c. The extent to which the proposed zoning and use of the property is consistent with the zoning and use of nearby properties.

d. The suitability of the property for the uses to which it has been proposed.

e. Allowable uses in the proposed district would not adversely affect nearby property.

f. The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.

g. The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.

h. A traffic impact analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification. A TIA shall be required and reviewed under one of the following circumstances:

1. The rezoning is based upon a particular project that generates more than 50 trips during the peak hour;

2. The rezoning is based upon a more intensive zoning district, whereby the most intensive traffic generator will be considered; or

3. The rezoning will change the existing level of service of the affected street.

(2) Where the property is rural with a transitional overlay designation, the following criteria must be successfully met. Once that is determined, the exact zoning designation shall consider the criteria in subsection (1) of this section:

a. Letters and/or studies shall indicate that the proposed development shall be served by public water and public sewer adequate to handle the proposal.

b. For projects that would generate more than 50 trips during the peak hour, a traffic impact analysis (TIA) shall be conducted. All road improvements needed to maintain the current level of service shall be identified. The developer shall ensure that all improvements will be made as part of the development.

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c. An emergency evacuation analysis (EEA) shall be conducted to ensure that the new development does not result in evacuation times of greater than one-half hour. If the development would lengthen the time, a program of road improvements shall be proposed, and the development would pay for its share of the capacity created.

d. Letters of verification shall be provided from the appropriate agency to determine the adequacy of current police, emergency service, and fire facilities to serve the site.

e. Letters of verification shall be provided from the county school board to demonstrate that adequate school capacity is available.

f. In subsections (2)a to (2)e of this section, the developer shall demonstrate that either the facilities are adequate to serve the development and all development in that portion of the priority investment area served by that facility, or that the developer is building the facilities or has paid the government providing the service with funds to make the improvement.

(Ord. No. 99-12, § 1 (21.211), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-493. Standards for zoning text amendment.

A zoning ordinance text amendment may be approved if:

(1) It would implement a new portion of the comprehensive plan or amendment.

(2) It would implement and better achieve the comprehensive plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.

(3) The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

(4) It is necessary to respond to state and/or federal legislation.

(5) It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.

(6) It addresses a new use, changing conditions, and/or clarifies existing language.

(7) It clarifies the ordinance or makes adjustments to account for interpretation.

(Ord. No. 99-12, § 1 (21.212), 4-26-1999)

Sec. 106-494. Standards for comprehensive plan amendment.

In reviewing an application for a proposed amendment to the comprehensive plan, the planning commission and the county council shall consider the following:

(1) Whether capital investments, population trends, land committed to development, density, use, or other conditions have changed that justify the amendment.

(2) Whether the proposed amendment is consistent with the comprehensive plan's goals and policies.

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(3) Whether the proposed amendment is necessary to respond to state and/or federal legislation.

(4) Whether the proposed amendment would result in development that is compatible with surrounding land uses.

(5) Whether, and the extent to which, the proposed amendment would affect the capacities of public facilities and services, including roads, utilities, law enforcement, fire, EMS, schools, parks and recreation, solid waste, and drainage facilities. Letters of verification shall be provided from the appropriate agency to determine the adequacy of current facilities. A traffic impact analysis (TIA) shall be required for proposed developments that would generate more than 50 trips during the peak hour.

(6) Whether, and the extent to which, the proposed amendment would result in negative impacts to natural resources. A protected resources survey (see section 106-1813) and an environmental impact assessment (EIA) shall be required for all proposed land use map amendments.

(Ord. No. 2004/40, 11-22-2004)

Sec. 106-495. Decision by county council.

Upon receiving the recommendation regarding the zoning text or map amendment from the planning commission and the council's planning committee, the county council may adopt the recommendations of the planning commission, override the recommendation by a majority vote of the council membership, or return the recommendation to the planning commission for reconsideration with a statement of concerns.

(Ord. No. 99-12, § 1 (21.213), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-496—106-520. Reserved.

Subdivision III. Variances

Sec. 106-521. Scope of subdivision.

This subdivision establishes the procedures and conditions for a variance from this chapter's standards. This subdivision permits, under limited circumstances, a building or structure that does not comply with this chapter's standards when strict enforcement would represent a unique, undue, and unnecessary hardship.

(Ord. No. 99-12, § 1 (21.220), 4-26-1999)

Sec. 106-522. Standards.

(a) To approve a variance, the zoning board of appeals shall find all of the following standards are met based on the evidence presented by staff reports and testimony. The applicant shall be informed of the appropriate application to seek relief. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece or property. Extraordinary conditions could exist due to topography, street widening, beachfront setback lines or other conditions which make it difficult or impossible to make reasonable use of the property.

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(2) These conditions do not generally apply to other property in the vicinity.

(3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict utilization of the property.

(4) The authorization of a variance would not adversely affect adjacent property or the public good. Also, the character of the district would not be harmed by the granting of the variance.

(5) The hardship of which the applicant complains must:

a. Relate to the applicant's land, and not to the applicant's personal circumstances;

b. Be unique, or nearly so, and not one common to many surrounding properties;

c. Not be the result of the applicant's own actions; and

d. Be one suffered by the applicant and not the adjoining landowners or the general public.

(b) The ZBOA shall also find that the granting of the variance:

(1) Is the minimum necessary to relieve the unnecessary hardship and permit a reasonable use of the land;

(2) Will not be injurious to the neighborhood surrounding the land where the variance is proposed and is otherwise not detrimental to the public welfare;

(3) Is in harmony with this chapter's purposes and intent; and

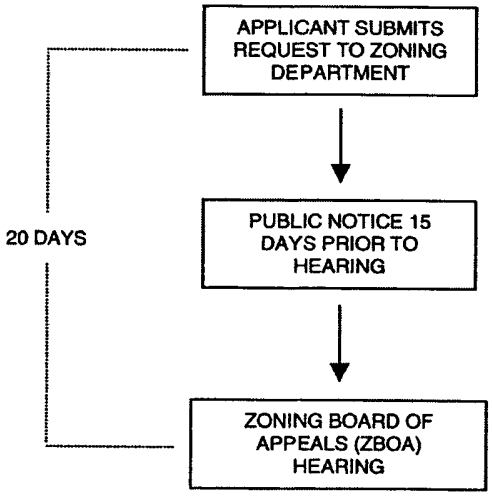
(4) Is consistent with the comprehensive plan.

(c) The ZBOA may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to expand by more than 15 percent, physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered for grounds for a variance.

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(d) Variances to protect natural resources may be permitted; however, variances that would negatively impact natural resources shall not be permitted.

Figure 106-522 PROCEDURES FOR A VARIANCE



Procedures for a Variance

(Ord. No. 99-12, § 1 (21.221), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-523. Conditions and restrictions.

In approving the application for any variance from this chapter, the ZBOA may impose additional restrictions and conditions on such approval. Restrictions and conditions may be limits on the use of the property; the standards for locating the use; standards for mitigating the impact on adjoining property owners who would lose protection as a result of permitting the variance; or standards to protect the general health, safety, and welfare. All conditions imposed upon any variance shall be expressly set forth in writing with the granting of such variance.

(Ord. No. 99-12, § 1 (21.222), 4-26-1999)

Sec. 106-524. Development approvals subsequent to grant.

Development approved by a variance shall not be carried out until the applicant has secured all other development approvals required by this chapter. Approval of a variance shall apply only to that section of this chapter for which it is approved and does not ensure the development shall receive subsequent approval unless the relevant and applicable portions of this chapter or other ordinances are met.

(Ord. No. 99-12, § 1 (21.223), 4-26-1999)

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Sec. 106-525. Amendment.

A variance from this chapter may be amended, extended, varied, or altered only pursuant to the standards and procedures for the original approval of a variance.
(Ord. No. 99-12, § 1 (21.224), 4-26-1999)

Secs. 106-526—106-550. Reserved.

Subdivision IV. Special Uses

Sec. 106-551. Scope of subdivision.

Certain land uses and developments present unique problems with respect to their property location. Such land uses and developments are identified as special uses in each particular zoning district (see table 106-1098). Analysis and judgment of the consequences of each use and development is necessary to preserve and promote the public health, safety, and welfare.
(Ord. No. 99-12, § 1 (21.230), 4-26-1999)

Sec. 106-552. Criteria for application and approval.

Approval of a special use application shall be dependent upon findings that the proposed use fully complies with this chapter. The application shall be filed and duly advertised. A public hearing shall be held per this article's requirements. A pre-application conference shall be required prior to submittal of an application for a special use permit. All special use permit applications shall include a special use development plan as described in this section, which clearly shows that all of the requirements set forth in division 3 of article V of this chapter pertaining to the particular special use applied for, have been met. The DRT shall review the special use development plan and provide a recommendation of approval or nonapproval to the ZBOA. The ZBOA shall consider the staff recommendation and the special use development plan, which shall include and address all of the following:

(1) The proposed use shall be consistent with the comprehensive plan's purposes, goals, objectives, and policies, including standards for building and structural intensities and densities and intensities of use.

(2) The proposed use shall be compatible with the character of land in the immediate vicinity.

(3) The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands.

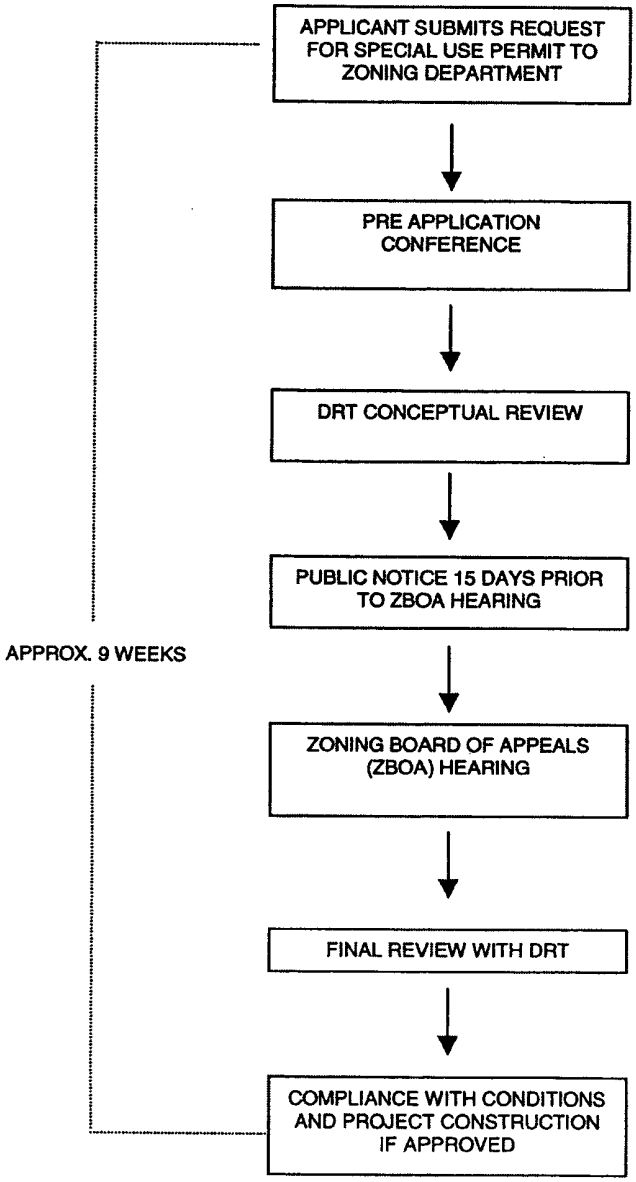
(4) The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. A traffic impact analysis (TIA) may be required as determined by staff.

(5) A community impact statement (CIS) or a portion of the report may be required, as determined by staff.

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(6) A site plan for the proposed special use which includes the total site area and calculations, surrounding properties, buffers and setbacks, natural resources and, if applicable, an end use or reclamation plan shall be required as part of the submittal package.

Figure 106-552 PROCEDURES FOR A SPECIAL USE PERMIT



Procedures for a Special Use Permit

(Ord. No. 99-12, § 1 (21.231), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

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Sec. 106-553. Conditions.

(a) The ZBOA may impose conditions on the approval of a special use, the proposed use, and the premises to be developed or used pursuant to such approval. This action may be performed to accomplish any of the following:

(1) Ensure the special use is developed exactly as presented in drawings, exhibits, and assertions made at the hearings.

(2) Limit uses, reduce density, increase open space, landscaped surfaces, or environmental protection to ensure it meets the standards by which it is approved (section 106-552).

(3) Limit the length of time a use may exist, or provide for periodic review of the appropriateness of the use, or provide for elimination of the use.

(4) Impose conditions that ensure the general purposes, goals, and objectives of the comprehensive plan and this chapter are met.

(5) Prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the public health, safety, and welfare.

(b) All conditions and restrictions shall be written and given to the developer within five days of approval. The developer shall submit a written statement agreeing to the approval and all conditions within ten days. If no agreement is offered, the application shall be considered denied.
(Ord. No. 99-12, § 1 (21.232), 4-26-1999)

Sec. 106-554. Amendment to special use permit.

A special use permit issued pursuant to this chapter may be amended, extended, varied, or altered only pursuant to the standards and procedures for the approval of the original use set forth in this article.
(Ord. No. 99-12, § 1 (21.234), 4-26-1999)

Sec. 106-555. Revocation of special use permit.

The DRT may institute revocation of a special use granted under this chapter for violation of the conditions of approval because the permit has expired, or that they are not meeting the conditions of approval. For findings that the use is no longer acceptable due to changed conditions, the DRT may ask the ZBOA to review the use. The DRT shall provide notice to the landowner and public in the same manner as was provided for the establishment of the special use. Revocation shall be recommended to the ZBOA for the following:

(1) Repeated violations of the special use permit or other regulations of the county.

(2) After a periodic review or upon reaching a sunset period specified in the original special use permit, if the DRT finds that the use has either become an issue in the neighborhood or no longer fits the character of the neighborhood, or the site is a blighting influence.

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(3) Repeated complaints, accidents, or other threats to the health or safety of users or the neighborhood have been found to exist.

(Ord. No. 99-12, § 1 (21.235), 4-26-1999)

Secs. 106-556—106-580. Reserved.

Subdivision V. Corridor Review

Sec. 106-581. Scope of subdivision.

(a) Corridor review is discretionary and is conducted by one of two corridor review boards regarding all nonexempt land development occurring and/or requiring access to highway U.S. 21, U.S. 17, U.S. 278, S.C. 170, S.C. 802, S.C. 280, S.C. 46, S.C. 116, S-163, or the scenic highway portion of S.C. 21. Design reviews focus on architectural, landscaping, lighting and overall design compatibility of proposed uses and projects, in regard to an existing community or area. Recommendations from the corridor review board (see subdivision VI of this division) shall be adhered to and obtained prior to consideration by the DRT.

(b) The standards in this subdivision will be considered by each corridor review board (see subdivision VI of division 2 of article II of this chapter), as well as those guidelines and standards prescribed in the Corridor Overlay District (see Appendix B).

(Ord. No. 99-12, § 1 (21.240), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-582. Standards.

In conducting the corridor review under this subdivision, the corridor review boards shall evaluate the plan against the following criteria, in addition to all other applicable standards. Approval requires that the criteria have been met or are not applicable to the specific project and that the development is significantly superior to one that merely meets the requirements of this chapter:

(1) The proposed project is compatible with surrounding uses in terms of size and scale, and adheres to the traditional architectural styles and materials of the low country and, more specifically, the county.

(2) The proposed architecture, project layout, access, landscaping, signage and overall design contribute to a harmonious and diverse character that has a strong sense of unity. The proposed project has been carefully planned, and attempts to minimize adverse impacts to surrounding communities.

(3) Monotony is avoided and the plan provides an environment that has interest and diversity without becoming chaotic or discordant.

(4) Proposed buildings are designed to blend with existing communities, or are planned to be part of new, innovative individual communities or streetscapes. Formula buildings and color schemes are undesirable.

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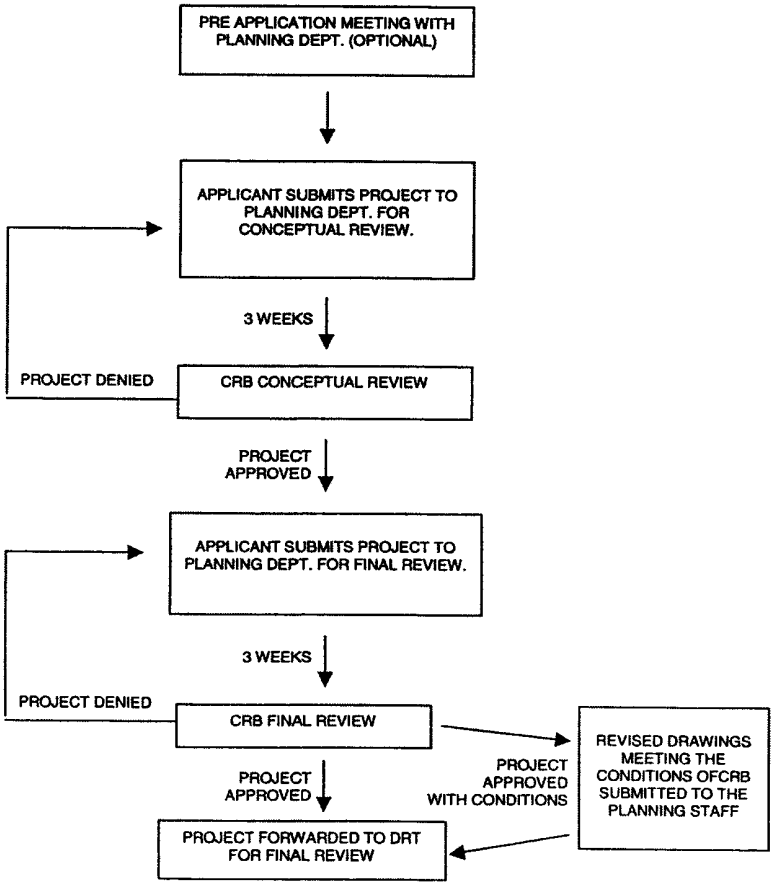
(5) The proposed streetscape protects or enhances the portals or distinct areas of the county, contributing to the county's sense of place, and uniqueness from other communities.

(6) The combination of architecture, signs, and landscaping creates a sense of place for those developments having many buildings, or which contribute to an overall sense of unity if the development is a single building.

(7) The proposed streetscape and building design reduces the apparent building mass of large buildings to match the nearby residential areas.

(8) Existing historic resources have been reviewed by the county historic preservationist and/or the historic preservation review board, if applicable.

Figure 106-582 CORRIDOR REVIEW PROCEDURE



Corridor Review Procedure

(Ord. No. 99-12, § 1 (21.241), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-583—106-610. Reserved.

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Subdivision VI. Plat Vacation

Sec. 106-611. Scope of subdivision.

The vacation of a plat, be it in its entirety, a lot, street, or other dedication associated with the plat, shall follow the standards of this subdivision.
(Ord. No. 99-12, § 1 (21.250), 4-26-1999)

Sec. 106-612. Standards for all vacations.

(a) To authorize a plat vacation, the county council shall find that:

(1) The vacation does not deny access to any land, lot, or public use area in the subdivision or to adjoining property.

(2) The vacation does not create a nonconformity or make any nonconformity greater.

(3) The vacation is for the public good and improves its health, safety, and welfare.

(4) No public utilities or drainage facilities are deprived of adequate access easements. New easements may be required as part of the vacation.

(b) When land (roadway or other dedication) is vacated, it shall become part of the adjoining lots and be placed on the tax roles. If an entire plat is vacated, the land shall revert to a single ownership.

(c) Vacations of land shall not become effective until recorded at the register of deeds. Failure to record within three months shall void the vacation.
(Ord. No. 99-12, § 1 (21.250(A)), 4-26-1999)

Sec. 106-613. Whole subdivisions.

To vacate an entire plat, all landowners of all lots in the plat shall be applicants for the vacation.
(Ord. No. 99-12, § 1 (21.250(B)), 4-26-1999)

Sec. 106-614. Lots or dedicated land.

Where a lot or dedicated land is to be vacated, the plat of vacation shall combine the vacated land with adjoining lots. Vacated land shall not become a separate parcel except where the vacated land would be a conforming lot. The plat of vacation shall show all such lot combinations.
(Ord. No. 99-12, § 1 (21.250(C)), 4-26-1999)

Secs. 106-615—106-640. Reserved.

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Subdivision VII. Street Naming and Renaming

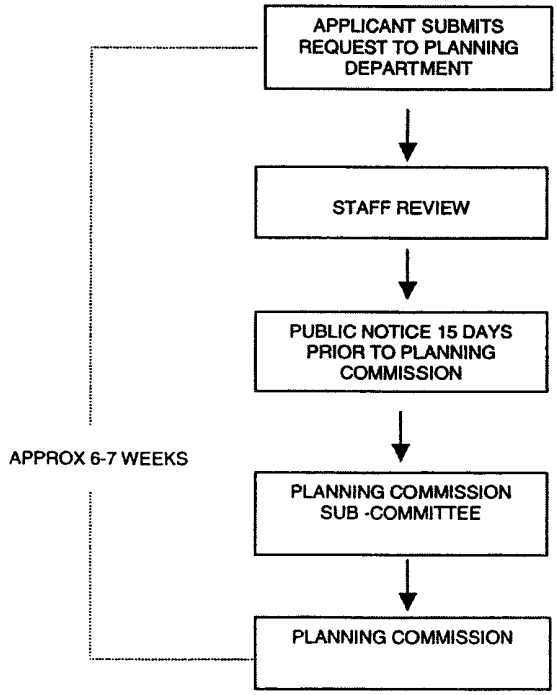
Sec. 106-641. Scope of subdivision.

This subdivision establishes general procedures and criteria for naming and renaming streets within the county's jurisdiction. A consistent, efficient and easily understood street naming and renaming system is in the best interest of public health, safety and welfare by providing directional clarity, enhanced traffic flow and ease of locating property. The 1994 South Carolina Local Government Comprehensive Planning Enabling Act, S.C. Code 1976, § 69-29-1200, authorizes responsibility for street naming and renaming to the planning commission.
(Ord. No. 99-12, § 1 (21.260), 4-26-1999)

Sec. 106-642. Initiation.

(a) *New street name.* Requests for approval of any new street name may be proposed by a landowner or a landowner's agent, the county council, the planning commission, or the E-911 Addressing Center. The planning commission delegates responsibility for approving all new street names to the E-911 Addressing Center. New street name requests are subject to all applicable sections of this chapter.

Figure 106-642(a) STREET NAMING PROCEDURES –MAJOR COLLECTOR & ARTERIAL



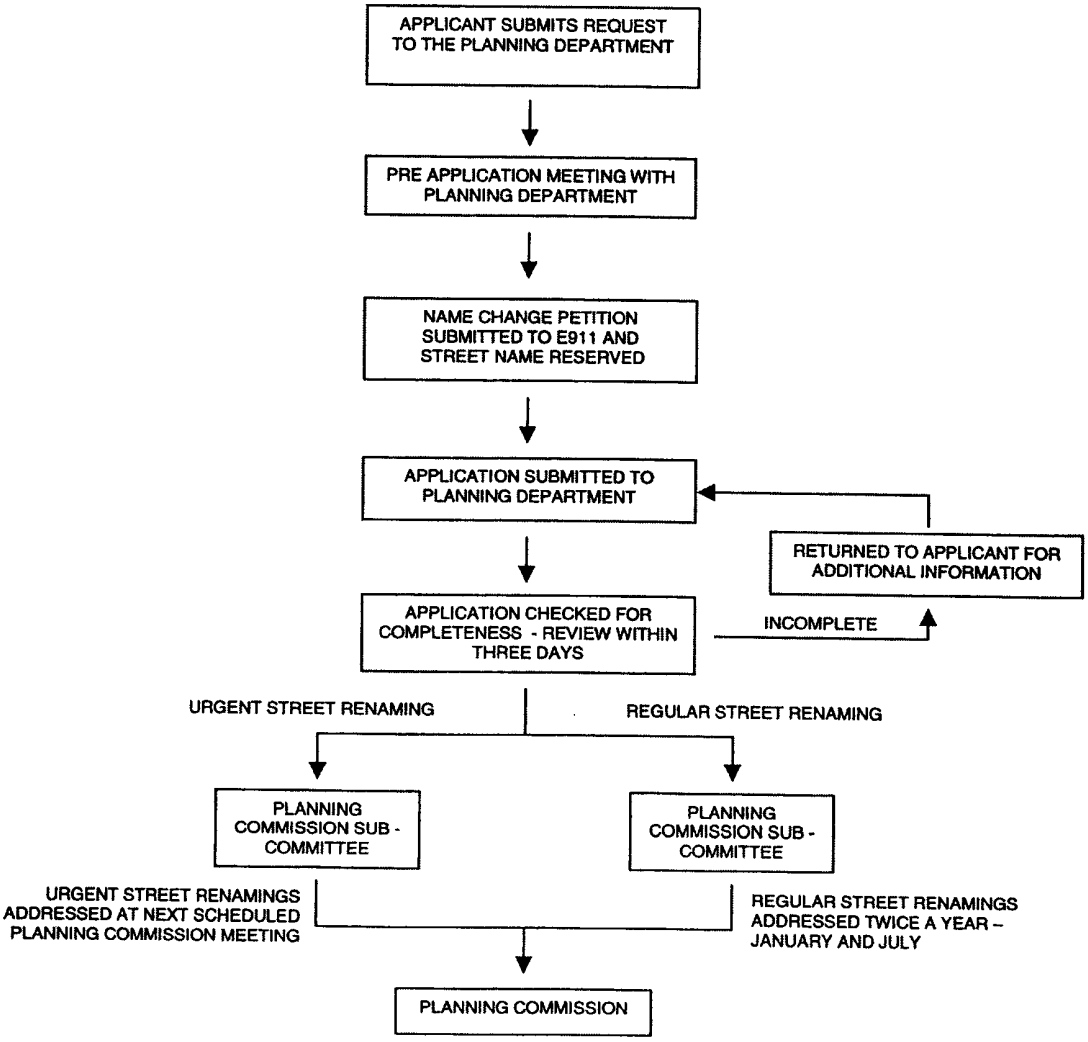
Street Naming Procedures—Major Collector and Arterial

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(b) *Renaming of an existing street.* Requests for approval of any change in an existing street name may be proposed by a property owner who has frontage on the affected street, the county council, the planning commission, or the E-911 Addressing Center. All street renaming requests shall appear before the planning commission for its consideration and approval or disapproval. Street renaming requests are subject to all applicable sections of this chapter.

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Figure 106-642(b) PROCEDURE FOR A STREET RENAMING



Procedure for a Street Renaming

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(Ord. No. 99-12, § 1 (21.260(A)), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-643. General standards.

(a) All proposed street names in subdivision plats, land development plans or community design plans require approval by the E-911 Addressing Center before further consideration of those plats or plans by the DRT or the planning commission.

(b) All new street names shall adhere to section 106-2797 of this chapter. All new street names and street renamings shall follow the most current street naming and renaming guidelines in appendix G to this chapter as approved by the planning commission for such procedures.

(c) Duplication or near duplication of street names is not permitted.

(d) Use of numbered (e.g., 1st) or lettered (e.g., "A") names and complicated, lengthy, offensive, or unconventionally spelled words or phrases are not permitted.

(e) For such requests, street names shall be consistent with the historical or physiographical features of the local area in which the street name exists.
(Ord. No. 99-12, § 1 (21.260(B)), 4-26-1999)

Secs. 106-644—106-670. Reserved.

Subdivision VIII. Certificates of Appropriateness

Sec. 106-671. Application.

(a) *Generally.* The application for a certificate of appropriateness must be signed by the owner or his authorized representative, and the form must be signed by the chairman or vice-chairman of the applicable board stating its approval, denial, or approval with conditions and the reasons for the decision. An application for a certificate of appropriateness shall be obtained from the planning department and, when completed, filed with the appropriate administrative official as designated by the board.

(b) *Time limits.* Applications for a certificate of appropriateness shall be considered by the board at its next regular meeting, provided they have been filed at least 14 calendar days before the regularly scheduled meeting of the board. If the board fails to take action upon any application with 45 days after the complete application is received, the application shall be considered approved, except when the board has postponed an application to demolish a structure under this chapter.

(c) *Board action on application.* The board shall review the application, using the design guidelines appearing in the historic review guidelines adopted by the board, to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.

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(d) *Contents of application.* The board shall, in its rules of procedure, require data as are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

(e) *Notification of affected property owners.* Prior to the issuance of an approval or disapproval of a certificate of appropriateness, the board shall inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard.
(Ord. No. 99-12, § 1 (21.270(A)), 4-26-1999)

Sec. 106-672. Demolition.

(a) *Generally.* No designated historic resource shall be demolished, in whole or in part, including the removal or stripping of any significant interior or exterior features, without the prior issuance of a certificate of appropriateness from the board. Further, no class I historic resource shall be demolished by neglect. The board shall notify in writing the owner of record of a property it determines is being demolished by neglect. The owner shall have 45 days after receipt of the notification to properly protect the resource against weather and vandalism.

(b) *Delay.* The board shall have the authority to delay issuance of a certificate of appropriateness for a class I historic resource for a period not to exceed 180 days. The board shall have the authority to delay issuance of a certificate of appropriateness for a class II historic resource for a period not to exceed 90 days. If the board denies or postpones a request to demolish a historic resource, the board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

(c) *Recordation of resources to be demolished.* Prior to the issuance of any permit for the demolition of any designated historic resource, the owner of the property or the authorized applicant shall provide two copies of documentation recording the resource that meets the requirements of the Secretary of the Interior's standards for historical documentation and the Secretary of the Interior's standards for architectural documentation. For class I historic resources, this documentation shall include the following:

(1) Rectified black and white photographs depicting all elevations, sides, or views of the resource as well as representative interior views; and

(2) Professionally prepared architectural plans of sufficient scale and detail to accurately depict the plan of the property and the location of the resource; the size, shape, and height of the resource; and for buildings or structures, plans of each interior floor level.

(Ord. No. 99-12, § 1 (21.270(B)), 4-26-1999)

Secs. 106-673—106-700. Reserved.

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DIVISION 4. ADMINISTRATIVE INTERPRETATIONS*

Sec. 106-701. Scope of division.

An administrative interpretation by the ZDA, after consultation with the planning department and the county attorney, is required when this chapter is not clear or when a proposed use is not listed in table 106-1098. The sections in this division shall guide the ZDA in rendering an official interpretation and shall guide the zoning board of appeals in hearing an appeal of such an interpretation. Any person may seek an interpretation, provided such a request is associated with a proposed use of land.
(Ord. No. 99-12, § 1 (21.310), 4-26-1999)

Sec. 106-702. Types of interpretations.

(a) *Meaning or application.* When evaluating a section of this chapter as to its meaning or application, the sections of this division shall be applied. Administrative interpretations shall not lessen protection, but may provide greater flexibility in meeting this chapter's objectives. Determining the provision's public health, safety, and welfare purposes should guide the decision.

(b) *Unlisted uses.* Uses not listed in sections 106-13 through 106-18 or article V of this chapter shall be placed into the most similar category. For nonresidential use, the NAICS code shall be the first guide. Where an NAICS code is found in several categories, the ZDA shall seek similar characteristics, including the use's intensity and its likely adverse impacts. Where a choice remains after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts.
(Ord. No. 99-12, § 1 (21.311), 4-26-1999)

Sec. 106-703. Procedure.

In making an administrative interpretation of this chapter, the ZDA shall:

(1) Request the planning department's and the county attorney's review and recommendation on the interpretation request.

(2) Evaluate the interpretation request in light of the comprehensive plan, this chapter, the zoning map, and the recommendations of the planning department and the county staff attorney.

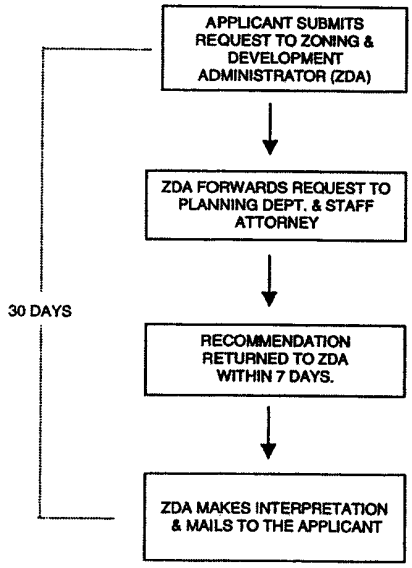
(3) Render a written interpretation, which shall be mailed to the applicant and provided to the planning department within 30 days of receipt of a complete request for an interpretation.

***Cross reference**—Administration, ch. 2.

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(4) Through a report to the zoning board of appeals, maintain a record of all administrative interpretations rendered. This record shall be available for public inspection in the ZDA's office, upon reasonable request, during normal business hours.

Figure 106- 703 PROCEDURES FOR AN ADMINISTRATIVE INTERPRETATION



Procedures for an Administrative Interpretation

(Ord. No. 99-12, § 1 (21.312), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-704. Annual review.

To ensure that the intent of this chapter is being met, the ZDA shall report to the ZBOA and the county council on all administrative interpretations made, before their second official meeting in January of each year. Should the county council disagree with any administrative interpretation, it shall direct the ZDA to not follow such interpretations in subsequent applications. When necessary, it shall further direct the planning department to prepare ordinance amendments to clarify its intent.
(Ord. No. 99-12, § 1 (21.314), 4-26-1999)

Secs. 106-705—106-730. Reserved.

DIVISION 5. ADMINISTRATIVE REVIEW PROCEDURES*

Sec. 106-731. Sign permit.

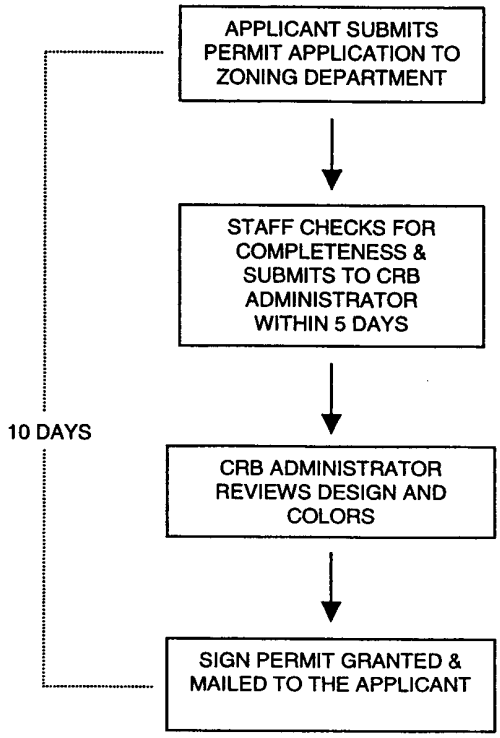
Before any sign is erected, the ZDA shall review the plans and within ten days make a determination whether the sign meets this chapter's requirements. If it does, a sign permit

*Cross reference—Administration, ch. 2.

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shall be issued. If it does not, the person requesting the sign permit shall be notified in writing as to the deficiencies. Any sign proposal occurring in the highway corridor overlay district shall be reviewed by the appropriate CRB.

Figure 106-731 SIGN PERMIT



Sign Permit

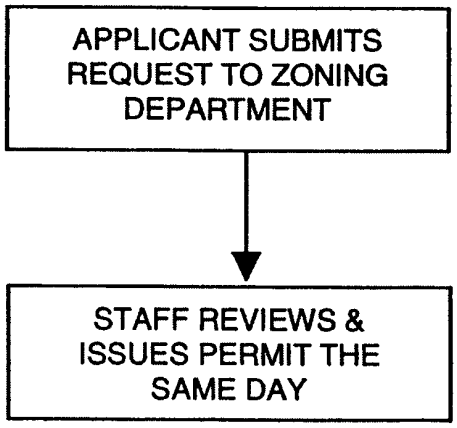
(Ord. No. 99-12, § 1 (21.420), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

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Sec. 106-732. Zoning permit.

A zoning permit shall be required prior to receiving a development permit, when applicable, or a building permit for all uses permitted by right. This permit ensures the proposed development complies with this chapter's standards and has any other required permits for access, water, sewer, or other required permits.

Figure 106-732 ZONING PERMIT



Zoning Permit

(Ord. No. 99-12, § 1 (21.430), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-733. Certificate of zoning compliance.

No new or existing building or structure shall be occupied or used, and no change in the character or use of land or of a building shall occur, until a certificate of zoning compliance has been received by the building code official certifying that such building or use complies with all sections of this chapter.

(Ord. No. 99-12, § 1 (21.440), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Secs. 106-734—106-760. Reserved.

DIVISION 6. APPEALS

Subdivision I. In General

Secs. 106-761—106-785. Reserved.

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*Subdivision II. Administrative Appeals**

Sec. 106-786. Purpose.

The purpose of the administrative appeal is to determine if the decision rendered meets this chapter.
(Ord. No. 99-12, § 1 (21.610), 4-26-1999)

Sec. 106-787. Procedures.

Appeals from a decision of administrative agents shall be heard by the ZBOA or the planning commission as appropriate, based solely on the materials (plans, documents, reports, studies, drawings, and testimony) available to the body or agent rendering the initial decision and advisory bodies prior to the decision. Appeals shall not consider new or altered plans, except that information submitted, but not discussed or considered in rendering a decision, shall be considered part of the original evidence. If hearings were held and testimony given, transcripts and other record items of those proceedings shall be the exclusive bases of the appeal. The appeal shall also consider this chapter's standards and state law.
(Ord. No. 99-12, § 1 (21.611), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

Sec. 106-788. Standards.

(a) The zoning board of appeals or the planning commission is limited to the following determinations for an administrative appeal:

(1) The decision-maker made an error in reviewing whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was met.

(2) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.

(3) The decision-maker made the decision on standards not contained in this chapter or other county ordinances, regulations, or state law, or a standard more strict or broad was applied. This chapter does not permit administrative decision-makers to consider or create standards not officially adopted.

(4) An error in applying a standard or measuring a standard was made.

(b) The board or commission, on an appeal, shall not hear any evidence or make any decision based on hardships or special conditions. If such argument is made, it shall be heard either as a variance or special use in subdivision III and subdivision IV of division 3 of this article, respectively.
(Ord. No. 99-12, § 1 (21.612), 4-26-1999; Ord. No. 2004/40, 11-22-2004)

*__Cross reference__—Administration, ch. 2.

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Secs. 106-789—106-880. Reserved.

Editor's note—Ord. No. 2004/40, adopted Nov. 22, 2004, repealed subdivision III, §§ 106-816—106-850 and subdivision IV, §§ 106-851—106-880, which pertained to vested rights determinations and beneficial use determinations respectively and derived from Ord. No. 99-12, § 1 (21.620—21.625, 21.630—21.634), adopted Apr. 26, 1999.

DIVISION 7. ENFORCEMENT

Sec. 106-881. Notice and warning.

(a) Upon the county's attention to a violation of this chapter, the ZDA shall investigate the violation and prepare a report concerning the violation. If a violation exists, a warning notice shall be delivered to any person occupying the property, whether the person is the owner, renter, or lessee. If the nature of the violation is not correctable, a notice to appear shall be issued immediately. If no one is present or refuses to accept the notice, the ZDA shall post the warning notice on the residence or building entrance.

(b) The warning notice shall contain the following:

(1) The address and legal description of the property.

(2) The section of this chapter being violated.

(3) The nature and location of the violation and the date by which such violation shall be removed or abated.

(4) A notice of the penalty for failing to remove or abate the violation, stating that if the nuisance recurs by the same occupant, owner, or person in charge, a notice to appear will be issued without further notice.

(c) If the violation occurs where the residence or building is unoccupied, the property may be posted as provided in this section. If the property is unimproved, the notice may be placed on a tree or other such object as available.

(d) A written notice containing the same information as the warning notice shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail.
(Ord. No. 99-12, § 1 (21.710(A)), 4-26-1999)

Sec. 106-882. Recurring violations.

Once a notice has been delivered pursuant to section 106-881 and the same violation recurs on the same lot or tract of land by the same person previously responsible, no further warning notice need be given. Thereafter, such person deemed responsible may be notified to appear in court to answer to the charge against such person.
(Ord. No. 99-12, § 1 (21.710(B)), 4-26-1999)

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Sec. 106-883. Failure to act upon warning notice.

Upon neglect or failure to act upon the warning notice given as provided in section 106-881, the county shall issue a notice to appear and shall follow the procedures as follows:

(1) *Service of notice to appear.* If a warning notice is given and, after the time for removal or abatement has lapsed, the property is reinspected and the ZDA finds and determines the violation has not been removed or abated, the ZDA shall fill out and sign, as the complainant, a complaint and information form or a notice to appear. The notice to appear shall include the following:

a. Name of the occupant, owner, or person in charge of the property.

b. The address or legal description of the property on which the violation is occurring.

c. This chapter section or other reference the action or condition violates.

d. The date on which the case will be on the court docket for hearing.

e. Any other information deemed pertinent by the ZDA.

The original copy of the notice to appear shall be forwarded to the clerk of the court for inclusion on the court's docket for the date indicated on the notice to appear.

(2) *Notice to appear; delivery by mail.* If no one is found at the property to accept a notice to appear for failure to remove or abate a violation, the ZDA shall fill out and sign the notice to appear as the complainant and deliver the original plus one copy to the clerk of the court. The clerk shall verify or insert the date the case has been set for hearing before the court. The clerk shall mail the copy by certified mail to the person named in the notice to appear at that person's last known address.

(3) *Abatement by county; costs assessed to person responsible.* If the occupant, owner, or person in charge of the property for which a warning notice has been given fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the county may, if severe conditions exist that affect health, welfare, safety or severe environmental degradation, remove the violation and thereby abate the violation. If necessary, the county may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the cost of the person responsible for creating or maintaining the violation. The violation will be subject to civil fines reflecting the cost to the county, as prosecuted by the county attorney.

(4) *Payment of costs; special tax bill or judgment.* All costs and expenses incurred by the county in removing or abating any violation on any private property may be assessed against the property as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment by the judge, in addition to any other penalties and costs imposed if the person charged either pleads or is found guilty of causing, creating, or maintaining a violation.

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(5) *Warning notice; first offense.* In all cases where the violation is the first offense of the specified chapter violation, the warning notice provisions of section 106-881 shall be

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observed. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall not be less than three days nor more than ten days, except in emergency cases.

(6) *Warning notice; subsequent offenses.* In all cases where the violation on public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in subsection (5) of this section, the warning notice sections of this division need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

(Ord. No. 99-12, § 1 (21.710(C)), 4-26-1999)

Sec. 106-884. Penalty for violation.

(a) Any person, group, firm, association or corporation violating any section of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, as prescribed by state law, not to exceed $500.00 or 30 days imprisonment for each violation. Each day during which such conduct shall continue shall subject the offender to the liability prescribed in this article.

(b) In addition to the penalties established and authorized in subsection (a) of this section, the county attorney shall take other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this chapter.

(Ord. No. 99-12, § 1 (21.710(D)), 4-26-1999)

Secs. 106-885—106-920. Reserved.

ARTICLE IV. ZONING DISTRICTS

DIVISION 1. GENERALLY

Sec. 106-921. Establishment.

The unincorporated areas of the county are divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, to implement the adopted county comprehensive plan, and to achieve the purposes of this chapter.

(Ord. No. 99-12, § 1 (div. 02.000), 4-26-1999)

Sec. 106-922. Table of zoning districts.

For the purpose of this chapter, all land and water areas in the community are divided into comprehensive plan categories and zoning districts, whose purposes are described in this division. Table 106-922 provides a listing of the zoning districts according to investment area, as defined in the comprehensive plan.

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TABLE 106-922. ZONING DISTRICTS

Comprehensive Plan Designation	*Zoning District*	*See Section*	*Map Code*
Priority investment area	Urban	106-957	U
	Suburban	106-958	S
	Community preservation	106-959	CP
	Commercial regional	106-960	CR
	Commercial suburban	106-961	CS
	Research and development	106-962	RD
	Light industrial	106-963	LI
	Industrial park	106-964	IP
Transitional investment area	Transitional overlay	106-992	TO
Rural	Rural	106-1022	R
	Resource conservation	106-1023	RC
	Rural residential	106-1024	RR
	Rural business	106-1025	RB
Special (if applicable, all special district standards are located in the appendix)	River quality overlay	(Pending)	RQ
	Military	106-1053	M
	Airport overlay	106-1054	AO
	Corridor overlay	106-1055	CO
	Cultural protection overlay	106-1056	CPO
	Planned unit development	106-1057	PUD
	Commercial fishing village overlay	106-1058	CFV

(Ord. No. 99-12, § 1 (02.010), 4-26-1999; Ord. No. 2005/39, 11-14-2005; Ord. No. 2005/40, 11-28-2005)

Sec. 106-923. Zoning map.

Zoning districts established by this chapter are delineated on the county zoning map. The zoning map and all information on it are a part of this chapter. In some cases the districts, as shown on the zoning map, are less or greater than the minimum/maximum acreage, due to existing uses prior to the effective date of the ordinance from which this chapter derives. Any new acreage brought into a zoning district must meet minimum requirements stated in this chapter.
(Ord. No. 99-12, § 1 (02.100), 4-26-1999)

Sec. 106-924. Interpretation of district boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the zoning map:

(1) Boundaries shown as following or approximately following streets, alleys, or railroads shall be construed as following the centerline of such features.

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(2) Boundary lines shown as following or approximately following lot lines, section lines, survey or other property lines, or municipal boundaries shall be construed as following such lines.

(3) Boundaries shown as following or approximately following the centerlines of streams, rivers, other continuously flowing watercourses, or wetlands shall be construed as following the channel centerline of such watercourses. If a natural change occurs in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(4) Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in subsections (1) through (3) of this section shall be construed to be parallel to such features and at such distances therefrom as are shown on the zoning map.

(Ord. No. 99-12, § 1 (02.110), 4-26-1999)

Sec. 106-925. New or unclassified land.

Any land not shown or labeled on the zoning map shall be zoned with a designation consistent with similar zoning in the surrounding area, except coastal islands with no land access, which shall be designated resource conservation (RC).

(Ord. No. 99-12, § 1 (02.111), 4-26-1999)

Sec. 106-926. Developments in more than one zoning district.

Where a single parcel of land is in more than one zoning district, the development may be designed as if each district were a separate parcel or designed and developed as a single project provided the following rules are followed:

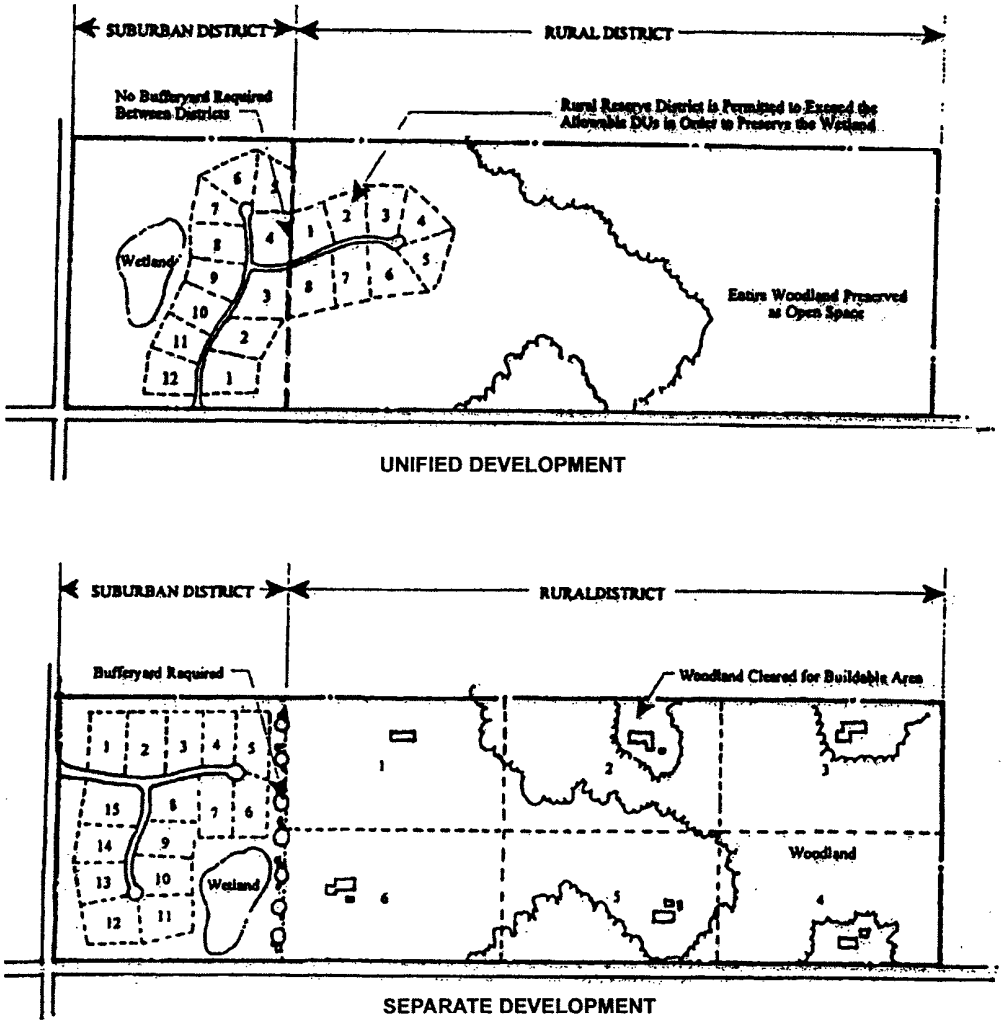
(1) The acreage in both districts may be used to determine minimum site area in table 106-1526.

(2) The required open space and maximum dwelling units shall be the sum of that required by separate calculations (see division 2 of article VII of this chapter) for each district.

(3) The proportions of a development need not be identical to that calculated for each district. However, the plan for allocating development shall be approved as a conceptual plan for the entire property. Approval shall be based on the following criteria:

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Figure 106-926 LAND IN TWO ZONING DISTRICTS



a. Where the development is in both residential and nonresidential districts, the area allotted to each may not be changed. The nonresidential district may intrude into the residential district only where at least 300 feet exist between the intrusion and residential zoning on abutting properties.

b. The proportion of land used for development shall be increased only in the higher intensity district, except as provided in subsection (3)c of this section.

c. Where, for aesthetic, safety, environmental, or ecological reasons, allowing for the development to occur in the lower density zoning district results in a better plan. If this situation presents itself, the developer shall submit, as part of the conceptual plan approval process, an area impact statement showing alternative

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siting options. These options must demonstrate the advantages of the proposed location as opposed to siting the development as required in subsections (3)a and (3)b of this section.

d. Uses permitted within the higher intensity district may not be located within the lower intensity district if prohibited within that district.

(4) Where a unified development straddles a district boundary, bufferyards are not needed between the development's portions. Where the development is in two separate parts or changes use or density at the boundary, the buffer requirements shall be met.

(Ord. No. 99-12, § 1 (02.120), 4-26-1999; Ord. No. 2005/39, 11-14-2005; Ord. No. 2008/8, 2-25-2008)

Secs. 106-927—106-955. Reserved.

DIVISION 2. PRIORITY INVESTMENT AREA

Sec. 106-956. Scope of division.

This division contains the statements of intent for all zoning districts in the priority investment area of the comprehensive plan. The mapping of districts shall implement the comprehensive plan. All districts in the priority investment area are served or have been proposed to be served within five years by full urban services (sewer, water, fire, emergency services, law enforcement and parks and recreation). The county and public service districts are investing in upgrading facilities in this area to ensure adequate services.

(Ord. No. 99-12, § 1 (div. 02.200), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

Sec. 106-957. Urban (U) district.

(a) The urban (U) district provides for high quality, high density averaging under five dwelling units per acre, with small areas of multifamily having gross densities (up to 15 dwelling units per acre) to provide affordable housing options. Residential development with a full range of residential uses is encouraged by providing higher densities for such developments. Mixed uses are permitted in large scale community developments and, on a more limited basis, to provide local neighborhood commercial services.

(b) The district provides an urban character. Design standards ensure the desired character, with buildings being dominant. Open spaces are primarily for intense recreation or as focal points in the community. Pedestrian access is provided for and outdoor sidewalk use is encouraged.

(c) This district provides for the higher densities of areas designated residential and light commercial to support the development of new communities with a diverse range of housing types and uses.

(Ord. No. 99-12, § 1 (02.210), 4-26-1999)

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Sec. 106-958. Suburban (S) district.

(a) The suburban (S) district provides for high quality, moderate density (averaging under three dwelling units per acre) residential development, with areas of multifamily having gross densities (up to five dwelling units per acre) to provide affordable housing options.

(b) The design requirements are intended to provide a suburban character and encourage pedestrian, as well as automobile, access. Open spaces shall be provided in sufficient quantity to ensure an open quality with a predominance of green space.

(c) Nonresidential uses shall be limited to parcels having access to arterial or collector streets. The mixed use structures must be designed as part of the surrounding subdivision and integrated architecturally.

(d) This district provides for the lower densities of areas designated residential and light commercial in the comprehensive plan. It is intended to support the development of communities with a diverse range of housing types and uses, providing more open space and a more traditional housing pattern than the urban district.
(Ord. No. 99-12, § 1 (02.220), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

Sec. 106-959. Community preservation (CP) districts.

(a) The community preservation (CP) districts protect the residential character of existing communities, neighborhoods or platted subdivisions that were or are being developed under previous zoning regulations. These areas shall be mapped to generally correspond to the community preservation areas shown in the comprehensive plan or to the detailed plans for these areas as they are developed and adopted by the county.

(b) These districts recognize the lotting standards in effect when the community or subdivision was developed and is intended to avoid making older developments become nonconforming as development standards evolve. It permits infill development and redevelopment consistent with the existing or planned character, but is not otherwise intended for use of new development or rezoning.

(c) Different types of neighborhoods exist which receive a CP designation. Interim standards for CP districts are shown in appendix D to this chapter.
(Ord. No. 99-12, § 1 (02.230), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

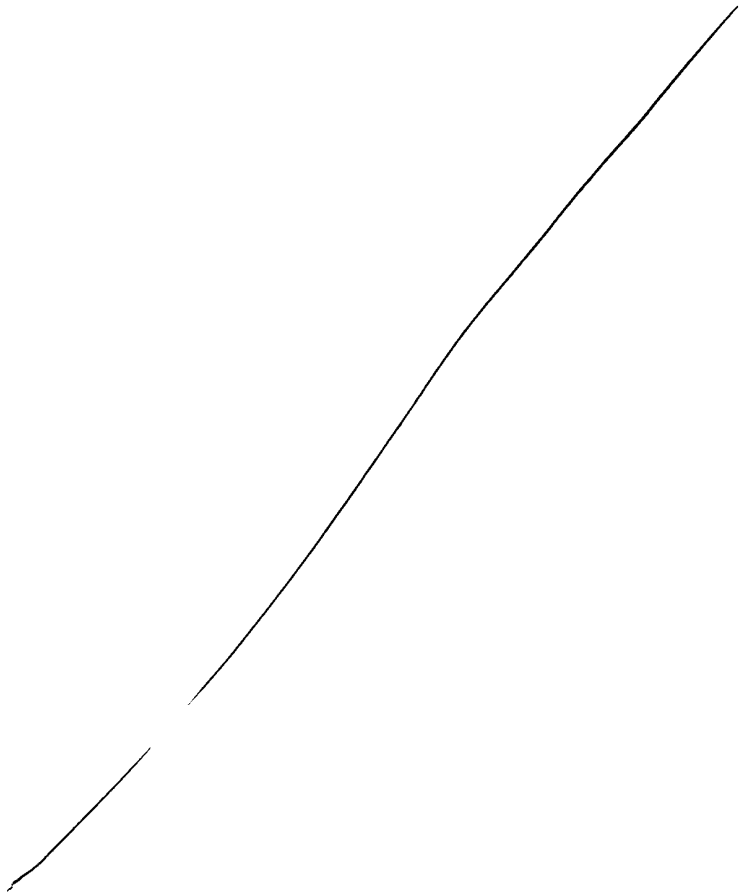
Sec. 106-960. Commercial regional (CR) district.

(a) The commercial regional (CR) district permits a full range of retail, service, and office businesses. The district's intensity accommodates regional and community commercial and business activities. Uses include large commercial activities that serve the entire county and highway oriented businesses that need to be located on major highways.

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(b) While this use is high quality, commercial character, the setback or build-to line, landscaping, and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The district is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas.

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(c) The district is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600 feet. The minimum district size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This district shall be located in areas designated "regional commercial" in the comprehensive plan.
(Ord. No. 99-12, § 1 (02.240), 4-26-1999)

Cross reference—Businesses, ch. 18.

Sec. 106-961. Commercial suburban (CS) district.

(a) The commercial suburban (CS) district provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood. These are smaller uses and not highway service types of uses.

(b) The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area.

(c) These districts shall not be strip developments, but neighborhood centers with a sense of place; they shall meet the following locational requirements:

(1) Adjoin large suburban, residential areas.

(2) Be at intersections of arterial or collector roads where residential area traffic is high.

(3) Be no larger than 20 acres.

(4) Be at least one mile from other commercial districts.
(Ord. No. 99-12, § 1 (02.250), 4-26-1999)

Cross reference—Businesses, ch. 18.

Sec. 106-962. Research and development (RD) district.

(a) The research and development (RD) district is intended to provide for offices, laboratories, test plants, and other research facilities. Manufacturing facilities are limited to those associated with the research and development facilities.

(b) These are intended to be very high quality areas whose character is such that the district serves as a catalyst for technically oriented employment to be located in the county. The intensity standards provide for modest floor area ratios and intensive landscaping associated with campus types of environment. Lot sizes are large and permit multiple buildings on a parcel consistent with campus style development by a single business.

(c) The district shall be located along, or have direct access to, major arterials or major collectors.
(Ord. No. 99-12, § 1 (02.260), 4-26-1999; Ord. No. 2007/16, 3-26-2007)

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Sec. 106-963. Light industry (LI) district.

(a) The light industry (LI) district permits office, manufacturing, industrial, warehousing, and uses that support them. The district shall also be designed to permit small businesses and incubator businesses.

(b) Moderate to high intensities are permitted to achieve maximum land utilization. The required buffering provides an attractive character from the exterior. The interior land which is screened from view may develop at higher intensities with less landscaped area. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

(c) Light industry districts shall have a minimum of 20 acres and shall have direct access to arterial or major collector roads.

(Ord. No. 99-12, § 1 (02.270), 4-26-1999)

Cross reference—Businesses, ch. 18.

Sec. 106-964. Industrial park (IP) district.

(a) The industrial park (IP) district is intended for the location of heavy and light industry as specified in this chapter, and will be the major county sites for these enterprises.

(b) Low to moderate intensities are permitted, with required buffering to provide an attractive character.

(c) This district shall have a minimum of 100 acres and shall have access to major arterial streets and railroads.

(Ord. No. 99-12, § 1 (02.280), 4-26-1999)

Cross reference—Businesses, ch. 18.

Secs. 106-965—106-990. Reserved.

DIVISION 3. TRANSITIONAL INVESTMENT AREA

Sec. 106-991. Scope of division.

This division contains the statements of intent for all zoning districts in the transitional investment area of the comprehensive plan. The mapping of districts shall implement the comprehensive plan. Land in this district is anticipated for development in ten to 20 years. Because the land is not intended to be developed within the near future, the base zoning will remain rural or rural residential. Some of the land may develop if landowners are able to provide all the needed services; if that occurs, it may appropriately be rezoned (see section 106-492) when the county has determined that all services have been provided.

(Ord. No. 99-12, § 1 (div. 02.300), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

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Sec. 106-992. Transitional overlay (TO) district.

The following apply to the transitional overlay (TO) district:

(1) Landowners may develop under the underlying rural or rural residential zoning; or

(2) A landowner may seek to provide all necessary infrastructure and facilities needed to serve one or more of the land use categories in the priority investment area and seek a zoning change. Where land is designated as having the transitional overlay (TO), the zoning change shall meet the standards in subsection 106-492(2).

(Ord. No. 99-12, § 1 (02.310), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

Secs. 106-993—106-1020. Reserved.

DIVISION 4. RURAL INVESTMENT AREA

Sec. 106-1021. Scope of division.

This division contains the statements of intent for all zoning districts in the rural investment area of the comprehensive plan. The mapping of rural investment area districts shall implement the comprehensive plan. These districts are outside the 20-year growth boundary for infrastructure investment expectations. They are intended to remain rural in character.

(Ord. No. 99-12, § 1 (div. 02.400), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

Sec. 106-1022. Rural (R) district.

(a) The rural (R) district provides for limited residential and nonresidential development and for continuing agriculture or forestry uses.

(b) If a landowner develops the land residentially, the standards of density and very high open space ratios ensure the retention of an overall rural character after build-out. Landscaping, lot size, and open space are intended to provide a rural land use pattern with residential in the background. Open space, clustering in communities, natural vegetation, agriculture, and landscaping work together to ensure this character.

(c) Clustering with 70 percent or more open space requires the use of centralized water and wastewater systems. The maximum density of development can be obtained only when the development has made arrangements to ensure the development is serviced by publicly owned, community-scale water and sewer systems.

(d) Public sewer extensions into a rural district shall only be permitted when a documented health condition warrants such expansion, and not to merely accommodate new development.

(e) New development may access existing wastewater trunk lines if such lines are located within 300 feet of the development, and service the area as of the effective date of the ordinance from which this chapter derives.

(Ord. No. 99-12, § 1 (02.410), 4-26-1999; Ord. No. 2005/39, 11-14-2005)

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Sec. 106-1023. Resource conservation (RC) district.

(a) The resource conservation (RC) district is applied to properties that are environmentally sensitive due to soils, location, and natural resources. The resource conservation district is mainly intended for coastal islands, which are not accessible by land; however other publicly owned environmentally sensitive parcels might also apply. The types of uses are limited to those consistent with the fragile environment.

(b) The limited development shall involve clustering and the provision of coastal buffers to preserve the coastal character. The environment and maritime character is preserved by a series of special opportunities.

(c) Areas designated resource conservation on the comprehensive plan shall be zoned to this category on the zoning map.
(Ord. No. 99-12, § 1 (02.420), 4-26-1999; Ord. No. 2005/23, 6-27-2005)

Sec. 106-1024. Rural residential (RR) district.

(a) The rural residential (RR) district protects the residential character of existing communities and neighborhoods in the rural area, that were developed under previous zoning regulations and designated as rural in the adopted 1997 comprehensive plan.

(b) This district is intended to minimize nonconforming lots and provide owners of small clustered rural lots with flexibility in the use of their land. The districts are established by identifying areas with five contiguous lots of five or fewer acres. It permits subdivision of existing lots to a maximum of 1.2 units to one acre gross density, with DHEC approval, for wastewater treatment. The district is not intended to promote tract development or to encourage rezoning.
(Ord. No. 99-12, § 1 (02.430), 4-26-1999)

Sec. 106-1025. Rural business (RB) district.

(a) The purpose of the rural business district designation is to recognize existing concentrations of nonresidential uses within small rural communities and provide residential and commercial policies appropriate with their size, character and development potential. The rural business districts are designed to accommodate low impact nonresidential development, not requiring urban services while maintaining rural character. Rural business district boundaries are drawn to encourage infill development.

(b) The purpose of this district shall be to provide convenient shopping facilities, primarily of necessity goods and personal services that serve the surrounding rural communities and the needs of motorists traveling through the rural areas. This district also provides for low-impact commercial nonretail uses such as general contractors offices, building supplies, and vehicle and equipment repair that provide economic opportunities for the residents of surrounding rural communities. The rural business district is not meant to promote sprawl by competing with the commercial districts provided for in the priority investment areas.

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(c) The guidelines and requirements of the rural business district promote small scale commercial (primarily retail and service uses) that are of a residential scale and rural character. These entail design and development standards that include low building heights, screened parking, and landscaping and lighting standards.

(d) The boundaries of a rural business district may only be extended if insufficient land exists within the existing rural business district boundaries to accommodate new development.
(Ord. No. 2005/40, 11-28-2005)

Secs. 106-1026—106-1050. Reserved.

DIVISION 5. SPECIAL DISTRICTS

Sec. 106-1051. Scope of division.

This division contains the statements of intent for all special districts of the comprehensive plan. The mapping of these districts shall implement the comprehensive plan. Special districts are applied to certain areas of the county where extreme environmental, physical or cultural constraints or opportunities need increased planning guidelines and consideration.
(Ord. No. 99-12, § 1 (div. 02.500), 4-26-1999)

Sec. 106-1052. River quality overlay (RQ) district.

The standards for the river quality overlay (RQ) district are pending recommendations.
(Ord. No. 99-12, § 1 (02.510), 4-26-1999)

Sec. 106-1053. Military (M) district.

The military (M) district is applied to existing military bases and Department of Defense lands, and provides for military facilities and all supporting activities such as housing, offices, and services that are on base land, even though they would otherwise be considered separate uses. Military property is under jurisdiction of the federal government. Recommendations and standards for this district are not included in this chapter, since these lands are federally owned, and are typically not subject to county regulations.
(Ord. No. 99-12, § 1 (02.520), 4-26-1999)

Sec. 106-1054. Airport overlay (AO) district.

The airport overlay (AO) provides special controls for this district that are intended to prevent incompatible uses or other uses where there is a high likelihood of a concentration of people in the high risk areas associated with increased potential for aviation accidents. Additional regulations may require increased building standards where noise levels are

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highest. This is an overlay over the underlying zoning. Thus, for example, a rural area within the airport overlay would be designated on maps as R-AO indicating the base zoning (rural), and the overlay (airport overlay).
(Ord. No. 99-12, § 1 (02.530), 4-26-1999)

Sec. 106-1055. Corridor overlay (CO) district.

The corridor overlay (CO) is provided to enhance and protect the functional and aesthetic qualities of lands within 500 feet of designated highway corridors in the county. In addition, special view shed corridors are established at 1,000-foot radii from the centerline of certain quality river or creek highway vistas. All land development proposed for this overlay district requires an additional review by planning department staff and/or the corridor review board. See subdivision V of division 3 of article III of this chapter and appendix B to this chapter for general standards and review procedures pertaining to this special district.
(Ord. No. 99-12, § 1 (02.540), 4-26-1999; Ord. No. 2005-39, 11-14-2005)

Sec. 106-1056. Cultural protection overlay (CPO) district.

The cultural protection overlay (CPO) district is established to provide opportunities for the effective longterm protection of cultural resources found on St. Helena Island. The CPO district acknowledges St. Helena's historic cultural landscape and its importance as the center of the county's most notable concentration of Gullah culture. In addition, the cultural protection overlay (CPO) district purpose is to: (i) preserve traditional land use patterns; (ii) retain established customs and rural way of life. The CPO district encompasses the island of St. Helena and is an overlay over the base zoning.
(Ord. No. 99-12, § 1 (02.550), 4-26-1999)

Sec. 106-1057. Planned unit development (planned development district).

A PUD means "Planned Unit Development" (Planned development district). The abbreviation "PUD" shall have the same meaning as provided in S.C. Code § 6-29-720(C)(4) (Supp. 2002). This type of district is a development project comprised of different types and densities and of compatible uses and various land uses permitted within the county and mixed use developments. A PUD (planned development district) is established by rezoning and is characterized by a unified site design for a mixed-use development.
(Ord. No. 2003/35, 12-8-2003)

Sec. 106-1058. Commercial fishing village overlay (CFV) district.

The commercial fishing village overlay (CFV) district is established to recognize areas within the county that are currently and/or historically used for commercial fishing activities. In addition to those uses permitted in the underlying zoning district, the overlay district allows for the development and enhancement of commercial fishing uses, as well as related uses that support the commercial seafood industry.
(Ord. No. 2005/39, 11-14-2005)

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TABLE 106-1098. GENERAL USE TABLE

	Priority Areas							*Rural Areas*					
Land Use	*U*	*S*	*CR*	*CS*	*RD*	*LI*	*IP*	*R*	*RR*	*RB*	*RC*	*Additional Standards (See Section)*	*Use Definition*
AGRICULTURAL USES													
Agriculture	N	L	N	N	N	N	N	Y	Y	Y	S	106-1156	Crop (see below: Clearcutting, #3) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	L	L	L	L	L	L	L	L	L	L	S	106-1157	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	L	L	L	L	L	L	L	L	L	L	S	106-1158	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 sq. ft. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cultivation of any land as an agricultural use, and gardens of less than 10,000 sq. ft. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	TND	L	N	N	N	N	N	Y	Y	Y	S	106-1159	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker housing	N	N	N	N	N	N	N	L	N	N	N	106-1159(a)	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per each 100 acres after that.

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Land Use	Priority Areas								Rural Areas					Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial stables	TND	S	N	S	N	S	N	L	Y	Y	N	106-1160	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
Agricultural support services	N	N	Y	Y	N	Y	N	L	Y	Y	N	106-1161	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds, pet care services. (NAICS 1151, 1152, 49313, 4225, 54194, 812910)
RESIDENTIAL USES													
Single-family detached	Y	Y	N	N	N	N	N	Y	Y	Y	Y	N.A.	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit which complies with the county building code.
Single-family cluster	N	Y	N	N	N	N	N	Y	N	Y	Y	N.A.	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.
Family compound	N	N	N	N	N	N	N	Y	Y	Y	N	article IX	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.
Planned	L	L	N	L	N	N	N	L	N	N	N	106-1186, articles VI and XI	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit.
Multifamily	L	L	N	L	N	N	N	N	N	N	N	106-1187, articles VI and XI	This use permits duplexes, multiplexes and apartments only.
Commercial apartment	Y	TND	Y	Y	N	N	N	N	N	N	N	N.A.	OnE to four dwelling units located above or to the rear of a nonresidential structure on the same lot.

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
Traditional neighborhood development	L	L	N	N	N	N	N	N	N	N	N		Article XI	
Group home	Y	Y	N	N	N	N	N	Y	Y	Y	N		N.A.	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.
Manufactured home community	L	L	N	N	N	N	N	L	N	N	N		106-2409	A parcel of land planned and improved for the placement of three or more manufactured homes for use as residential dwellings where home sites within the development are leased to individuals who retain customary leasehold rights. Subdivision of land as a single-family detached, single-family cluster, family compound, planned community or small single-family affordable land use and intended for fee-simple sale of lots for manufactured homes does not constitute it being defined under this use. For purposes of this definition, a manufactured home is a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS). This does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
Small single-family, affordable	L	L	N	L	N	N	N	N	N	N	N		106-2104	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: (i) single-family detached one story, (ii) single-family detached two story, and (iii) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.
Accessory dwelling unit	L	L	N	N	N	N	N	L	L	L	N		106-2106	A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.
HOME USES														
Day care, family (Day care, commercial, see section 106-1250)	Y	Y	N	N	N	N	N	Y	Y	Y	N		N.A.	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)
Home occupation	L	L	N	N	N	L	N	L	L	L	L		106-1216	A business, profession, occupation or trade located entirely within a residential dwelling which does not change the essential character of the residential use.
Home business	L	S	N	L	N	L	N	L	L	Y	N		106-1217	A business, profession, occupation or trade operated out of a single-family residence and/or accessory structures that permits the employment of up to three unrelated individuals. Farm workers are not included.

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Land Use	Priority Areas									Rural Areas					Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB		RC				
Cottage industry	N	N	N	N	N	N	N	L	L	L		N			106-1218	Light industrial use(s) as listed in Table 106-1089, and boat, small engine, and farm equipment repair services; conducted on a lot with a residential dwelling unit. Up to six employees may be employed in addition to family members. Farm workers are not included. Cottage industries on less than ten-acre parcels may be permitted as special use(s).
INSTITUTIONAL USES																
Assembly and worship, large	L	L	Y	L	N	N	N	L	N	L		N			106-1246	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be non-profit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
Assembly and worship, small	Y	Y	Y	Y	N	N	N	L	L	L	N		106-1247	Museums, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 square feet of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 square feet of floor area. (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed 15,000 square feet. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Colleges and professional schools	S	S	N	S	L	N	N	S	N	N	N		106-1248	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)
Schools, neighborhood (elementary and middle school)	L	L	N	L	N	N	N	S	N	S	N		106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.

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Land Use	Priority Areas									Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB		RC		
Schools, community (high schools)	L	L	N	L	N	N	N	S	N	S		N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.
Institutional residential	L	Y	Y	Y	N	N	N	S	N	N		N	106-1249	1. Convents or monasteries. 2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing. 3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing. 4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc. may also be provided. Does not require licensing. 5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, (total occupancy >8) shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAICS 623311, 6239, 624229) 7. Dormitories, fraternities, or sororities. 8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111) 9. Emergency shelters and residential substance abuse facilities. (NAICS 62322)
Day care, commercial (Day care, family, see home uses)	L	L	L	Y	L	Y	L	L	Y	L	N	106-1250	All day care facilities not classified as "Day care, Family" and including more than eight children. (NAICS 62441)
Protective care	N	N	N	N	N	N	N	S	N	N	N	106-1251	Housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals. (NAICS 92214, 6222)
Local utilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	L	106-1252	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)
Public services	Y	Y	Y	Y	Y	Y	Y	L	Y	Y	N	106-1255	These uses include emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses, below)
Government office	L	L	Y	Y	Y	Y	L	LC	N	S	N	106-1253	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational institutional	Y	L	Y	Y	N	N	N	S	S	S	N	106-1254	Nonprofit organizations chartered to provide community-based recreational services.

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Land Use	Priority Areas									Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
COMMERCIAL USES															
Adult uses (not indoor gambling)	N	N	N	N	N	L	N	N	N	N	N	106-1281	1. Adult bookstore. Establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with an area or section d devoted to the sale or display of such material. 2. Adult entertainment establishment. Enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets, physical culture establishments, photographic studios, or any other normally permitted use where specified sexual activities are displayed, or where specified anatomical areas are exposed to customers. (NAICS 71399, 72241) 3. Massage parlors. Establishments offering massage, manipulation, rubbing, vibration, stroking or tapping of the human body with the hand or an instrument, staffed by one or more persons who do not belong to any nationally recognized massage therapy association, or by persons who are not graduates of any recognized training school in massage therapy.

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Bed and breakfast	S	S	N	N	N	N	N	S	N	N	N		106-1282	This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his principal place of residence. (NAICS 721191)
Body branding, body piercing and tattoo facilities	N	N	N	N	N	L	N	N	N	N	N		106-1283	An establishment whose principal business, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decorations (3) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This definition for the purpose of this code does not include ear piercing.
Commercial lodging (hotel and motel)	Y	N	Y	Y	L	Y	N	N	N	N	N		106-1284	Hotels, motels, boardinghouses and roominghouses, or a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities. (NAICS 7211, 7213)
Commercial retail, neighborhood	L	L C	Y	L	N	Y	N	L C	N	L	N		106-1285	The maximum size of any neighborhood commercial retail use shall be 10,000 sq. ft. These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1. Hardware stores

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sq. ft., exclusive of 10,000 sq. ft. of ancillary uses 3. Food and beverage stores 4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores 5. Garden centers 6. Variety stores (NAICS 452990)
Commercial retail, traditional shop	N	N	N	N	N	N	N	L	L	L	N		106-1286	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood oriented, their maximum size is 1,500 sq. ft. Certain limitations to this use are intended to preserve the character of the communities that they serve.
Commercial retail, regional	N	N	Y	N	N	L	N	N	N	L	N		106-1287	These uses include all retail uses in neighborhood commercial, but which exceed the service character and scale of neighborhood commercial, above. Any retail use having exterior sales or storage shall be considered regional commercial, even if its scale does not require that. In addition to the types of retail uses listed in neighborhood commercial above, the following uses shall be permitted: 1. All miscellaneous retail not included in neighborhood commercial, above 2. Clothing and accessory stores 3. Furniture stores 4. Paint, glass, wallpaper specialty stores 5. Greenhouses (retail only and with garden supplies) 6. Repair shops and related services 7. Vehicular sales, rental and service uses, listed elsewhere in this table

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
														8. Hospitals and medical facilities
Conference center	Y	N	Y	Y	Y	Y	N	N	N	N	N		N.A.	One or more buildings owned by a business entity in which there are no more than ten guestrooms, or suites of rooms, available for temporary occupancy for varying lengths of time, by employees, customers, and other persons whose presence in the building coincides with a particular meeting occurring at the venue. (NAICS 72111 part)
Drive-through restaurant	TND	TND	Y	L	N	L	N	N	N	N	N		106-1288	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.
Office	L	L	Y	Y	L	Y	L	N	N	L	N		106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following: 1. Finance, banks, trusts, savings and lending (NAICS 521, 522, 525) 2. Security, commodity brokers and investment services (NAICS 523) 3. Insurance carriers, agents, brokers, and services (NAICS 524) 4. Real estate services (NAICS 531) 5. Professional and technical services (NAICS 5411—5419) 6. Business services (NAICS 55, 5611—5616, 5619, 8139) 7. Health services (NAICS 621) 8. Social services (NAICS 624) (except care facilities) 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) (NAICS 6115) 10. Civic and social organizations (NAICS 8132—8134)

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
														11. Agricultural support and services (offices only) (NAICS 115) 12. Governmental offices (NAICS 92 excluding public service) 13. Parking lots (NAICS 81293) 14. Contractor's office without exterior storage (NAICS 233)
Restaurant	L	TND	Y	Y	L	Y	N	N	N	L	N		106-1290	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable state liquor licensing requirements and standards. (NAICS 722110)
Services	L	L	Y	Y	N	L	N	N	N	L	N		106-1291	A wide variety of personal and commercial services including the following: 1. Educational services (NAICS 611 except 611512, 61162) 2. Social assistance (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4. Kennel service and domestic veterinary clinics (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492) 6. Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114) 7. Health and exercise clubs; dance studios (NAICS 71394) 8. Parking lots (NAICS 81293)

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Land Use	Priority Areas U	S	CR	CS	RD	LI	IP	Rural Areas R	RR	RB	RC	Additional Standards (See Section)	Use Definition
													9. Funeral homes (NAICS 81221) 10. Laundry services (NAICS 8123) 11. Personal services (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities.) 12. Transit and ground passenger transportation (NAICS 485). (This use is excluded from the rural districts.) NOTE: Drive-through facilities are not permitted as part of this use.
VEHICULAR SALES, RENTAL AND SERVICE, GAS CONVENIENCE MARTS													
Vehicle sales or rentals	N	N	L	N	N	N	N	N	N	N	N	106-1292	Automobile, light truck, motorcycle sales or rentals, but no other truck sales or rentals (NAICS 4411, 441221, 441222, 5321).
Auto malls	N	N	L	N	N	N	N	N	N	N	N		Auto malls with a number of the auto service uses contained in a single building. Accessory carwashes shall be permitted as part of such auto malls only when the total floor area is greater than 30,000 sq. ft. (NAICS 4411, 4413 and 811191, 81119)
Quick service oil, tuneup, brake and muffler shops	L	L	Y	L	N	Y	L	N	N	N	N		Quick service oil, tuneup, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.
General auto repair and gasoline service stations with repair bays or facilities	L	L	L	L	N	Y	N	S	N	L	N		General auto repair facilities where most types of servicing and repair can be performed on site. Hand car wash/detailing businesses are permitted as part of or separate from this use.
Gas-convenience marts with no repair bays or facilities	L	L	Y	L	N	Y	N	S	N	L	N		Gas-convenience marts with no repair bays or facilities. There is no towing, vehicle body or engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay carwashes associated with a gas convenience mart are permitted. (NAICS 811191, 811192)

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
Mixed use	Y	TND	Y	Y	N	N	N	N	N	N	N		106-1293	1. A building containing two or more use categories with five or more residential dwelling units comprising a minimum of 25 percent of the total floor area. 2. A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, commercial lodging, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses.
Boat sales and service	N	N	L	L	N	N	N	N	N	L	N			Establishments primarily engaged in the sale, service and maintenance of pleasure watercraft and accessories
RECREATION AND AMUSEMENT USES														
Campground	N	N	N	N	N	N	N	L	N	N	S		106-1321	Form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience more rustic setting and natural environments. Campgrounds rent pads or spaces to the guests.
Commercial amusement, indoor	TND	TND	L	L	N	N	N	N	N	N	N		106-1322	Includes but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Commercial amusement, indoor gambling	N	N	S	N	N	S	N	N	N	N	N		106-1323	The use of coin-operated gambling devices and includes video poker parlors, and secondary uses, as described by state law. (NAICS 7132 part, 71329)
Commercial amusement, indoor casino gambling	N	N	N	N	N	N	N	N	N	N	N		106-1323	Casino gambling for land-based or as a port of call for an ocean-going vessel.

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial amusement, outdoor	N	N	L	S	N	L	N	S	N	N	N		106-1324	Includes but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, water slides, batting cages, shooting ranges, zoos, and botanical gardens. (NAICS 512132, 71311, 71212, 71213, 71219)
Indoor recreation	Y	Y	Y	Y	L	L	L	N	N	N	N		106-1325	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis, racquetball, or handball courts. (NAICS 71394) Specifically excluded are health and exercise clubs, and uses listed as service uses, above.
Outdoor recreation	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S		106-1326	1. Active recreational activities and supporting services including but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas. 2. Passive recreational uses including but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.
Resort	L	L	N	N	N	N	N	L	N	N	N		106-1327	Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
Ecotourism	N	N	N	N	N	N	N	L	L	L	S		106-1328	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park or protected area; 2. Interpretive educational program with or without guides; 3. Outdoor activities; or 4. Cultural experiences.
Golf course	L	L	L	L	N	N	N	L	N	N	N		106-1329	Regulation and par 3 golf courses and associated amenities having nine or more holes. A driving range may be an ancillary use to the operation. (NAICS 71391)
Miniature golf course	L	L	L	L	N	N	N	N	N	N	N		106-1330	Putting courses installed on artificial surfaces, practice facilities that are driving ranges, or which have several practice holes or putting areas. (NAICS 71399)

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	Priority Areas							Rural Areas					
Land Use	*U*	*S*	*CR*	*CS*	*RD*	*LI*	*IP*	*R*	*RR*	*RB*	*RC*	*Additional Standards (See Section)*	*Use Definition*
Recreational equipment rental	L	L	L	L	N	N	N	N	N	L	N	106-1331	Establishments primarily engaged in renting recreational equipment, such as bicycles, canoes, motorcycles, skis, sailboats, beach chairs, and beach umbrellas (NAICS 532292)
INDUSTRIAL USES													
Airports	N	N	N	N	N	S	L	S	N	N	N	106-1356	Airports (NAICS 481) and flight training schools (NAICS 611512), including private airstrips, and those used by ultralight aircraft.
Commercial communication towers	S	S	L	S	S	L	L	S	S	S	N	106-1357	A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Speculation towers are prohibited.
Heavy industry	N	N	N	N	N	L	Y	N	N	N	N	106-1358	Construction, manufacturing, transportation, and public utilities with land use intensity impacts that are typically noncompatible with residential and commercial land uses, and are usually associated with large industrial uses, accessory outdoor storage areas, and large building areas. The following uses shall be classified as heavy industry: 1. Any light industrial use that requires outdoor storage that exceeds 10 percent of the gross floor area 2. Any light industrial use that does not meet the noise, odor or vibration standards for that use, or that produces emissions that exceed 60 percent within or adjoining the building 3. Any light industrial use that exceeds 200,000 sq. ft. of gross floor area 4. Heavy construction contractors (NAICS 234) 5. Meat products manufacturing (NAICS 3116) 6. Seafood product preparation and packaging (NAICS 3117)

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
														7. Petroleum refining and related industries (NAICS 234)
														8. Alcoholic beverages (NAICS 31212, 31213, 31214)
														9. Industrial equipment leasing (NAICS 5324)
														10. Stone, clay and glass products (NAICS 327)
														11. Metal mills, foundries, smelter (NAICS 331)
														12. Wood products (NAICS 312)
														13. Transportation equipment manufacturing (NAICS 336)
														14. Utility production or processing facilities, but not office or transmission or distribution (NAICS 22)
														15. Welding, sheetmetal, blacksmith (NAICS 3323)
														16. Paper manufacturing (NAICS 322, except paper mills 32211, 12, 13)
														17. Plastic/rubber products (NAICS 326, except tire manufacturing 32621)
														18. Fabricated metal products (NAICS 332)
														19. Machinery manufacturing (NAICS 333)
														20. Transportation-auto manufacturing (NAICS 336)
														21. Chemical manufacturing (NAICS 325)
Light industry	N	N	N	N	L	Y	Y	N	N	L	N	106-1359		Incubator development, light manufacturing, processing, assembly, or finishing operations in enclosed buildings, with limited exterior storage. The following uses shall be classified as light industry:
														1. Any light industrial use not requiring more than 10 percent of its gross floor area for exterior storage
														2. Any light industrial use that does not exceed 200,000 sq. ft. of gross floor area
														3. Building, development and general contracting (NAICS 233)

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			4. Special trade contractors (NAICS 235, except storage of any equipment that is more than 12 feet in height) 5. Food products (NAICS 311, 312, except NAICS 3112, 3116, 3117, 31212, 31213, 31214, 3122 other than micro-breweries) 6. Textiles and apparel (NAICS 313, 314 & 315) 7. Fuel dealers (NAICS 45431, 454312, 454319) 8. Furniture and fixtures (NAICS 337) 9. High tech industry (NAICS 327 nonmetallic mineral products, 335 electrical equipment, 8112, 443 electronics and appliances), where the gross floor area of the business is less than 20,000 sq. ft., and receives and ships all its packages via courier service 10. Lumber and other building materials (NAICS 4213, 4413, 44419, 44911) 11. Printing and publishing (NAICS 511, 512, 323) 12. Office and computing machines (NAICS 334) 13. Electric and electronic equipment (NAICS 335) except electronic distribution and electrical industrial (NAICS 3353, 3359) 14. Instruments and related products (NAICS 334, 339) 15. Transportation services (NAICS 488) 16. Wholesale trade, durable and nondurable (NAICS 421, 422) except farm products (NAICS 4225) 17. Recreational equipment rental (NACIS 532292) 18. Heavy truck, recreational vehicle and mobile home sales (NAICS 441229, 44121, 45393) 19. Heavy truck rental (NAICS 53212) 20. Trucking and warehousing (NAICS 484) 21. Other allowable uses under light industrial in general use table 106-1098

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	Priority Areas							Rural Areas					
Land Use	*U*	*S*	*CR*	*CS*	*RD*	*LI*	*IP*	*R*	*RR*	*RB*	*RC*	*Additional Standards (See Section)*	*Use Definition*
Mining/resource extraction	N	N	N	N	N	S	N	S	N	N	N	106-1360	Extractive uses such as surface mining for sand, gravel, clay and topsoil and any other such use. Quarrying is not permitted. (NAICS 21)
High technology industry	N	N	N	N	Y	Y	Y	N	N	N	N	N.A.	High tech uses such as electronics, pharmaceutical, chemical, and health care that typically have research facilities, testing, or pilot plants as a part of their research and development. The total development campus can include corporate and general offices, warehousing and industrial facilities that are involved in creating the products under development or ones previously developed. Corporate headquarters campuses involving multiple buildings may also be part of this use.
Recycling/salvage	N	N	L	N	N	L	N	N	N	N	N	106-1361	Any land or structure used for salvaging, recycling, junkyards, or storing of wastepaper, rags, scrap metal, and discarded materials, and the collection, dismantlement, and salvage of two or more inoperative vehicles, automobiles, boats, trucks, farm vehicles or equipment, or other types of machinery. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used materials having a total cubic volume of 700 cubic feet or more. Where there is no exterior storage, and all the material is stored inside buildings with impervious floors, the use shall be considered light industry.
Convenience center	L	L	L		N	L	N	L	N	N	N	106-1362	Drop-off centers (convenience centers) for household waste to be transferred to a landfill by public or private companies.
Regional utilities	L	L	L	L	L	L	L	L	L	L	N	106-1363	Generation, storage of combustibles, and regional facilities, such as regional switching stations, pump storage, and other facilities not housed inside normal buildings or structures. (NAICS 22)
STORAGE													

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Land Use	Priority Areas								Rural Areas					Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
Land Use	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Business storage	N	L	L	L	L	Y	Y	L	N	N	N	106-1364	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.
Residential storage facility	L	N	L	L	N	L	N	N	N	N	N	106-1365	A building consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.
Warehousing/distribution	N	N	N	N	L	Y	Y	N	N	N	N	106-1366	Storage, wholesale, and distribution of manufactured products, supplies and equipment. This use excludes bulk storage of materials that are flammable, explosive, toxic or create hazardous conditions, and that are defined as business storage uses, above.
Waste transfer station	N	N	N		N	S	L	S	N	N	N	106-1367	Disposal uses including sanitary landfills, construction waste landfills, sludge disposal or storage, resource recovery facilities, energy recovery or generating from waste material, and any other form of waste management facilities. (NAICS 5622, excluding disposal of hazardous or radioactive waste materials NAICS 562211)
TEMPORARY USES													
Christmas tree sales	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	N.A.	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.
Construction staging or plant	N	S	N	N	N	S	S	S	N	S	N	106-1396	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.

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	Priority Areas							Rural Areas					
Land Use	*U*	*S*	*CR*	*CS*	*RD*	*LI*	*IP*	*R*	*RR*	*RB*	*RC*	*Additional Standards (See Section)*	*Use Definition*
Contractor's office	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N.A.	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.
Roadside stand	L	L	L	L	N	N	N	L	L	L	N	106-1397	Temporary structure or vehicle used in the sale of agricultural produce. More than one farm may sell at a single stand.
Model homes/sales office	Y	Y	Y	Y	N	Y	L	Y	N	N	N	N.A.	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.
TEMPORARY OUTDOOR SALES												106-1397	
Commercial outdoor sales	L	L	S	S	N	S	N	N	N	L	N		Outdoor sales of merchandise, by either a store owner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This use excludes sales associated with a public interest or special event.
Miscellaneous outdoor sales	L	L	L	L	N	N	N	L	N	L	N		Those activities which involve selling goods from a truck, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site.
Public interest and special events	L	L	L	L	L	L	L	L	L	L	S	106-1398	Public interest. Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization.
													Special event. These events may include but are not limited to outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.

Use Permission

Y = Permitted use

L = Limited use

S = Special use

N = Prohibited use

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Land Use	Priority Areas								Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
TND = Permitted use only in traditional neighborhood development Community preservation district - Please refer to the CP area standards in appendix E to this chapter.														

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(Ord. No. 99-12, § 1 (03.110), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2001-3, 1-8-2001; Ord. No. 2001-25, 9-10-2001; Ord. No. 2001-27, 10-8-2001; Ord. No. 2001-29, 12-10-2001; Ord. No. 2002-2, 1-28-2002; Ord. No. 2003-7, 3-24-2003; Ord. No. 2003-11, 4-14-2003; Ord. No. 2003-30, 9-22-2003; Ord. No. 2003/33, 10-27-2003; Ord. No. 2004-16, 6-14-2004; Ord. No. 2005/17, 5-23-2005; Ord. No. 2005/26, 6-27-2005; Ord. No. 2005/40, 11-28-2005; Ord. No. 2006/9, 4-24-2006; Ord. No. 2007/8, 2-12-2007; Ord. No. 2007/21, 6-11-2007; Ord. No. 2007/34, 8-27-2007; Ord. No. 2008/26, 8-11-2008; Ord. No. 2009/9, 3-16-2009; Ord. No. 2010/15, 9-13-2010; Ord. No. 2010/21, 9-27-2010; Ord. No. 2011/10, 3-14-2011; Ord. No. 2013/11, 3-11-2013)

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Secs. 106-1099—106-1125. Reserved.

DIVISION 2. LIMITED AND SPECIAL USE STANDARDS

Subdivision I. In General

Sec. 106-1126. Scope of division.

(a) This division describes the standards governing limited and special uses as designated in the general land use table 106-1098. These standards are in addition to other standards required elsewhere in this chapter, as well as building code requirements, and further supersede certain standards in article VI of this chapter. The standards in this division include buffering, location, bulk and scale, and standards of an environmental nature.

(b) Uses designated as "L" in the general use table are permitted uses; however, they require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, requiring more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). See article III of this chapter for the appropriate procedure for both limited and special use reviews. If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.
(Ord. No. 99-12, § 1 (div. 03.200), 4-26-1999)

Secs. 106-1127—106-1155. Reserved.

*Subdivision II. Agricultural**

Sec. 106-1156. Agriculture.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for agriculture use in all applicable districts are as follows: All existing farm uses shall be exempt from the standards of this chapter.

(b) *Suburban district.* Agriculture use in the suburban district shall be permitted only when the agriculture is to be part of the open space in a residential community use development.

(c) *Resource conservation district.* In the resource conservation district agriculture uses shall be permitted only when an expansion of existing agricultural use or for restoration of an historic site's traditional fields or groves.
(Ord. No. 99-12, § 1 (03.210), 4-26-1999)

***Cross reference**—Animals, ch. 14.

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Sec. 106-1157. Forestry.

(a) *Limited/special standards in all applicable districts, except for rural and rural residential.* Limited/special standards for forestry use in all applicable districts, except for rural and rural residential, are as follows:

(1) A forestry plan shall be submitted that demonstrates that the intended forestry activities will not adversely affect flood hazard, river buffer and specimen tree protection requirements of article VII of this chapter. In determining this, the ZDA shall review the type of cutting and site plan for the activity.

(2) Bufferyards of 50 feet along adjoining streets and districts shall be retained. Where no existing bufferyard is present in the required 50-foot area, the location of the bufferyard may require being placed further inward of the property line. Excessive cutting of the bufferyard shall result in the area having to be replanted as per section 106-1680.

(3) All state standards for BMPs, buffers and reforestation practices shall be adhered to.

(4) The landowner shall retain a minimum of at least 25 overstory trees per acre after final harvest, not including the required buffer. The landowner shall immediately pursue planned natural regeneration methods, whereby between four to 12 seed harvesting trees are left uncut, or 20 to 30 shelterwood harvesting trees are left uncut. Either method is acceptable as long as the required buffer is provided and the method recognized by the state for responsible forestry practices.

(b) *Resource conservation district.* In the resource conservation district forestry shall be permitted only when part of a BMPs plan to retain the highest quality natural area through limited harvesting of trees to improve the quality and growth of the rest or to eliminate invasive species.

(c) *Rural/rural residential districts.* In rural/rural residential districts, timber harvesting, as defined by the S.C. Forestry Association, shall only require that notice be provided to the ZDA of intended activity prior to commencement of the activity.
(Ord. No. 99-12, § 1 (03.211), 4-26-1999)

Sec. 106-1158. Clearcutting.

The limited/special standards for clearcutting in all applicable districts are as follows: Clearcutting is generally not permitted in any district other than for bona fide forestry practices. When clearcutting does not include forestry, approval for clearcutting shall be issued only under one of the following conditions:

(1) A 50-foot forested buffer shall remain along all street frontages. Absence of the required existing buffer shall preclude any site from being approved for this use.

(2) As part of a site plan or subdivision with an approved resource protection plan.

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(3) When a site capacity analysis is submitted along with an environmental impact assessment demonstrating that this chapter's standards are met, and a record of the property's original conditions is filed with the planning department.

If an owner clear cuts all or any portion of his or her property under the claim of good faith forestry practice, and then seeks a development permit for any portion of the property within one year of the clear cut, a rebutable presumption shall arise that the clear cut was done in anticipation of future development and the permit denied. Any person seeking to rebut the presumptions shall have the burden of proving their claim by clear and convincing evidence.
(Ord. No. 99-12, § 1 (03.212), 4-26-1999; Ord. No. 2001-27, 10-8-01)

Sec. 106-1159. Farmstead.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for farmstead use in all applicable districts are as follows: Farmworker housing is allowed as an accessory use on farmsteads for semipermanent use by farm workers, consistent with state and federal regulations.

(b) *Suburban district.* In the suburban district, farmsteads shall be permitted when part of the open space in a community development where a new farm unit is created with a minimum of 50 acres of land that is part of the planned open space of the community.

(c) *Resource conservation district.* In the resource conservation district a farmstead shall be permitted only when it is part of the restoration of a historic site's traditional agricultural operations.
(Ord. No. 99-12, § 1 (03.213), 4-26-1999)

Sec. 106-1160. Commercial stables.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for commercial stable uses in all applicable districts are as follows:

(1) Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer width shall be increased to a minimum of 15 feet.

(2) The minimum site area shall be five acres.

(3) A five-foot-high fence is required around paddock areas.

(b) *Reports/studies required.* All applications for this use shall include an area impact assessment.
(Ord. No. 99-12, § 1 (03.214), 4-26-1999)

Sec. 106-1161. Agricultural support services.

The minimum site area shall be three acres.
(Ord. No. 2001-29, 12-10-01)

Secs. 106-1162—106-1185. Reserved.

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Subdivision III. Residential

Sec. 106-1186. Planned residential.

(a) *Commercial suburban district.* In reviewing the site plan for planned residential uses in the commercial suburban district, it shall be determined that the shape of the parcel, orientation of the buildings, and provision for pedestrians makes the multifamily project a suitable use for the particular site in question. See the exemption for affordable housing in section 106-2103.

(b) *Urban district.* Planned residential uses in the urban district shall only be permitted with a minimum spacing of one-quarter mile between multifamily developments. No more than 40 dwelling units shall be constructed in any building.

(c) *Suburban district.* In the suburban district planned residential uses shall be consistent with surrounding neighborhood character in size, scale and architecture.

(d) *Rural district.* In the rural district planned residential uses shall only contain single-family and duplex dwellings. All other multifamily uses are not permitted.

(e) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.215.1), 4-26-1999)

Sec. 106-1187. Multifamily residential.

(a) *Commercial suburban district.* In reviewing the site plan for multifamily residential use in a commercial suburban district, it shall be determined that the shape of the parcel, orientation of the buildings, and provision for pedestrians makes the multifamily project a suitable use for the particular site in question. See the exemption for affordable housing in section 106-2103.

(b) *Urban district.* In the urban district multifamily residential uses shall be compatible with the surrounding neighborhood character in size, scale and architecture. No more than 40 dwelling units shall be constructed in any building. No more than 200 units shall be constructed as part of a single development.

(c) *Suburban district.* In the suburban district multifamily uses shall be compatible with surrounding neighborhood character in size, scale and architecture. The traffic impact analysis shall indicate required improvements, where applicable.

(d) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.215.2), 4-26-1999; Ord. No. 2013/3, 1-14-2013)

Sec. 106-1188. Accessory dwelling unit.

(a) The ADU shall comply with all of the required setbacks and open space ratios of the underlying zoning district.

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(b) Only one ADU may be created per principal dwelling.

(c) The property owner, who shall include titleholders and contract purchasers, must occupy the principal unit as their permanent or seasonal residence.

(d) The ADU shall be no more than 800 square feet or less than 300 square feet. In no case shall an ADU be more than 40 percent of the principal dwelling's total floor area,

(e) The ADU shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. If an ADU extends beyond the current footprint or existing height of the principal dwelling, or is part of a detached garage, such an addition must be consistent with the facade, roof pitch, siding and windows of the principal dwelling.

(f) One off-street parking space, in addition to that which is provided for the existing single-family dwellings, shall be provided for the ADU.

(g) Accessory dwelling units (ADUs) are permitted in the urban, rural and rural residential districts by right. ADUs are permitted in the suburban district with the single-family cluster, planned and community uses provided that no more than 25 percent of the principal dwelling units have ADUs.

(h) Accessory dwelling units in the rural district may be located no more than 50 feet from the principal dwelling unit.
(Ord. No. 2002-14, 4-22-2002)

Secs. 106-1189—106-1215. Reserved.

Subdivision IV. Home Uses

Sec. 106-1216. Home occupation.

(1) The light industry district, only home occupations existing on lots of record, before the effective date of the ordinance from which this chapter derives shall be permitted. These existing uses shall not be considered nonconforming.

(2) Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(3) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation, nor shall these materials be stored inside an accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, or stored on the site.

(4) The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed five percent of the finished floor area.

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(5) The street address of the home occupation may be used in advertisements.

(6) No sign may be placed on the property advertising the home occupation.

(7) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(8) Additional parking is limited to two pervious parking spaces.

(9) The home occupation shall not involve the storage of commercial vehicles or the use of such vehicles for delivery of goods or material to or from the premises.

(10) The following uses are specifically not allowed as home occupations:

Adult uses;

Body branding, body piercing, or tattoo facilities.

(Ord. No. 99-12, § 1 (03.218.1), 4-26-1999; Ord. No. 2005/17, 5-23-2005)

Cross reference—Businesses, ch. 18.

Sec. 106-1217. Home business.

(a) In commercial suburban and light industry districts, only home businesses existing on lots of record, before the effective date of the ordinance from which this chapter derives, shall be permitted.

(b) Limited/special standards for this use in the urban, suburban, rural, and rural residential districts shall be as follows:

(1) The home business regulations of this section establish performance standards rather than a detailed list of allowable businesses. Uses that comply with all of the standards of this section will be permitted as home businesses unless specifically prohibited.

(2) The following uses are specifically not allowed as home businesses, but may be permitted under other districts and/or section 106-1218 (see Table 106-1098):

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as outboard marine engines, lawn mowers, etc.) or any other work related to automobiles and their parts;

Any type of repair, rental or sales of large appliances (such as washing machines, dryers and refrigerators, etc.);

Restaurants and bars;

Animal boarding facilities (such as kennels, animal hospitals, commercial stables, etc.);

Commercial lodging;

Adult entertainment;

Medical offices and clinics;

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Body branding, body piercing, or tattoo facilities.

(3) The operator of a home business shall own and reside on the property or reside immediately adjacent thereto.

(4) The home business shall be clearly incidental and secondary to the property's use for residential purposes. No more than 1,000 square feet of an accessory structure(s), such as a garage, may be used for the home business. No alterations shall be made to the external appearance of any principal or accessory structure or of the property that changes the character of the site from residential to nonresidential.

(5) All storage areas for equipment and supplies associated with the home business shall be completely screened from view with a wood fence and/or landscaping. Storage of hazardous substances, other than substances of a type and quantity customarily associated with a home or hobby, is prohibited.

(6) No home business or equipment used in connection with a home business may cause odor, vibration, noise, or electrical interference that is perceptible beyond the lot line of the property upon which the home business is conducted. Outdoor light fixtures, if any, shall be cut-off fixtures mounted in such a manner that the cone of light is not directed at any property line.

(7) The sale of products grown, made or repaired on site is permitted. In addition, incidental retail sales are allowed in connection with a permitted home business (for example, a beautician may sell hair products to customers). No outdoor display of products for sale is permitted. This requirement does not apply to roadside stands, which may be permitted under section 106-1098.

(8) One nonilluminated sign not more than 12 square feet in area may be placed on the property to advertise the business.

(9) Traffic generated by the home business must not negatively impact the safety, ambiance and characteristics of the neighborhood. The increase to existing traffic created by the home business shall not exceed 20 trips per day.

(10) Only one vehicle used by the operator for business use, shall be permitted with the home business.

(Ord. No. 99-12, § 1 (03.218.2), 4-26-1999; Ord. No. 2002-2, 1-28-2002; Ord. No. 2005/17, 5-23-2005)

Cross reference—Businesses, ch. 18.

Sec. 106-1218. Cottage industry.

(a) In the rural district, cottage industry shall meet the following requirements. Six acres shall be required for this use unless otherwise approved through a special use permit. The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with section 106-1218(a)(9).

(1) Uses shall be limited to boat, small engine (e.g. lawnmowers) and farm equipment repair services and all light industrial uses listed in Table 106-1098, except the following: mini-warehouses, recreational equipment and heavy truck rental, and heavy truck, recreational vehicle and mobile home sales.

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(2) Only incidental retail sales are permitted.

(3) Buildings associated with the cottage industry may not exceed 5,000 square feet of combined floor space.

(4) All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjoining residential uses (unless owned by the owner of the property upon which the cottage industry is located) with a 100-foot wide bufferyard providing 100 percent opacity.

(5) Cottage industries shall have access to a paved arterial or collector road, which may be by way of a public or private road meeting the rural subdivision access easement requirements of section 106-2597(1).

(6) One nonilluminated sign not more than 12 square feet in area may be placed on the property to advertise the business.

(7) There shall be no perceptible increase in noise, odor, vibration or electrical interference beyond the property line as a result of the cottage industry. Outdoor light fixtures, if any, shall be cut-off fixtures mounted in such a manner that the cone of light is not directed at any property line.

(8) Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday.

(9) The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto.

(10) All repair work on internal combustion engines must be performed within an enclosed structure.

(11) All boats/trailers and farm equipment, if applicable, associated with a repair business must be currently licensed and registered. Salvage operations are prohibited as part of a cottage industry.

(12) Cottage industries shall meet the minimum landscape surface ratio (LSR) applicable to "other permitted uses" in table 106-1526 (minimum LSR = .85 for the rural district). All buildings, work areas, and outside storage areas must be shown on the site plan and shall be considered nonlandscaped areas in the in the LSR calculation for the site.

(b) In the rural residential district, only businesses, which meet the definition of a cottage industry as set forth hereinabove, whether licensed or unlicensed and existing at, and continually operating since, the time of initial adoption of the ZDSO (April 26, 1999) shall be permitted, as long as they do not expand or intensify. Such businesses shall be exempt from the setback provisions set forth hereinabove in subsection (a)(4). New cottage industries in the rural residential district are not permitted.

(Ord. No. 99-12, § 1 (03.219), 4-26-1999; Ord. No. 2002-2, 1-28-2002; Ord. No. 2003-33, 10-27-2003; Ord. No. 2004/27, 8-9-2004; Ord. No. 2012/18, 11-5-2012)

Cross reference—Businesses, ch. 18.

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Secs. 106-1219—106-1245. Reserved.

Subdivision V. Institutional

Sec. 106-1246. Assembly and worship, large.

(a) *Size.* Large assembly and worship are 15,000 square feet or greater and/or with a school.

(b) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

(c) *Urban, suburban, commercial suburban districts.* In urban, suburban and commercial suburban districts, access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county. There shall be no minimum lot size for this use.

(d) *Rural district.* It is the intent of this chapter to ensure that lots used for assembly and worship uses are large enough to accommodate future expansions and to maintain the desired character of the surrounding community. Thus, a minimum lot size of at least ten acres shall be required in the rural district.
(Ord. No. 99-12, § 1 (03.220.1), 4-26-1999)

Sec. 106-1247. Assembly and worship, small.

(a) *Size.* Small assembly and worship uses are less than 15,000 square feet, with or without a school.

(b) *Urban, suburban, commercial suburban districts.* In urban, suburban and commercial suburban districts, there shall be no minimum lot size. Sunday school activities are permitted. Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.

(c) *Rural district.* In the rural district there shall be no minimum lot size for this use.
(Ord. No. 99-12, § 1 (03.220.2), 4-26-1999; Ord. No. 2011/10, 3-14-2011)

Sec. 106-1248. Schools.

(a) *Limited/special standards for this use in all applicable districts.* Limited/special standards for school uses in all applicable districts are as follows:

(1) *Access.* High schools, colleges and professional schools shall have frontage on a collector or arterial street and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.

(2) Reserved.

(b) *Rural district.* The school shall serve the district and surrounding rural areas.

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(c) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.221), 4-26-1999; Ord. No. 2003-26, 9-8-2003)

Sec. 106-1249. Institutional residential.

In the urban district, institutional residential uses shall have a minimum four-acre site.
(Ord. No. 99-12, § 1 (03.222), 4-26-1999)

Sec. 106-1250. Day care, commercial.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for commercial day care uses in all applicable districts are as follows: This use shall have a minimum lot area of 20,000 square feet, or 1,000 square feet per person (staff and customers).

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(b) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.
(Ord. No. 99-12, § 1 (03.223), 4-26-1999)

Cross reference—Businesses, ch. 18.

Sec. 106-1251. Protective care.

(a) *Limited/special standards for this use in all applicable districts.* All proposed protective care uses shall have a minimum site area of 50 acres.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.223.5), 4-26-1999)

Sec. 106-1252. Utilities, local.

Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in all applicable districts.
(Ord. No. 99-12, § 1 (03.224), 4-26-1999)

Cross reference—Businesses, ch. 18.

Sec. 106-1253. Government office.

All applications for government office uses shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.224.3), 4-26-1999)

Sec. 106-1254. Recreational institutional.

(a) *Limited/special standards for this use in all applicable districts.* All applications for recreational institutional uses shall include a traffic impact analysis.

(b) Additional standards in the rural district. The minimum site area shall be three acres.
(Ord. No. 99-12, § 1 (03.224.6), 4-26-1999; Ord. No. 2001-29, 12-10-2001)

Cross reference—Parks and recreation, ch. 90.

Sec. 106-1255. Public services.

Limited/special standards for use in the rural district. The minimum landscaped surface ratio (LSR) for this use shall be 0.70.
(Ord. No. 2001-29, 12-10-2001; Ord. No. 2009/30, 8-24-2009)

Secs. 106-1256—106-1280. Reserved.

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*Subdivision VI. Commercial**

Sec. 106-1281. Adult uses.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for adult uses in all applicable districts are as follows:

(1) *Additional buffers.* An additional 20 feet of bufferyard width shall be provided on all lot sides.

(2) *Separation.* The use shall be a minimum of 500 feet from any residence outside the zone, church, school, or day care center.

(3) *Spacing.* The minimum spacing between adult uses shall be one mile.

(4) *Lot size.* Lot size shall be a minimum of one acre.

(5) *Access.* Access shall be from an interior street in the development, not from an exterior roadway.

(6) *Signage.* The signage shall be a monument sign no more than 60 percent of the district standard. At the entrance to the building, a notice shall be posted indicating that this is an adult use which may involve activities or materials that do not meet community decency standards.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.225), 4-26-1999)

Sec. 106-1282. Bed and breakfast.

(a) Limited/special standards for bed and breakfast uses in all applicable districts are as follows:

(1) *Use standards.* Any bed and breakfast use shall have a maximum of eight rental rooms. Meals may be served only to registered guests.

(2) *Signs.* Bed and breakfast uses are limited to five square feet total sign area. Such signs must be constructed of wood or other durable nonplastic materials.

(3) *Parking.* Bed and breakfast uses must provide for all parking off street, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-street parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

(4) *Building type.* The applicable reviewing body shall ensure the building is in character with its neighborhood in style and appearance.

***Cross reference**—Businesses, ch. 18.

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(b) *Additional standards in the rural district.* The minimum site area shall be three acres. (Ord. No. 99-12, § 1 (03.226), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2006/9, 4-24-2006)

Sec. 106-1283. Body branding, body piercing and tattoo facilities.

(a) *Separation.* The use shall be a minimum of 1,000 feet from property line to property line of any residential zoning district, church, school, or day care center.

(b) *Spacing.* The minimum spacing between like uses shall be 500 feet.

(c) *Access.* Access shall be from an interior street in a local road within the development, not from an exterior collector or arterial roadway.

(d) *Permits required.* An applicant shall obtain all permits required by SCDHEC or any other federal, state or local government department or agency that has rules and regulations governing these types of uses prior to receiving a final development and/or zoning permit from Beaufort County.
(Ord. No. 2005/17, 5-23-2005)

Sec. 106-1284. Commercial lodging.

(a) *Reports/studies required.* All applications for commercial lodging uses shall include a community impact statement.

(b) *Commercial suburban districts.* In commercial suburban districts the use shall be located on an arterial road leading to a resort area or on a collector road within 500 feet of such an arterial road.

(c) *Research and development district.* In the research and development district, where a research park with multiple tenants is designed with a central core service area, a commercial lodging is permitted subject to the following:

(1) The total area devoted to commercial lodging shall be no more than two percent of the site.

(2) The service area in which the use shall be located is in the interior of the property with pedestrian linkages within the development.

(Ord. No. 99-12, § 1 (03.227), 4-26-1999)

Sec. 106-1285. Commercial retail, neighborhood.

(a) *Limited/special standards for use in priority investment areas.* Limited/special standards for neighborhood commercial retail uses in all applicable districts are as follows:

(1) Grocery stores up to 40,000 square feet may be accompanied by up to 10,000 square feet of additional commercial space.

(2) The use shall have access to a collector or arterial road.

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(3) Uses with drive-through facilities shall design the project so that pedestrian safety is ensured.

(b) *Commercial suburban district.* In the commercial suburban district, the buildings shall have pitched roofs in keeping with that of nearby residential uses.

(c) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

(d) *Limited standards for neighborhood commercial retail uses within rural business districts.* Limited standards for neighborhood commercial retail uses within rural business districts are as follows:

(1) All neighborhood commercial retail uses are limited to 3,500 square feet of floor area except for hardware stores and variety stores which are limited to 10,000 square feet of floor area and grocery stores which are limited to 20,000 square feet of floor area. These size limitations may not be used collectively to produce a larger building.

(2) Drive-through facilities are not permitted.

(Ord. No. 99-12, § 1 (03.228.1), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2005/40, 11-28-2005; Ord. No. 2010/21, 9-27-2010)

Sec. 106-1286. Commercial retail, traditional shop.

(a) *Limited/special standards for this use in all applicable districts.* The follow standards shall apply to all new traditional shop uses:

(1) The maximum allowable size for new traditional shop uses shall be 1,500 square feet total.

(2) No traditional shop use shall be located within a one-half mile radius from another traditional shop use.

(3) The buildings shall have pitched roofs in keeping with that of the local community character. Franchise architecture shall be prohibited.

(4) Natural landscaping shall be preserved to the fullest extent possible. Every effort shall be made to preserve existing, significant trees.

(5) Traditional shops shall include typical staple products for resale such as grocery items and household supplies. Gasoline sales are not permitted.

(b) *Additional standards in the rural district.* The minimum site area shall be three acres.

(Ord. No. 99-12, § 1 (03.228.2), 4-26-1999; Ord. No. 2001-29, 12-10-2001)

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Sec. 106-1287. Commercial retail, regional.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for regional commercial retail uses in all applicable districts are as follows:

(1) These uses may constitute no more than five percent of the total permitted floor area of the project in which they are located.

(2) The access to these uses shall be from the development's interior streets. The uses shall not have frontage on arterial or collector streets.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.

(c) *Limited standards for regional commercial retail uses within rural business districts.* Limited standards for regional commercial retail uses within rural business districts are as follows:

(1) This use is limited to 3,500 square feet of floor area.

(2) Drive-through facilities are not permitted as part of this use.

(3) The following uses are not permitted as part of this use: Vehicular sales, rental and service uses (NAICS 441); and hospitals and medical facilities (NAICS 621, 622, 623, 624).

(Ord. No. 99-12, § 1 (03.229), 4-26-1999; Ord. No. 2005/40, 11-28-2005)

Sec. 106-1288. Drive-through restaurant.

(a) *Urban, suburban and commercial suburban districts.* In urban, suburban and commercial suburban districts, talk boxes at drive-through restaurants must be screened by a sound barrier such as a fence or masonry wall.

(b) *Urban district.* In the urban district drive-through facility uses shall take access from an alley.

(c) *Light industry district.* In the light industry district, drive-through facility uses shall take access from the entrance road to the business park. Furthermore, these uses shall be located along the entrance road and prior to the first road intersection within the business park.

(d) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

(Ord. No. 99-12, § 1 (03.230), 4-26-1999)

Sec. 106-1289. Office.

(a) *Research and development district.* Offices are permitted in the research and development district only if they are single user buildings or corporate offices.

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(b) *Urban and suburban districts.* In the urban and suburban districts the following shall apply:

(1) *Bufferyard.* Adequate bufferyards shall be included and maintained as part of the design, according to article VI of this chapter.

(2) *Parking.* All parking shall be located to the side and rear of the proposed use.

(3) *Compatibility.* When there is no review by a corridor review board, the DRT shall determine compatibility of architecture design with the surrounding community.

(c) *Rural business.* Office uses are limited to the following uses:

(1) Finance, banks, trusts, savings and lending (NAICS 521, 522, 525);

(2) Health services (NAICS 621);

(3) Social services (NAICS 624)(except care facilities);

(4) Civic and social organizations (NAICS 8132, 8133, 8134);

(5) Governmental offices (NAICS 92); and

(6) Agricultural support and services (offices only)(NAICS 115).

(d) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

(Ord. No. 99-12, § 1 (03.232), 4-26-1999; Ord. No. 2005/40, 11-28-2005)

Sec. 106-1290. Restaurant.

(a) *Research and development district.* In the research and development district, restaurant uses are permitted as follows:

(1) In the interior of buildings or a separate building in a complex of a firm where the restaurant is open only to the employees and visitors of the company.

(2) Where a research park with multiple tenants is designed with a central core service area, restaurants are permitted subject to the following:

a. The total area devoted to restaurants shall be no more than two percent of the site where the total floor area of the site is less than 1,000,000 square feet. Over that amount only one percent of the additional floor area shall be used for this use.

b. The service area in which the restaurants shall be located is in the interior of the property with pedestrian linkages within the development.

(b) *Urban district.* In the urban district, the restaurant use shall be limited to 3,500 square feet of floor area.

(c) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

(Ord. No. 99-12, § 1 (03.233), 4-26-1999)

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Sec. 106-1291. Services.

(a) *Limited/special standards for this use in all applicable districts.* Limited/special standards for this use in all applicable districts are as follows: Where the adjoining land is zoned or used for residential, the buffer shall be increased by 25 feet.

(b) *Studies/reports required.* At the discretion of the DRT, applications for this use may require a traffic impact analysis.

(c) *Urban and suburban districts.*

(1) Service uses (excluding personal service uses) within the urban and suburban districts are limited to sites with frontage or access to an arterial or major collector road as identified on the Beaufort County road classification map. Personal service uses are permitted along arterial, major or minor collector roads.

(2) Applications for this use greater than 4,500 square feet require a community impact statement.

(d) *Rural business districts.* Service uses are limited to the following uses:

(1) Postal services (NAICS 491, 492);

(2) Laundry services (NAICS 81231, 812320);

(3) Kennel service and domestic veterinary clinics (NAICS 11521);

(4) Miscellaneous repair services and shops (NAICS 44211, 8112, 8113, 8114);

(5) Social assistance (NAICS 624);

(6) Personal services (NAICS 8121); and

(7) Funeral homes (NAICS 81221).

(Ord. No. 99-12, § 1 (03.234), 4-26-1999; Ord. No. 2003-11, 4-14-2003; Ord. No. 2005/17, 5-23-2005; Ord. No. 2005/40, 11-28-2005)

Sec. 106-1292. Vehicular sales, rental and service.

The following additional standards for vehicular sales, rental and service shall be guided by use as listed in table 106-1098:

(1) *Auto sales, auto malls in all districts.*

a. Where the adjoining land is zoned for residential, the buffer shall be increased by 25 feet.

b. One automobile display area shall be permitted for every 400 feet of the major road (highest road classification or traffic volume) upon which the use fronts. If there are two such roads, the main road shall be used to calculate the number of display areas, but they may be located on either road.

c. No vehicles shall be parked in rights-of-way.

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d. Except within the display building, no vehicles shall be displayed with their hoods open.

e. All service bay doors shall be located perpendicular to the street of higher classification.

(2) *Quick service repair shops, gas stations with light auto repair, general auto repair and gas convenience marts with no repair in all districts.*

a. All canopies over gas pumps shall have pitched roofs.

b. Lighting shall be kept hidden inside a canopy so as not to be visible from off site. Any freestanding lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential use or district. All light fixtures shall be cutoff luminaries that block the light source from off site view.

c. The site shall have frontage on, and direct access to, a paved major collector or arterial road. All service bay doors shall be located perpendicular to the street of higher classification.

d. Additional buffers. Where the property abuts a residential use or district, a wall or opaque fencing at least six feet in height shall be erected at the interior of the buffer. All exterior storage shall be completely screened from off site view with fencing and/or landscaping.

e. All new applications for this use shall include a community impact assessment.

f. Within the Rural District, these uses shall be located no closer to one another than three miles along a public roadway. The minimum site area for these uses shall be three acres.

(3) *Boat sales and service.*

a. *Limited/special standards for use in all applicable districts.*

(1) No boats shall be displayed in rights-of-way, buffers, protected resource areas, or required landscaped areas.

(2) All service bay doors shall be located perpendicular to the street of higher classification.

b. *Commercial suburban districts.*

(1) All service, repair, and storage activities shall be located behind the front building line and completely screened (100 percent opacity) from rights-of-way and adjoining properties using natural buffers, fencing, buildings, or a combination thereof.

(2) All outdoor display areas shall be located behind the front building line. Buildings and display areas shall not exceed 37 percent of the gross site area.

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(3) The scale, massing, and building design shall be compatible with the surrounding area. The structure shall be street-oriented with pedestrian entrances from the street. Buildings shall define a minimum of 50 percent of the street frontage.

(Ord. No. 99-12, § 1 (03.234.3), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2005/17, 5-23-2005; Ord. No. 2013/11, 3-11-2013)

Sec. 106-1293. Mixed uses.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for mixed uses in all applicable districts are as follows:

(1) Except as provided in subsection (a)(2) of this section, mixed use buildings shall have a minimum of 25 percent residential floor area.

(2) A mixed use building, or a group of buildings in a mixed use development, oriented to a pedestrian precinct, may have the minimum residential component reduced to 15 percent where a major portion of the floor area is a large public structure, such as a museum or a hotel and convention center, that occupies at least 40 percent of the total floor area.

(3) Residential uses shall provide outdoor areas greater than or equal to 120 square feet per unit, or the equivalent using one or a combination of the following methods:

a. Balconies or roof gardens;

b. Parks or parkways with a minimum of 20,000 square feet of lawn area located within the development; and/or

c. Paved pedestrian precincts which may count for no more than 25 percent of the requirement.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.234.6), 4-26-1999; Ord. No. 2005/17, 5-23-2005)

Secs. 106-1294—106-1320. Reserved.

*Subdivision VII. Recreation and Amusement**

Sec. 106-1321. Campground.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for campground uses in all applicable districts are as follows:

(1) This use shall have a minimum of 100 feet of buffer on all sides.

***Cross reference**—Businesses, ch. 18.

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(2) A camp store and entertainment area is permitted as part of the campground provided it is not advertised off site and does not exceed 3,000 square feet per every 200 camping spaces.

(3) Camping sites shall be at least 1,600 square feet. If the area is forested at the time of development, trees shall be left between all campsites. If the area is not forested, at least two trees shall be planted between each site.

(b) *Reports/studies required.* Applications for this use shall require a community impact statement.

(c) *Additional standards in the rural district.* The minimum site area shall be ten acres.
(Ord. No. 99-12, § 1 (03.235), 4-26-1999; Ord. No. 2001-29, 12-10-01)

Sec. 106-1322. Commercial amusement, indoor.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for indoor commercial amusement uses in all applicable districts are as follows: The use shall take access from a collector or arterial road.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.236.1), 4-26-1999)

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Sec. 106-1323. Commercial amusement, indoor gambling.

All indoor gambling uses shall be subject to the provisions of state law, as well as additional standards prescribed in this chapter, and as follows:

(1) The use shall take access from a collector or arterial road.

(2) The proposed use shall include a site design which indicates that the use is compatible with surrounding communities.

(3) This use shall only be permitted upon completion of a community impact statement, and approval by the ZBOA as a special use.

(4) There shall be three types of indoor gambling uses, with additional standards as follows:

a. *Video poker parlor.* This use is defined as a completely separate use, contained in a permanent building used solely for indoor gambling purposes only.

b. *Video poker as secondary use, major.* This use shall be operated as an accessory use from the main legal use, shall include the use of four or more individual video poker machines, and shall be contained in a separate room which shall prohibit any person under the age of 18 years from entering.

c. *Video poker as secondary use, minor.* This use shall be operated as an accessory use from the main legal use, shall include the use of three or less individual video poker machines, and shall prohibit any person under the age of 18 years from observing or playing at any time.

(5) The following standards shall also apply to all indoor gambling uses:

a. Any person under the age of 18 years shall be prohibited from entering the establishment;

b. Nonpermanent structures such as tents, mobile units, trailers, recreational vehicles or other temporary buildings shall be prohibited;

c. The proposed use shall provide one parking space for each 200 square feet of floor area, and one space for each gambling machine;

d. All proposed uses shall be located at least 1,000 feet from any place of worship, educational institution, or publicly or privately owned youth-oriented grounds or facility;

e. All proposed uses shall be located at least 500 feet from any residentially zoned district; and

f. There shall be no operation of the use between 2:01 a.m. and 7:59 a.m.

(6) All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.236.2), 4-26-1999)

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Sec. 106-1324. Commercial amusement, outdoor.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for outdoor commercial amusement uses in all applicable districts are as follows:

(1) The use shall have not more than one lot line facing a residentially zoned property.

(2) Buffers shall incorporate berms or walls and be increased by 50 feet, where the use adjoins any residential property or use.

(3) Operators of this use shall ensure that no residentially zoned district or adjoining residential uses receive levels of noise beyond 60 decibels.

(4) Closing hours and lighting shall be limited to 11:00 p.m. Facilities seeking to remain open after this time must apply for and receive approval of a special use permit.

(5) During review of the facility, the DRT and/or ZBOA may prohibit landscaping or design that is unnatural or not compatible for surrounding properties or communities in terms of the materials or other design features.

(6) The minimum lot area shall be five acres.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.237), 4-26-1999; Ord. No. 2000-36, 8-28-2000)

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Sec. 106-1325. Indoor recreation.

(a) *Research and development district.* In the research and development district, individual indoor recreation uses or the development as a whole may provide indoor recreation facilities for their tenants. A health club or similar use shall be permitted as a public facility only where the development has at least 500,000 square feet of total floor area.

(b) *Light industry district.* In the light industry district, the indoor recreation use may occupy no more than five percent of the site's land area.

(c) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.238), 4-26-1999)

Sec. 106-1326. Outdoor recreation.

In the resource conservation district, outdoor recreation uses shall be designed to service only that island, or if the use is water dependent and related to a unique historical site or unique physical or environmental conditions that warrant its development for the public good. Applications for outdoor recreation uses in this district shall include an environmental impact assessment.
(Ord. No. 99-12, § 1 (03.239), 4-26-1999)

Sec. 106-1327. Resort.

(a) *Limited/special standards for this use in all applicable districts.* Limited/special standards for resort uses in all applicable districts are as follows:

(1) *Minimum site area.* The minimum site area shall be ten acres. Where a golf course is involved, 250 acres shall be the minimum site area.

(2) *Height.* No resort shall exceed 35 feet in height or three stories, whichever is lower.

(b) *Environmental/cultural protection overlay.* The following are applicable for the environmental/cultural protection overlay:

(1) *Activities limited.* Resorts within the environmental/cultural protection overlay shall be limited to ecotourism and similar activities having no measurable environmental impact.

(2) *Reports/studies required.* Applications for outdoor recreation uses in this district shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.240), 4-26-1999)

Sec. 106-1328. Ecotourism.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for ecotourism uses in all applicable districts include site design. Applications for this use shall include a site plan whose design incorporates the building, structures and amenities into the natural and scenic qualities of the area, in a complimentary fashion. An operational plan for

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the overall design and intent of the proposed use shall indicate that the use will enhance the ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experience. In addition, the following design standards shall be required:

(1) The maximum floor area ratio for each development shall be 0.1.

(2) An open space ratio of 85 percent shall be required for the entire property.

(3) Impervious surface shall not exceed eight percent for the entire property.

(4) There shall be a three-acre minimum site size for this use.

(5) Lodging restriction. Lodgings are permitted with this use and include cabins, inns, bed and breakfasts, ranches, historic properties and small hotels. Hotel uses shall be limited to no more than 50 units per development, eight units per building, and a maximum height of two stories.

(6) Operators of ecotourism uses shall adhere to the stewardship, research and educational principles promoted by The Ecotourism Society (TES).

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.240.5), 4-26-1999)

Sec. 106-1329. Golf course.

(a) *Limited/special standards for use in all applicable districts.* All golf courses shall be designed to meet BMPs.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.241), 4-26-1999)

Sec. 106-1330. Miniature golf course.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for miniature golf course uses in all applicable districts are as follows:

(1) Where the use adjoins residential zoning or a residential use, an additional 50 feet of buffer shall be required.

(2) The minimum lot area shall be two acres.

(3) Miniature golf courses shall all be constructed in forested areas leaving a minimum of 60 percent of the original forest cover. No fill or structure raising the height of the holes more than four feet above the original grade shall be permitted.

(4) All lighting shall be turned off after closing. If the use is located within 300 feet of a residential area, the use shall close at 11:00 p.m. with the lights off within one-half hour of closing.

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(b) *Urban and suburban districts.* In urban and suburban districts, miniature golf courses shall have direct access to an arterial road.

(c) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.242), 4-26-1999)

Sec. 106-1331. Recreational equipment rental.

(a) *Limited/special standards for this use in all applicable districts.* The proposed land use is limited to sites with frontage on or access to an arterial or major collector road.

(b) *Rural business district.* Applications for this use that are greater than 4,500 square feet require a community impact statement.
(Ord. No. 2007/34, 8-27-2007)

Secs. 106-1332—106-1355. Reserved.

*Subdivision VIII. Industrial**

Sec. 106-1356. Airports.

All new airport applications shall demonstrate that the airport controls affected land either through ownership or easements to meet the following criteria:

(1) The airport shall control all land within accident potential zones either by fee simple or aviation easements that ensure no residential, religious, school, commercial lodging, office, or other use that would concentrate people are permitted.

(2) Areas above the 75 Ldn footprint shall be controlled as required in section appendix F.

(3) The county shall impose airport overlay zoning on all land within the 65 Ldn footprint, as delineated on the official county airport overlay district map. No residential structures shall be located within the 75 Ldn footprint projected for the airport.

(4) None of these subsections are intended to encroach on existing residential communities. If an airport expansion occurs, documentation shall be provided to demonstrate that facility planners have studied the impact on all affected communities.

(5) All applications for this use shall include a community impact statement, as well as an airport master plan.

(Ord. No. 99-12, § 1 (03.243), 4-26-1999)

Cross reference—Airports and aircraft, ch. 6.

Sec. 106-1357. Commercial communication towers.

The purpose of this section is to provide service to the public while minimizing the number of towers, and the individual impact of towers, in Beaufort County.

***Cross reference**—Businesses, ch. 18.

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(a) *Collocation.* Procedures for collocation of commercial communication towers are as follows:

(1) All new applications for this use shall provide a collocation study to demonstrate that there is not a suitable collocation site that can serve needs of the user. Placement on water towers or other tall structures shall be fully considered prior to making an application. Existing uses shall be required to demonstrate cooperation in that there is not an undue proliferation of towers.

(2) All new towers shall provide for collocation. This means the tower shall have additional location points and the design of the ground structures shall be such that modular expansion is feasible. The following collocation standards shall also apply:

a. All structures less than 125 feet in height shall make provision for at least two locations.

b. Towers between 125 feet and 200 feet in height shall have at least four locations.

c. When a tower is proposed within two miles of an existing tower, the applicant will be expected to prove that there is no technologically and structurally suitable space available within the search ring. The applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts etc., that alternative towers are not available for use within the search ring. The proposed tower, if approved, must be either camouflaged or stealth in design.

(b) *Maximum height.* Maximum height shall be as follows:

(1) For towers with provisions for one to three locations, 125 feet.

(2) For towers with provisions for four to five locations, 200 feet.

(3) In the rural district, where the tower is located on a property with a conservation easement in place, such locations shall only be approved where the location of the structure will be completely screened at least one mile in sight distance, from roads or riverways having visual access of the subject property. In the rural district, the required resource protection plan shall show how harvesting of the buffer will be done so as to retain the screening of the tower.

(c) *Lighting.* Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All towers 150 feet or taller shall be lighted. All commercial communication towers approved by Beaufort County and by the South Carolina State Historic Preservation Office prior to the adoption of this amendment [Ord. No. 2007/1] and operating in conformance with those approvals shall be deemed to be lawful nonconforming uses and structures and are not subject to these lighting

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requirements. Status as a lawful nonconforming use or structure under this section shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.

(d) *Additional standards for all towers.* Additional standards for all towers are as follows:

(1) No structure shall adversely affect any historic structure or site.

(2) A 50-foot forested buffer shall be provided around all sites. For camouflage and stealth towers, the DRT may approve a buffer modulation based on site design. If a forested buffer does not exist, a new buffer shall be planted in accordance with section 106-1680.

(3) A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.

(4) A sign of no more than two square feet shall be mounted in an easily noticeable location, no more than four feet above the ground, providing tower identification and an emergency notification number.

(5) If disputed evidence occurs before the DRT or ZBOA, the county may hire, at the developer's expense, a communications expert or engineer of its own choosing to assist in determining the facts.

(6) When any tower is abandoned for 60 days, it shall be removed by the landowner and the site restored within six months.

(7) Speculation towers are prohibited.

(8) New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county. The expansion or replacement of existing towers in a community preservation area shall require a special use permit and are limited to 150 feet in height.

(9) The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 50 feet.

(10) No tower shall be located within 500 feet, plus one foot for each foot of height of the proposed tower, of the OCRM critical line. All towers shall comply with the airport overlay district standards.

(e) *Reports/studies required.* All applications for this use shall include a community impact statement including a visual impact analysis.

(Ord. No. 99-12, § 1 (03.244), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2004/32, 10-4-2004; Ord. No. 2007/1, 1-8-2007; Ord. No. 2011/5, 1-24-2011)

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Sec. 106-1358. Heavy industry.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for heavy industry uses in all applicable districts are as follows:

(1) A setback of at least 300 feet from the district boundary shall be required for all uses having such a location.

(2) Operators of this use shall ensure that no residentially zoned district receives levels of noise beyond 70 decibels between 6:00 a.m. and 7:00 p.m. The maximum receiving noise between 7:01 p.m. and 5:59 a.m. shall be 55 decibels.

(3) No use shall produce vibration levels that are received at residential property lines.

(4) No use shall produce noxious or nuisance-oriented emissions.

(5) Chemical manufacturing uses (NAICS 325) shall be prohibited in the light industry district.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.245), 4-26-1999)

Sec. 106-1359. Light industry.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for light industry uses in all applicable districts are as follows:

(1) A setback of at least 100 feet from the district boundary shall be required for all uses having such a boundary.

(2) Operators of this use shall ensure that no residentially zoned district receives levels of noise beyond 70 decibels between 6:00 a.m. and 7:00 p.m. The maximum receiving noise between 7:01 p.m. and 5:59 a.m. shall be 55 decibels.

(3) No use shall produce vibration levels that are received at residential property lines.

(4) No use shall produce noxious or nuisance-oriented emissions.

(5) No light industry use shall exceed a maximum square footage of 200,000 square feet of floor area per building.

(b) *Reports/studies required.* All applications for this use shall include an environmental impact assessment.

(c) *Research and development district.* In the research and development district, light industrial uses shall be permitted only where it is a pilot plant or manufacturing facility that produces products developed at the research facility and occupies no more than 40 percent of the floor area. The manufacturing facility shall be built of the same materials and be in the same architectural style as the research and development facilities.

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(d) *Rural business district.* Limited standards for light industrial uses within rural business districts are as follows:

(1) This use is limited to 5,000 square feet of floor area.

(2) The following uses are not permitted as part of this use:

a. Mini-warehouses (NAICS 53113);

b. Heavy truck, recreational vehicle and mobile homes sales (NAICS 441222, 441229, 44121, 45393); and

c. Heavy truck rental (NAICS 53212).

(Ord. No. 99-12, § 1 (03.246), 4-26-1999; Ord. No. 2005/40, 11-28-2005; Ord. No. 2007/34, 8-27-2007)

Sec. 106-1360. Mining, resource extraction.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for mining and resource extraction uses in all applicable districts are as follows:

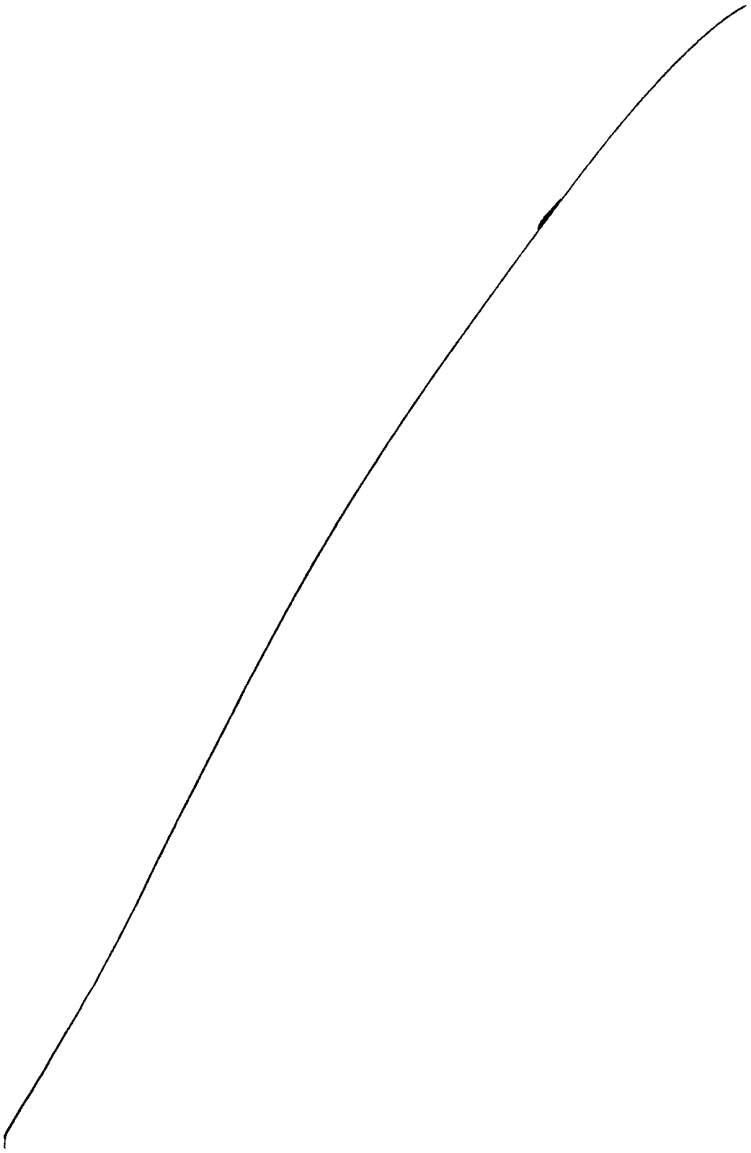
(1) The minimum site area shall be 20 acres.

(2) An end use plan shall be submitted providing the following:

a. The ground surface shall be restored to a condition permitting one of the following uses: agriculture, residential, recreational (see subsection (a)(2)b of this section), or nonresidential. Either an escrow account or a yearly fee, as approved by the county attorney and county council, shall be required in the special use permit to ensure that there are sufficient funds set aside for the restoration.

b. If future recreational use is identified, management of such use shall be established at time of application. Risks from any subsurface materials to future uses shall be identified.

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c. The site shall be designed so that the quantity and quality of runoff reaching any surface water, on site or discharging off site, shall be controlled through BMPs.

d. If surface water is present, the report shall indicate likely chemical water quality. The plan shall provide safe edges to prevent accidents. Safe edges require a long shelf with a slope of less than 1:5 to a depth of three feet. Where water is to remain for more than one day, the area shall be fenced. The fence shall be located at least 50 feet from the edge of excavation. Every 25 feet along the length of the fence clearly legible no trespassing signs shall be installed on the fence and in high visibility locations at all site access points.

(3) If groundwater will be encountered, the EIA must indicate the following:

a. Probable maximum pumping rates and cone of depression impacts on surrounding public and private wells and longterm water table.

b. Disposal method for pumped water and its effect on water quality and flooding.

c. Studies shall be done before application submittal, to ensure that pumping during the active use of the site will not result in groundwater contamination or salt water intrusion. Monitoring wells shall be installed to monitor this. Should groundwater contamination or salt water intrusion occur, the county shall require the mine to be closed immediately and require the mine operator/landowner to undertake corrective action and pay for any damages resulting from the operation. The mine operator shall be strictly liable for any harm to adjacent properties.

(4) Along the property boundary where adjoining residential uses are one acre or larger, the required forested buffer width shall be 200 feet. If the buffer is not currently forested, the provisions of section 106-1680 shall apply and planted over a berm having a minimum height of eight feet. A greater height may be required by subsection (a)(6) of this section. Where the use will continue for less than two years, the special use permit may permit the buffer to be reduced to 100 feet.

(5) Along the property boundary where adjoining residential uses are less than one acre, the required forested buffer width shall be 400 feet. If the buffer is not currently forested, the provisions of section 106-1680 shall apply and planted over a berm having a minimum height of eight feet. A greater height may be required by subsection (a)(6) of this section. Where the use will continue for less than two years, a special use permit may be issued that permits the buffer to be reduced to 100 feet.

(6) The site shall be bermed or walled to ensure that the maximum noise at the property line does not exceed 65 decibels.

(7) The hours of operation shall be limited from 6:30 a.m. to 6:30 p.m.

(8) No processing or drying shall be allowed on site.

(9) Where surface water features remain, or a depressed area is created, a final excavation plan matched to a proposed end use plan shall be submitted. The final excavation plan

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shall demonstrate that sufficient land is to remain unexcavated and/or that the excavation will be done in a manner permitting the development to conform to this chapter's regulations without any variances.

(10) A truck routing plan shall be included in the traffic impact analysis which ensures that truck traffic through existing residential areas is mitigated or avoided. The capacity of all truck route roads to carry the traffic from the site to arterial or collector roads shall be evaluated by the county engineer. The mining company shall be required to bring any substandard roads up to standard as part of the approval for any truck route. No equipment shall exceed 30 feet in height above the lowest natural grade on the site.

(11) An operations plan shall be submitted that identifies the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, size of the operation, number of employees, operating hours, etc.

(b) *Reports/studies required.* In addition to other required studies, reports, plans, etc., all applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.247), 4-26-1999)

Sec. 106-1361. Recycling/salvage.

(a) *Commercial regional district.* In the commercial regional district, a recycling/salvage use shall have either an additional 25 feet of forested buffer or an eight-foot wall landscaped with one canopy tree per 50 feet around the entire property. If the adjoining property is residential, both shall be required.

(b) *Light industry district.* In the light industry district the following shall apply:

(1) *Setback.* All uses shall be located at least 300 feet from the outer boundaries of the development unless the adjoining property is similarly zoned.

(2) *Additional buffer.* The use shall have either an additional ten feet of forested buffer or an eight-foot wall, landscaped with one canopy tree per 50 feet, around the entire property. If the adjoining property is residential, both shall be required.

(c) *Reports/studies required.* All applications for this use shall include a community impact statement.
(Ord. No. 99-12, § 1 (03.248.1), 4-26-1999)

Sec. 106-1362. Convenience center.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for convenience center uses in all applicable districts are as follows:

(1) Only residential and office wastes shall be accepted by this use. Commercial, industrial, auto or machinery generated waste shall not be accepted.

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(2) The use shall have either an additional 25 feet of forested buffer or an eight-foot wall landscaped with one canopy tree per 50 feet around the entire property. If the adjoining property is residential, both shall be required.

(3) Cut off lighting fixture will be used only. If the adjoining property is residential, the height of the pole shall not exceed 15 feet from the top of finished grade level.

(b) *Report/studies required.* All application for this use shall require a community impact statement consisting of area impact assessment, environmental impact statement, traffic impact statement, archaeological and historic impact statement.

(c) *Additional standards in the rural district.* The minimum site area shall be five acres. The minimum landscape surface ratio (LSR) shall be 0.60.
(Ord. No. 99-12, § 1 (03.248.2), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2003-30, 9-22-2003)

Cross reference—Appendix B, § 7

Sec. 106-1363. Utilities, regional.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for regional utilities uses in all applicable districts are as follows:

(1) The site shall have an additional buffer of at least 100 feet.

(2) There shall be no minimum site area as long as the bufferyard requirement is adhered to.

(3) The application shall demonstrate no adverse consequences to adjoining land or the state's waters.

(4) Lighting. All structures 150 feet or taller shall be lighted. Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red flashing strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. Except as provided for in subsection 106-1363(b), all structures legally existing prior to the adoption of this amendment [Ord. No. 2007/1] shall have nine months from the effective date of this amendment [Ord. No. 2007/1] to comply with this subsection.

(b) *Exceptions.* Lighting set forth in subsection (a) above will not be required for structures located in a regional utility corridor. However, all structures 150 feet or taller located in a regional utility corridor shall be fitted with orange aviation marker balls installed along the static wire located between the structures, in accordance with applicable industry standards. All structures legally existing prior to the adoption of this amendment [Ord. No. 2007/1] shall have nine months from the effective date of this amendment [Ord. No. 2007/1] to comply with this subsection.

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(c) *Reports/studies required.* All applications for this use shall include an area impact assessment, environmental impact assessment and archaeological and historic impact assessment.
(Ord. No. 99-12, § 1 (03.249), 4-26-1999; Ord. No. 2007/1, 1-8-2007)

Sec. 106-1364. Business storage.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for business storage uses in all applicable districts are as follows:

(1) There shall be no storage of toxic, hazardous, flammable, explosive or noxious materials permitted as part of this use.

(2) Noise shall not exceed 60 decibels at the boundary of any receiving residentially zoned property.

(b) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

(c) *Additional standards in the rural district.* The minimum site area shall be ten acres.
(Ord. No. 99-12, § 1 (03.249.5.1), 4-26-1999; Ord. No. 2001-29, 12-10-2001)

Sec. 106-1365. Residential storage.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for residential storage use in all applicable districts are as follows:

(1) Storage of toxic, hazardous, flammable, explosive or noxious materials is prohibited. Only personal household goods shall be stored in such facilities.

(2) Access to storage areas shall be provided through gated, walled or natural barriers.

(3) Buildings shall utilize architectural design that is compatible with the surrounding neighborhood.

(b) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.
(Ord. No. 99-12, § 1 (03.249.5.2), 4-26-1999)

Sec. 106-1366. Warehousing/distribution.

(a) *Limited/special standards for this use in all applicable districts.* Limited/special standards for warehousing/distribution uses in all applicable districts are that there shall be no bulk storage of materials that are toxic, flammable, explosive, or create hazardous conditions.

(b) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.

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(c) *Additional standards for research and development district.* In the research and development district, light warehousing shall be permitted only where it is an accessory use to the primary research facility and occupies no more than ten percent of the floor area. The warehouse shall be built of the same materials and be in the same architectural style as the research and development facilities.
(Ord. No. 99-12, § 1 (03.250), 4-26-1999)

Sec. 106-1367. Waste disposal facilities.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for waste disposal facilities in all applicable districts are as follows:

(1) All waste disposal facilities shall be required to have an environmental impact assessment, operations plan and truck routing plan on file in the planning department. When no change or expansion of use is proposed, these plans shall be updated every five years, or as determined by the ZBOA.

(2) There shall be no adverse impacts to adjoining land or the state's waters.

(3) An end use plan shall be submitted providing the following:

a. The ground surface shall be restored to a condition permitting one of the following uses: recreational (see subsection (a)(3)b of this section) or nonresidential. Either an escrow account or a yearly fee shall be required in the special use permit as approved by the county attorney and county council to ensure that there are sufficient funds set aside for the restoration.

b. If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials or gas venting to future uses shall be identified.

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c. The quantity and quality of runoff reaching any surface water, on site or discharging off site, shall be controlled.

d. If surface water is present, the report shall indicate likely chemical water quality. The plan shall provide safe edges to prevent accidents. Safe edges require a long shelf with a slope of less than 1:5 to a depth of three feet.

(4) If groundwater will be encountered, the end use plan must indicate the following:

a. Probable maximum pumping rates and cone of depression impacts on surrounding public and private wells and longterm water table.

b. Disposal method for pumped water and its effect on water quality and flooding.

c. Studies shall be done to ensure that pumping during the active use of the site will not result in saltwater intrusion. Monitoring wells shall be installed to monitor this. Should saltwater intrusion occur, the county shall require the mine to be closed immediately.

(5) Along the district boundary or any district permitting adjoining residential uses, the required buffer width shall be increased by 100 feet. If the buffer is not currently forested, the area shall be replanted in accordance with section 106-1680.

(6) The side slopes of landfills shall be developed first so that the operation can be screened effectively. The side slopes shall be kept at least ten feet higher than operating areas. The side slopes shall be forested per division 4 of article VI of this chapter pertaining to bufferyard and landscaping standards, immediately upon reaching a temporary height. Staging plans shall be approved as part of the special use permit approval.

(7) A minimum of one foot of final cover shall be required; additional depth of three feet to support forest cover. All side slopes shall have this additional depth. At least 30 percent of the top of a landfill shall have this cover and be planted with trees.

(8) A truck routing plan shall be included as part of the traffic impact analysis which indicates that truck traffic through existing residential areas is mitigated or avoided. The capacity of all truck route roads to carry the traffic from the site to arterial or collector roads shall be evaluated by the county engineer. The waste company shall be required to bring any substandard roads up to standard as part of the approval for any truck route.

(9) An operations plan shall be submitted that identifies the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, size of the operation, number of employees, operating hours, etc.

(b) *Reports/studies required.* Required studies and reports are as follows:

(1) In addition to all other required studies, reports, plans, etc., all applications for this use shall include a community impact statement.

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(2) An existing waste disposal facility may expand without submitting the required reports in response to an emergency such as a hurricane only through a resolution for a limited use by the county council. This expansion may include up to 20 percent of the facility's total volume, and shall only include debris resulting from the disaster.

(3) Any other expansion or change in the approved operations plan for a waste facility shall require a community impact statement and other required studies, reports or plans, and/or a special use permit as indicated in table 106-1098.

(c) *Additional standards in industrial park district.* Additional standards for this use in the industrial park district are that the minimum site area shall be 100 acres.

(d) *Debris management locations (DMLs).* If a natural disaster such as hurricane, tornado, flooding, etc., occurs, the county would require readily available vacant tracts of land to allow emergency debris clearance of public rights-of-way to facilitate rescue operations, to reestablish public services and mobility, and to begin the disaster recovery process. Potential sites are on file in the planning department. All debris management policies, priority actions and decisions shall be approved by resolution of county council and conducted by the public works department, in association with the emergency management office, and other appropriate agencies and entities. Please refer to debris policy memorandums located in the public works department for detailed policy provisions.

(e) *Additional standards in the rural district.* The minimum site area shall be ten acres.
(Ord. No. 99-12, § 1 (03.251), 4-26-1999; Ord. No. 2001-29, 12-10-01)

Cross reference—Solid waste, ch. 62.

Secs. 106-1368—106-1395. Reserved.

Subdivision IX. Temporary Uses

Sec. 106-1396. Construction staging or plant.

(a) *Limited/special standards for use in all applicable districts.* Limited/special standards for construction staging or plant uses in all applicable districts are as follows:

(1) No such use shall be located within 500 feet of an adjoining residential zoning district.

(2) If any one adjoining land use or district is residential, hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.

(3) Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.

(4) Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road

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restoration/replacement costs (to be determined by the county engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

(b) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.252), 4-26-1999)

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Sec. 106-1397. Temporary outdoor sales.

(a) *Commercial outdoor sales.* For commercial outdoor sales the following apply:

(1) *Urban and suburban districts.* In urban and suburban districts:

a. These sales may include farmers' markets or similar temporary uses that are incidental to existing stores, sidewalk-type reduced price or clearance sales, etc.

b. Sales displays shall not interfere with pedestrian flow or traffic safety and shall be arranged to leave at least six feet of clear walkway for pedestrian circulation.

(2) *Commercial regional, commercial suburban and light industry districts.* In commercial regional, commercial suburban and light industry districts:

a. Garden materials sales areas shall be permitted, provided they do not occupy required parking spaces or they are located on an area designated on the site plan for that purpose. Garden supplies, plant material, and garden furniture are permitted to be sold in these areas. Garden sales areas may be in parking areas for a period not to exceed three months and are limited to once a year.

b. Other sales are permitted up to four times a year. The following additional standards shall apply:

1. The store shall have an exterior pedestrian area or sidewalk that is a minimum of 12 feet wide. Sales displays shall be arranged to leave at least six feet of clear walkway for pedestrian circulation.

2. The sales displays shall be on racks or display counters that are of similar quality to those used in the store. All displays shall be taken in at closing time.

3. No signage other than normal price markers shall be permitted.

4. The permit shall be good for no more than seven consecutive days.

(b) *Miscellaneous outdoor sales.* For miscellaneous outdoor sales, the limited/special standards for this use in all applicable districts are as follows:

(1) No such use shall be closer than 15 feet from any public road right-of-way.

(2) Each company or property and all associated franchises and/or divisions are permitted three limited use permits per year. Each limited use permit shall terminate after 72 hours from permit approval.

(c) *Roadside stands.* For roadside stands in all applicable districts, the following standards shall apply:

(1) Roadside stands shall not be permitted along any four-lane, divided section of road with an average annual daily trip rate (AADT) of more than 30,000 trips.

(2) Roadside stands may only be permitted on private property. The written permission of the property owner shall be required prior to issuance of a permit for a roadside stand.

(3) Minimum setbacks shall be 15 feet from any property line.

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(4) Signage shall meet the standards of sections 106-3206 through 106-3209 (temporary signs). No off-premise signs shall be permitted. Signs shall be removed when the roadside stand is removed.

(5) In addition to produce, roadside stands may also sell products such as flowers, firewood, and seafood.

(6) The applicant shall be required to obtain a driveway encroachment permit from the SCDOT or the Beaufort County Engineering Division (as appropriate). Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.

(7) Permits for roadside stands shall be valid for one year. Permits may be re-issued to a roadside stand in the same location on an annual basis.

(8) All display stands, shelters, etc. associated with a roadside stand shall be temporary and moveable. No permanent structures shall be permitted as part of a roadside stand.

(9) Roadside stands are exempt from the requirements of the corridor overlay district.

(Ord. No. 99-12, § 1 (03.253), 4-26-1999; Ord. No. 2004/16, 6-14-2004)

Sec. 106-1398. Public interest and special events.

Limited/special standards for public interest and special events uses in all applicable districts are as follows:

(1) Public interest or special events in stadiums or public parks shall be regulated by the county and are not subject to the standards listed in subsection (2) of this section.

(2) All public interest and special event uses held on land occupied by the organization benefitting from the proposed activity, or on a site owned by another party who has agreed to host the event, shall adhere to the following standards:

a. The activity shall be permitted only during hours when the facility's parking would not be used for the primary use's high traffic generation activities.

b. Such uses shall not be held on a property more than two times per year.

c. Such uses shall be limited to seven consecutive days.

d. Applicants must provide a written communication from the sheriff's department indicating adequate provisions have been made for special traffic personnel, as deemed necessary by the police department.

e. As part of the application, the applicant must provide written approval from SCDHEC regarding sanitary provisions, and that adequate provisions have been made.

f. Prior to receiving a limited use permit, the applicant must provide a written communication from the building inspector indicating adequate provisions have been made for electric and lighting facilities. The safety and welfare of the public will be evaluated prior to approval of any permit.

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g. Hours of operation shall be permitted between 8:00 a.m. to 11:00 p.m. for outdoor events, and 7:00 a.m. until 12:00 midnight for indoor events. In no case shall noise levels exceed 70 decibels for receiving residential districts.

h. The applicant shall provide surety for complete restoration of the site upon the event's conclusion, before issuance of the limited use permit can be provided.

i. Any violation of these requirements before or during the event shall result in the limited use permit being revoked.

(Ord. No. 99-12, § 1 (03.254), 4-26-1999)

Secs. 106-1399—106-1425. Reserved.

DIVISION 3. ACCESSORY AND MISCELLANEOUS USE STANDARDS

Sec. 106-1426. Scope of division.

This division contains standards for a variety of accessory and miscellaneous uses that incidental or ancillary to specific uses found in the general use table. Where applicable, these standards apply to accessory and miscellaneous uses in all districts. Figure 106-1426(1) indicates how front, side and rear yards are determined.

TABLE 106-1426. ACCESSORY AND MISCELLANEOUS USE STANDARDS

Type of Accessory Use	*Applicable Standards*
Residential	
Fences	1. All fences shall be constructed of materials expressly designed for fences. No barbed wire fences or fences made of discarded material shall be permitted. Chainlink fences may be permitted in back yards only. No fence shall exceed six feet in height. 2. Atrium and patio house yards shall be surrounded by walls except as provided in section 106-3035. 3. Single-family lots in the rural, rural residential and community preservation districts shall be exempt from fence standards. Planned or community use developments in these districts shall conform.

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Type of Accessory Use	*Applicable Standards*
Freestanding structures (accessory or ancillary uses, not otherwise listed in this table, and not including accessory dwelling units or structures intended for living quarters, that are manmade objects having a discernable stationary location on land or in water)	1. Except for garages, which must meet the minimum front yard setback and shall not exceed the height of the principal structure, freestanding accessory structures shall not be permitted in front of the principal structure or within the front yard. 2. Freestanding structures may be located in the rear yard provided: a. A single-family lot (including lot line and village house) less than 10,000 sq. ft. shall have a setback from the rear property line of at least five feet. b. A single-family lot between 10,000 sq. ft. and one acre shall have a setback from the rear property line of at least ten feet. c. A single-family lot one acre or more shall have a setback from the rear property line of at least 25 feet. d. For attached units, freestanding accessory structures shall be permitted only as provided in 4. below. Walled units, patio houses, and atrium houses shall contain all accessory structures within their walls. 3. For multifamily or attached housing, where freestanding structures must be accessible from private roads and fire lanes, their location shall be approved in the site plan review process to ensure essential access is safe and the structures do not create a nuisance to adjoining properties. 4. Except for a standard two-car garage (less than 600 square feet), individual freestanding structure shall not exceed 30 percent of the floor area of the principal structure. 5. Storage buildings are permitted on residential lots provided they meet the following criteria: a. All such areas shall be used only for private residential storage of the property owner or tenant. b. Storage or utility sheds shall be subject to the larger setback standard of either the zoning district or of this table. Storage or utility sheds are also subject to all applicable buffer standards as required by this section. c. Rural and rural residential districts are exempt from these requirements. 6. Freestanding structures used for agricultural purposes are exempt from these requirements.

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Type of Accessory Use	*Applicable Standards*
Satellite dish or antenna	Satellite dishes or antennas over three feet in diameter shall be mounted on the ground in the rear yard. These dishes shall be screened from view with an evergreen hedge or shrubs and understory trees to their rear. The dish shall be located so that the screening protects neighboring homes. Evergreen trees shall be used to block other views from neighboring homes to the dish's front, when planting cannot be placed close to the dish. Figure 106-1426(2), illustrates the type of planting required. Staff shall not approve any site plan until the owner/applicant proves that the landscaping and placement requirements have been met. In the rural and rural residential districts, single-family developments shall be exempt from this provision.
Stables, private	Stables are permitted on lots over three acres and on lots of record existing as of this chapter's adoption date, which legally had stables located on them. All stables shall conform to the following: 1. The stable shall be for the owner's private use only, however, boarding of up to four additional horses not owned by the owner shall be permitted without such a use becoming a commercial stable. 2. The lot shall have at least one-half acre per horse. 3. No building, corral or riding area shall be permitted within 25 feet of a property line, except that a trail may connect to an off-lot riding trail.
Ponds, private	Freshwater ponds are permitted up to one acre in size. Any private pond excavation resulting in a land disturbance of 10,000 sq. ft. or greater shall provide a certified engineer's report ensuring that drainage and runoff do not adversely impact the property or surrounding properties. The ZDA shall have approval authority for all private pond uses.
Tennis courts	Tennis courts shall not be permitted on lots of less than 60,000 sq. ft. This use shall require a site plan for review by staff.
Trucks and heavy equipment, storage	Semitrailer trucks, their cabs or trailers, construction vehicles or equipment, or commercial vehicles with a gross cargo weight of more than three tons or a gross vehicle weight of seven tons shall not be parked on residential lots or on residential streets in urban (U), suburban (S), community preservation (CP) districts, or residential community use options.
Guest houses	1. Guest houses shall be for use by the property owner and his/her guests only. They shall not be for lease or rent.

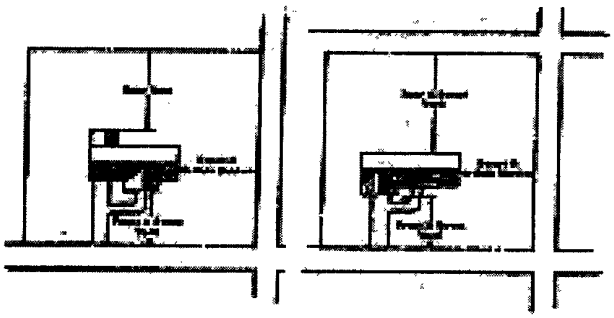
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Type of Accessory Use	*Applicable Standards*
	2. One guest house is permitted on any single-family lot. Additional guest houses are permitted as long as the number of guest houses does not exceed the base density for the zoning district in which the property is located, as determined by the DRT. 3. A guest house shall be subordinate to the principal dwelling and the square footage of a guest house shall not exceed that of the principal dwelling. 4. Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling. 5. Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.
Nonresidential	
General	Nonresidential uses may have a variety of accessory uses within the principal structure, or in separate structures, subject to the standards below. No uses or structures shall be located within the front yards. Placement of accessory uses shall be at the landowner's discretion, except for loading and storage, as provided below. All uses and accessory uses not otherwise permitted in the district shall be prohibited, except where: 1. They constitute less than 15 percent of the total floor area; 2. The use is essential to, or traditionally conducted in association with, the principal use which is a permitted use, limited use, or approved special use; and 3. Except in the LI, IP and RD districts, industrial uses shall not be permitted under any condition.
Fences	For exterior storage fencing requirements, refer to exterior storage below. Hazardous utilities or other uses requiring fencing, for safety, liability or to prevent access, shall meet the following additional standards: 1. A hedge shall be required around the fenced area where a metal, wire or mesh fence is used. The amount of shrubs required shall be installed at four feet on center. 2. If razor wire or concertina wire is to be used, a metal and/or masonry decorative fence shall be erected 15 feet outside the wire fence and surrounded by a two-tenths opacity bufferyard.
Loading and truck access	Where loading and truck access is in the yard between residential uses or vacant land that can only be residentially used, the area shall be enclosed as indicated in figure 106-1426(3).

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Type of Accessory Use	*Applicable Standards*
Storage, exterior	Exterior storage shall be prohibited except as indicated in division 5 of article VI. All exterior storage shall be enclosed by a wall or opaque fence of sufficient height to screen the stored materials from view. If a fence, rather than a wall, is used, shrubs shall be planted at three feet on center around the periphery.
Waste, trash storage	Where dumpsters or common waste storage facilities are used in residential developments or nonresidential developments, the area where a dumpster and/or garbage can is stored shall be fully enclosed with a wood or masonry fence (or other durable low maintenance materials approved by the DRT) or berms. The gates shall be kept closed. The area shall be landscaped as indicated in figure 106-1426(4).

Figure 106-1426(1) STREET, FRONT, SIDE AND REAR YARDS



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Figure 106-1426(2) SATELLITE DISH OR ANTENNA LANDSCAPING

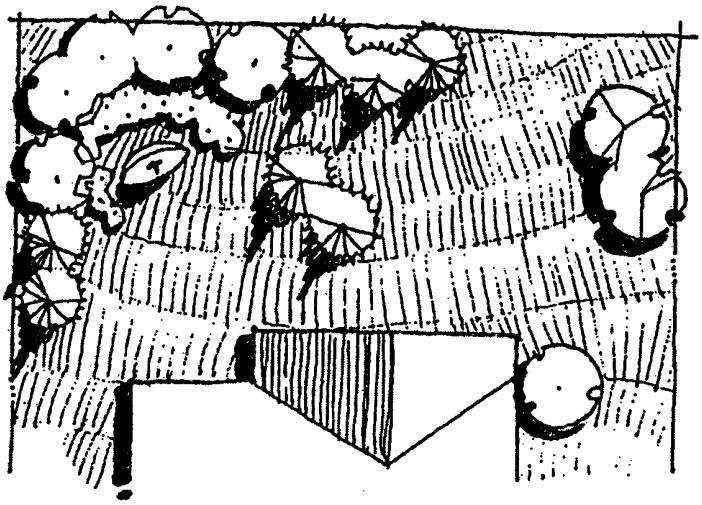
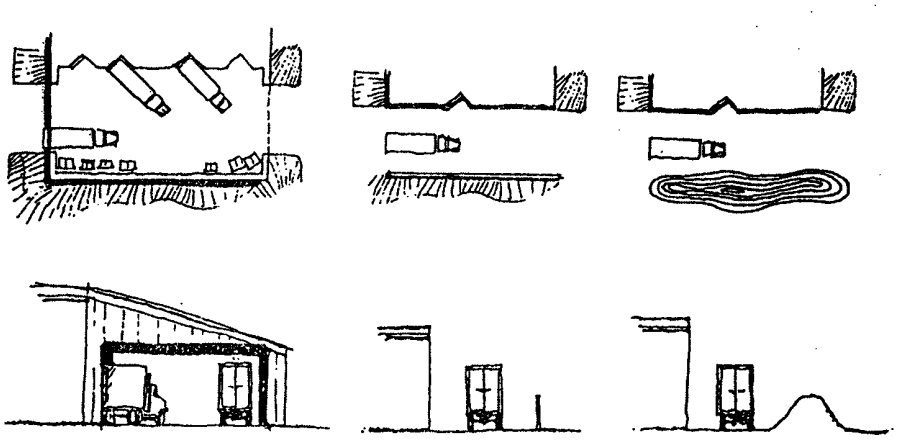
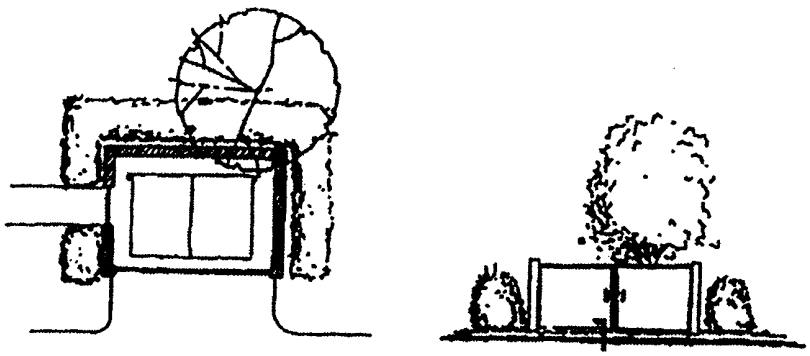


Figure 106-1426(3) ENCLOSURE FOR LOADING AND TRUCK ACCESS



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Figure 106-1426(4) LANDSCAPING FOR WASTE OR TRASH STORAGE AREAS



(Ord. No. 99-12, § 1 (div. 03.300), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2002-15, 4-22-2002; Ord. No. 2003-6, 3-10-2003; Ord. No. 2008/35, 9-22-2008)

Secs. 106-1427—106-1455. Reserved.

DIVISION 4. SPECIAL DISTRICT STANDARDS

Sec. 106-1456. Scope of division.

Special districts typically have increased standards that are applied to uses when new proposals are submitted by property owners. Because these standards are usually comprehensive and detailed, each special district shall be incorporated into the appendix as guidelines in addition to or superseding certain standards of this chapter. The special districts pertaining to this chapter are as follows:

(1) River quality overlay district.

(2) Military district. Lands identified on the zoning map as military district are owned entirely by the federal government. While these lands are exempt from local standards, the county encourages strong interagency coordination and planning when changes in land uses are being considered. There are no current additional standards for this district elsewhere in this chapter.

(3) Airport overlay district. See appendix A to this chapter.

(4) Corridor overlay district. See appendix C to this chapter.

(5) Environmental/cultural protection overlay district. See appendix D to this chapter.

(Ord. No. 99-12, § 1 (div. 03.400), 4-26-1999)

Secs. 106-1457—106-1495. Reserved.

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ARTICLE VI. OPEN SPACE AND DENSITY, LOT AND BUILDING INTENSITY, BUFFERYARDS AND LANDSCAPING, EXTERIOR STORAGE AND ILLUMINATION

DIVISION 1. GENERALLY

Sec. 106-1496. Purpose.

The purpose of this article is to establish orderly base district standards. There are four sets of standards which are guided by open space and density (division 2 of this article), lot and building intensity (division 3 of this article), bufferyards and landscaping (division 4 of this article) and exterior storage and illumination (division 5 of this article). The working tables and sections in this article provide specific requirements for each of the sets of standards explained in this section. This article works in tandem with article VII of this chapter, which provides the formulas and work tables for completing the required site capacity analysis for individual sites. Standards for planned, community and multifamily developments are located in article XI of this chapter.
(Ord. No. 99-12, § 1 (div. 04.000), 4-26-1999)

Secs. 106-1497—106-1525. Reserved.

DIVISION 2. OPEN SPACE AND DENSITY STANDARDS

Sec. 106-1526. Table explanation.

Table 106-1526 contains varying open space and density standards for each district depending upon development type. These standards may be modified by the DRT pursuant to article XIV of this chapter. The following describe the various elements of table 106-1526:

Min. OSR or LSR	OSR is the open space ratio used for residential uses. OSR is the preserved natural area divided by the base site area of the site. LSR is the landscape surface ratio used for nonresidential uses. LSR is the land devoted to pervious landscaping divided by the base site area of the site.
Density	A residential measure of intensity translated to dwelling units (du's) per acre. (Also, rooms per acre.)
Max. Gross	Overall density for a base site which also includes lots, open space, and roads.
Max. Net	The resulting density of a portion of a site including roads and lots, but not open space or landscaped surface.
Floor Area Ratio (FAR)	A nonresidential measure of intensity comparing floor area to lot area.

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Sewer — This column specifies whether public sewer (P) or community sewer (CS) is required, rather than individual, on-site tile fields (OS). If public sewer is not available within 300 feet of the site, on-lot systems may be approved until public sewer is available.

ARDR Reqd. — This indicates the development rights above base density, that are needed to reach maximum density.

Min. Site Area — The area required to be eligible to use this option. Individual lots may be created within the min. site area to accommodate more than a single use.

TABLE 106-1526. OPEN SPACE AND DENSITY STANDARDS

		Density		*Floor Area Ratio*				
Zoning District and Development Type	*Min. OSR or LSR*	*Max. Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Sewer*	*ARDR Reqd.*	*Min. Site Area*
Resource Conservation (RC)								
Single-family	0.50	0.09	0.18	N.A.	N.A.	OS	N	10 ac.
Single-family cluster	0.85	0.10	0.80	N.A.	N.A.	OS	N	50 ac.
Other permitted uses	0.95	N.A.	N.A.	0.02	0.34	OS	N	50 ac.
Rural (R)								
Farmstead	0.00	0.02	0.02	N.A.	N.A.	OS	N	50 ac.
Single-family subdivision	0.40	0.34	1.06	N.A.	N.A.	OS	N	6 ac.
Single-family cluster	0.70	0.40	1.58	N.A.	N.A.	OS	N	10 ac.
Planned	0.75	0.45	2.20	N.A.	N.A.	CS	N	20 ac.
Manufactured home community	0.40	1.00	1.66	N.A.	N.A.	CS	N	10 ac. Max. 30 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	OS	N	*
Rural Residential (RR)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Other permitted uses	0.20	1.2	2.0	0.25	0.25	OS	N	0.5 ac.
Rural Business (RB)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Commercial uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	1.0 ac.
Other uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	2.0 ac.
Rural - River Quality (RQ) Overlay (pending recommendations)								
Farmstead	0.00	0.02	0.0	N.A.	N.A.	OS	N	50 ac.
Single-family	0.50	0.30	1.06	N.A.	N.A.	OS	N	3 ac.
Single-family cluster	0.75	0.40	2.20	N.A.	N.A.	CS	N	10 ac.
Planned	0.80	0.45	2.59	N.A.	N.A.	CS	N	30 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	CS	N	10 ac.
Community Preservation (CP) Standards, see Appendix E								
Suburban (S) Priority								
Single-family	0.20	2.00	3.00	N.A.	N.A.	P	Y	21,780 sf
Single-family cluster	0.35	2.60	3.60	N.A.	N.A.	P	Y	5 ac.

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		Density		*Floor Area Ratio*				
Zoning District and Development Type	*Min. OSR or LSR*	*Max. Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Sewer*	*ARDR Reqd.*	*Min. Site Area*
Planned	0.40	2.60	4.00	N.A.	N.A.	P	Y	5 ac.
Traditional neighborhood development	0.35	3.00	4.50	N.A.	N.A.	P	Y	40 ac.
Multifamily	0.40	5.0	10.0	N.A.	N.A.	P	Y	5 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Institutional residential	0.40	7.1 rms.	17.7 rms.	N.A.	N.A.	P	N	5 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	2 ac.
Suburban - River Quality (S-RQ) (pending recommendations)								
Single-family	0.30	1.34	2.18	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.45	1.54	2.86	N.A.	N.A.	P	Y	2 ac.
Planned	0.50	2.01	4.50	N.A.	N.A.	P	Y	25 ac.
Manufactured home community	0.70	2.00	6.66	N.A.	N.A.	P	Y	10 ac.
Institutional residential	0.60	8 rms.	20.0	N.A.	N.A.	P	N	2 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	3 ac.
Urban (U)								
Single-family	0.12	2.60	2.93	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.40	3.50	6.00	N.A.	N.A.	P	Y	2 ac.
Planned	0.20	3.50	6.00	N.A.	N.A.	P	Y	5 ac.
Traditional neighborhood development	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Multifamily	0.25	15.00	24.00	N.A.	N.A.	P	Y	2—15 ac.
Institutional residential	0.40	12.00	20.00	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.40	N.A.	N.A.	0.28	0.46	P	N	4 ac.
Urban - River Quality (U-RQ) (pending recommendations)								
Single-family	0.20	2.60	3.66	N.A.	N.A.	P	Y	21,780 sf
Planned	0.30	3.00	5.68	N.A.	N.A.	P	Y	10 ac.
Multifamily	0.30	17.34	24.00	N.A.	N.A.	P	Y	2 ac.
Institutional residential	0.50	13.5	27	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	4 ac.
Commercial Suburban (CS)								
Planned	0.45	2.28	4.50	N.A.	N.A.	P	Y	1—10 ac.
Multifamily	0.50	8.30	18.73	N.A.	N.A.	P	Y	1—5 ac.
Offices	0.50	N.A.	N.A.	0.26	0.53	P	N	0.5 ac.
Retail	0.45	N.A.	N.A.	0.18	0.34	P	N	1 ac.
Other commercial uses	0.50	N.A.	N.A.	0.18	0.37	P	N	1 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	2 ac.

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		Density		Floor Area Ratio				
Zoning District and Development Type	*Min. OSR or LSR*	*Max. Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Sewer*	*ARDR Reqd.*	*Min. Site Area*
Commercial Regional (CR)								
Offices	0.35	N.A.	N.A.	0.50	0.82	P	N	0.5 ac.
Retail	0.20	N.A.	N.A.	0.31	0.39	P	N	1 ac.
Other commercial uses	0.20	N.A.	N.A.	0.37	0.47	P	N	1 ac.
Mixed uses	0.20	N.A.	N.A.	1.00	1.40	P	N	2 ac.
Other permitted uses	0.25	N.A.	N.A.	0.39	0.53	P	N	1 ac.
Research & Development (RD)								
Offices, commercial lodging	0.35	N.A.	N.A.	0.34	0.54	P	N	10 ac.
Industrial	0.30	N.A.	N.A.	0.40	0.57	P	N	10 ac.
Restaurants	0.25	N.A.	N.A.	0.14	0.20	P	N	10 ac.
Other permitted uses	0.30	N.A.	N.A.	0.26	0.38	P	N	10 ac.
Light Industry (LI)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.
Industrial Park (IP)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.

* Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126—106-1425.)

(Ord. No. 99-12, § 1 (div. 04.100), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2002-14, 4-22-2002; Ord. No. 2005/40, 11-28-2005; Ord. No. 2008/8, 2-25-2008; Ord. No. 2009/28, § E, 8-24-2009; Ord. No. 2010/15, 9-13-2010)

Secs. 106-1527—106-1555. Reserved.

DIVISION 3. LOT AND BUILDING INTENSITY STANDARDS*

Sec. 106-1556. Table explanation.

Table 106-1556 contains varying lot and building standards for each district depending upon development type. These standards may be modified by the DRT pursuant to article XIV of this chapter. The following describe the various elements of table 106-1556:

Lot Area — The minimum allowable lot area within a total site area, or by itself, for the listed use.

*__Cross reference__—Buildings and building regulations, ch. 74.

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Lot Dimensions — Minimum requirements for street frontage of property lines and placement of buildings and structures within the lot.

Maximum Height — The maximum allowable height of a building on a lot.

TABLE 106-1556. LOT AND BUILDING* STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac./sq. ft.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)****
Resource Conservation (RC)						
Single-family	5 ac.	300	50	50	100	35
Single-family cluster	1 ac.	150	50	18	75	35
Other permitted uses	10 ac.	400	100	50	100	35
Rural (R)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	50	35
Single-family cluster	21,780 sq. ft.	100	35	12	50	35
Planned	See table 106-2406					
Manufactured home community	See section 106-2409					
Other permitted uses	**	400	100	50	100	35
Rural Residential (RR)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Other permitted uses	21,780 sq. ft.	100	50	18	50	35
Rural Business (RB)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Commercial uses	0.5 ac.	100	25	7/20	20	35
Other permitted uses	2 ac.	200	25	7/20	30	35
Rural - River Quality (RQ) Overlay (pending recommendations)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	75	35
Single-family cluster	14,520 sq. ft.	85	35	10	40	35
Planned	See table 106-2406					
Other permitted uses	10 ac.	400	100	30	100	40
Community Preservation (CP) Standards, see Appendix E						
Suburban (S) Priority						
Single-family	10,780 sq. ft.	70	35	12	50	35
Single-family cluster	8,000 sq. ft.	50	30	10	40	35
Planned	See table 106-2406					
Traditional neighborhood development	See table 106-2379					
Multifamily	See table 106-2406					
Manufactured home community	See table 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	2 ac.	280	100	40	100	32
Suburban - River Quality (S-RQ) (pending recommendations)						
Single-family	14,520 sq. ft.	85	35	10	40	35
Single-family cluster	10,780 sq. ft.	80	35	6/15	35	35
Planned	See table 106-2406					

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	Minimum					Maximum
Zoning District and Development Type	*Lot Area (ac./sq. ft.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)****
Manufactured home community	See section 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	3 ac.	200	40	15	25	40
Urban (U)						
Single-family	8,000 sq. ft.	50	35	6/15	35	35
Single-family cluster	5,000 sq. ft.	50	50	6/15	35	35
Planned	See table 106-2406					
Traditional neighborhood development	See table 106-2379					
Manufactured home community	See section 106-2409					
Multifamily	See table 106-2406					
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Urban - River Quality (U-RQ) (pending recommendations)						
Single-family	8,500 sq. ft.	75	25	12	30	35
Planned	See table 106-2406					
Multifamily						
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Commercial Suburban (CS)						
Planned	See table 106-2406					
Multifamily	See table 106-2406					
Offices	0.5 ac.	100	25	None	20	35
Retail	1 ac.	150	25	None	20	35
Other commercial uses	1 ac.	150	25	None	20	35
Other permitted uses	2 ac.	200	25	None	20	35
Commercial Regional (CR)						
Offices	0.5 ac.	150	25	20	20	40
Retail	21,780 sq. ft.	150	25	20	20	40
Other commercial uses	21,780 sq. ft.	150	25	20	20	35
Mixed uses	2 ac.	200	25	20	20	40
Other permitted uses	1 ac.	150	25	20	20	35
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Research & Development (RD)						
Offices, commercial lodging	1 ac.	150	40	20	20	55
Industrial	1 ac.	150	40	20	20	120*
Restaurants	1 ac.	150	40	20	20	30
Other permitted uses	1 ac.	150	40	20	20	40
Light Industry (LI)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	60

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	Minimum					Maximum
Zoning District and Development Type	*Lot Area (ac./sq. ft.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)****
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
Industrial Park (IP)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	120*
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.						
**Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126 through 106-1425.)						
***All structures that are 150 feet or higher must be in conformance with subsection 106-1363(a)(4).						

(Ord. No. 99-12, § 1 (div. 04.200), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2002-14, 4-22-2002; Ord. No. 2005/40, 11-28-2005; Ord. No. 2007/1, 1-8-2007; Ord. No. 2010/15, 9-13-2010)

Secs. 106-1557—106-1585. Reserved.

DIVISION 4. BUFFERYARD AND LANDSCAPING STANDARDS

Subdivision I. In General

Sec. 106-1586. Scope of division.

This division provides standards for bufferyards and general landscaping requirements. Subdivision II of this division provides standards for bufferyards between uses and districts, and for special purposes. Subdivisions III and IV of this division provide general landscaping and installation standards, as well as landscaping standards for various uses including lots, open spaces, scenic corridors and streets; for creating or preserving all types of buffers mentioned in this chapter; and for parking areas.
(Ord. No. 99-12, § 1 (div. 04.300), 4-26-1999)

Secs. 106-1587—106-1615. Reserved.

Subdivision II. Bufferyards

Sec. 106-1616. Requirements.

(a) *Generally.* Bufferyard requirements are designed to ameliorate nuisances between certain adjacent zoning districts or land uses. Bufferyards function to eliminate or minimize large changes in scale and potential nuisances such as dirt, litter, noise, glare of lights, unsightly buildings, parking areas, or signs. Bufferyards serve a similar function between

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streets and various land uses. Note: Various bufferyard requirements can be found throughout this chapter. The bufferyard with the greatest benefit, or width, shall supersede all lesser bufferyard benefits or widths for the same use or situation.

(b) *Uses.* The following uses are permitted within bufferyards in accordance with the standards below. All other uses and associated construction activities are not permitted within bufferyards. [Note: For uses allowed in river buffers, refer to Table 106-1876.]

(1) Bufferyards may contain pedestrian, bike, or equestrian trails, provided the plant material amount is not reduced because of the trail, the total width of the bufferyard is maintained or increased by the width of the trail, and all other requirements of this chapter are met.

(2) Golf courses may be installed within a bufferyard, as long as installed landscaping, natural vegetation, wetlands or other natural features contribute significantly to the bufferyard.

(3) In no event shall swimming pools, tennis courts, sports fields, or other active recreational facilities be permitted in bufferyards.

(4) Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage or other service lines are permitted within bufferyards provided they are approximately perpendicular to the adjoining property line. If installed approximately parallel to the adjoining property line within the bufferyard, an equal amount of buffer material shall be required by the developer or property owner to substitute for the area of vegetation removed.

(c) *Locations.* Bufferyard locations shall be guided by the following:

(1) Where required, bufferyards shall be located along the outer perimeter of a lot or parcel and shall extend to the lot or parcel boundary line.

(2) Bufferyards are required under the following conditions (see table 106-1617):

a. Along all arterial or collector streets and some minor streets as specified in table 106-1617;

b. Along a property line where adjoining properties are in different zoning districts as specified in table 106-1617;

c. Along property boundaries between limited and special uses and affected permitted uses; and

d. Parking areas.

(3) Bufferyards shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.

(4) Bufferyards may be part of the required lot area but shall be shown on the development plan and platted as a bufferyard easement. Where bufferyard require-

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ments exceed minimum building setback requirements on a particular lot or parcel, the bufferyard requirement shall be met; however, the building setback distance may be included in the bufferyard area.

(Ord. No. 99-12, § 1 (04.305), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-26, 6-12-2000; Ord. No. 2008/19, 5-19-2008)

Sec. 106-1617. Bufferyard and tree standards table.

Table 106-1617 contains varying bufferyard width and tree requirements for each district depending upon development type. These requirements may be modified by the DRT pursuant to article XIV of this chapter. Specific landscaping requirements are described in subdivision III of this division. The following descriptions provide explanations of the elements listed in table 106-1617:

Canopy Trees	These are tall trees that make up the forest canopy 40 or more feet above the ground. All new development shall be required to provide an adequate number of canopy trees in order to retain the natural character of the county. Table 106-1617 lists the required number of canopy trees per each lot, acre of open space, and per parking space.
Street Trees	Proposals for new development shall require street trees to be planted. Table 106-1617 lists the minimum spacing requirement when street trees are to be planted. Street trees are those trees located along all types of streets and highways, as well as within center medians of larger thoroughfares.
Bufferyards for Adjoining Streets	Bufferyards are forested or landscaped areas that separate and screen a use from the street or adjoining land. Table 106-1617 lists the required bufferyard width in feet when the desire is to screen a use from street visibility.
Bufferyards for Adjoining Districts	This section sets forth bufferyards required on zoning district boundaries. Where a bufferyard is shown in the same district, the buffer will be required at property lines. Table 106-1617 lists the required bufferyard width in feet when the desire is to screen a use from a neighboring zoning district.

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TABLE 106-1617. BUFFERYARD AND TREE STANDARDS

	Number of Landscaping Canopy or Existing Trees Per:				*Bufferyard Width (ft.) Adjoining Streets*			*Bufferyard Width (ft.) Adjoining District**												
Zoning District & Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Street Tree Spacing Per Feet of ROW*	*Arterial*	*Collector*	*Local*	*RC*	*RQ*	*RB*	*RR*	*R*	*S*	*U*	*CP*	*CS*	*CR*	*RD*	*LI*	*IP*	*M*
Resource Conservation (RC)																					
Single-family	—	8	—	50	N.A.	N.A.	50	—	100	—	—	—	—	—	—	—	—	—	—	—	—
Single-family cluster	2/du	8	1/10							—											
Other permitted uses	5/ac.	8	1/10	40	N.A.	N.A.	50	—	100	—	—	—	—	—	—	—	—	—	—	—	—
Rural (R)																					
Farmstead	—	—	—	50	—	—	—	—	100	—	—	—	—	—	—	—	—	—	—	—	—
Single-family	—	—	—		50	50	—	—	100	—	25	25	—	—	—	25	25	25	25	25	50
Single-family cluster	2/du	5	1/10		100	100	50	—	100	—	25	25	25	25	25	25	25	25	25	25	50
Planned	1/du	5	1/10					—	100	50	50	50	50	50	50	50	50	50	50	50	100
Man. home comm.	See § 106-2409	1/10		100	100	50	—	100		50	50	50	50	50	50	50	50	50	50	50	100
Other permitted uses	5/ac	4	1/10		100	100	50	—	100	50	50	50	50	50	50	50	50	50	50	50	100
Rural Residential (RR)																					
Single-family	—	0	—	50	50	50	50	—	100	—	—	—	—	—	—	—	—	—	—	—	50
Other permitted uses	3/ac	4	1/10		100	100	50	—	100	25	—	25	—	—	25	—	—	—	—	—	50
Rural Business (RB)																					
Single-family	—	—	—	N.A.	50	50	—	—	100	—	25	25	—	—	—	25	25	25	25	25	50
Commercial uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	—	—	25	—	—	—	—	—	—
Other permitted uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	—	—	25	—	—	—	—	—	—
Suburban (S)																					
Single-family	2/du	5	None	50	50	50	—	—	—	—	—	25	—	—	—	—	—	—	—	—	50
Single-family cluster	1/du	5	1/10		100	50	25			—		50	25		25		25		25	25	
Planned	1/du	5	1/10		100	50	50			—		100	50		50						

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Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:				Bufferyard Width (ft.) Adjoining Streets				Bufferyard Width (ft.) Adjoining District*														
	Lot	Acre Open Space	Parking Spaces	Street Tree Spacing Per Feet of ROW	Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Traditional neighborhood development							—			—	25			25	25	25	25	—	50	50	
Multifamily	25/ac	5	1/10		100	100	50			—								50	100	100	50
Man. home comm.	See § 106-2409	1/10		100	100	50				—								50	100	100	50
Institutional residential	6/ac	8	1/10		100	100	50			—			50		50			50	50	50	50
Other permitted uses	6/ac	8	1/10		100	100	50			—											
Urban (U)																					
Single-family	1/du	5	1/10	50	50	50	—	—	100	—	—	100	—	—	—	—	—	—	—	—	50
Single-family cluster										—	—		50			—	—	—	—	—	
Planned										—	25		100	25	25	—	—	—	25	25	100
Traditional neighborhood development							—			—	25			25	25	25	25	—	50	50	
Man. home comm.	See § 106-2409			75	50	25				—											
Multifamily	25/ac	5								—	50			50	50	25	25	—			
Institutional residential	6/ac				50					—	25			25	25	—	—	—			
Other permitted uses										—	50										50
Community Preservation (CP) Standards See Appendix E																					
Commercial Suburban (CS) District																					
Planned	1/du	8	1/10	50	50	50	20	—	150	—											
Multifamily	3/du									—			—	25	100	—					
Offices	6/ac									—											
Retail										—											
Other commercial										—											

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Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:				Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*														
	Lot	Acre Open Space	Parking Spaces	Street Tree Spacing Per Feet of ROW	Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Other permitted uses										—												
Commercial Regional (CR)																						
Offices/commercial lodging	8/ac	6	1/10	50	50	50	50	—	200	—	100	100	100	50	100	30	—	30	—	25	—	
Retail										—												
Other commercial uses										—												
Other permitted uses										—												
Research and Development (RD)																						
Offices/commercial lodging/research	10/ac	10	1/10	40	100	100	50	—	300	—	100	100	100	50	100	—	50	50	—	—	—	
Industrial										—												
Restaurants										—												
Other permitted uses										—												
Light Industry (LI)																						
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	—	300	—	100	100	100	50	100	50	25	50	—	—	—	
Restaurants										—												
Industrial										—												
Other permitted uses										—												

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Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per: Lot	Acre Open Space	Parking Spaces	Street Tree Spacing Per Feet of ROW	Bufferyard Width (ft.) Adjoining Streets: Arterial	Collector	Local	Bufferyard Width (ft.) Adjoining District*: RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Industrial Park (IP)																					
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	—	300	—	100	100	100	100	100	50	25	50	—	—	—
Restaurants										—											
Industrial										—											
Other permitted uses										—											

* Bufferyards are required in all instances where a multifamily or nonresidential development abuts an existing single-family residential use. Where no buffer is required by table 106-1617, a naturally vegetated buffer 50 feet in width shall be preserved or, if limited or no vegetation exists, a 50-foot wide bufferyard shall be installed and planted in accordance with section 106-1680.

(Ord. No. 99-12, § 1 (04.310), 4-26-1999; Ord. No. 2005/40, 11-28-2005; Ord. No. 2008/19, 5-19-2008; Ord. No. 2010/15, 9-13-2010)

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Secs. 106-1618—106-1645. Reserved.

Subdivision III. Landscaping Standards Generally

Sec. 106-1646. Applicability and considerations.

(a) *Compliance required.* All new development shall comply with the landscaping standards for installing and maintaining landscaping materials and protecting specimen trees in this subdivision. The preferred method of landscaping is to preserve the existing forest cover or individual trees.

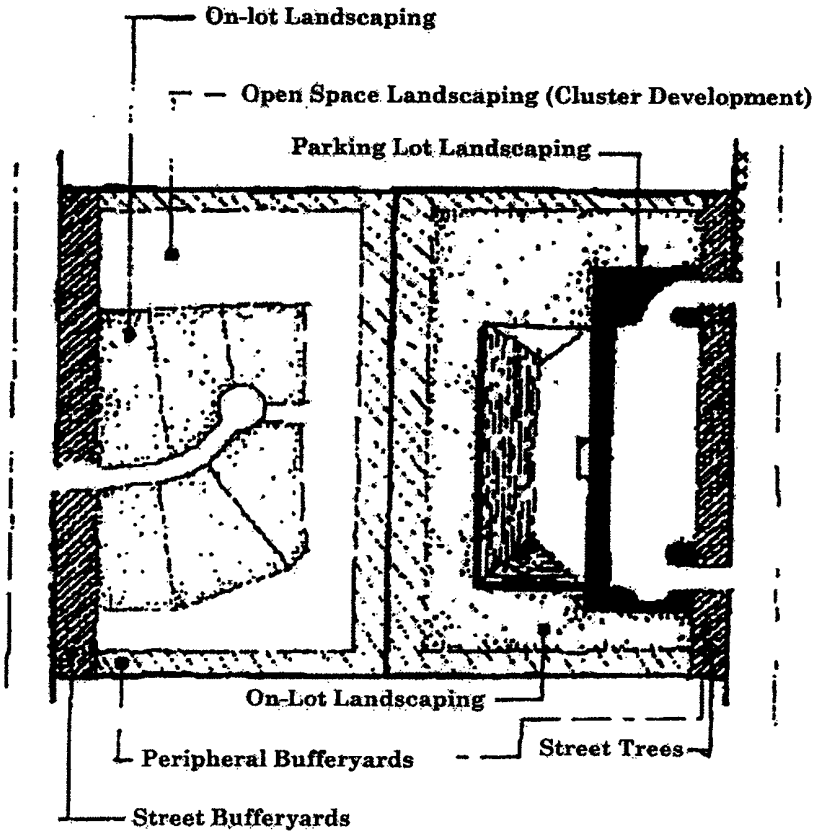


Figure 106-1646 LANDSCAPING AREAS

(b) *Exemption.* Existing lots of record shall be exempt from these landscaping standards unless new development or a change in use is proposed, whereby these standards shall then apply.

(c) *Locations where required.* Landscaping is required on lots, in parking areas, in open spaces, along streets and scenic corridors, as a buffer between certain specified uses, and as buffer areas between zoning districts and uses. Figure 106-1646 shows how a property is

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divided into these areas. Each area must be measured to determine the amount of landscaping required. Landscaping areas do not overlap; for example, landscaping requirements for a scenic corridor would replace the landscaping requirements for a simple street bufferyard.
(Ord. No. 99-12, § 1 (04.351), 4-26-1999)

Sec. 106-1647. Installation requirements.

(a) *Landscape plan.* To ensure plant materials are installed and properly maintained, a landscape plan will be required of all developments. This plan shall show the location of all required plant materials. A plant list shall accompany the plan indicating species, size, and number provided.

(b) *Plant material species.* Plant material is grouped in four categories: (i) canopy trees, (ii) understory trees, (iii) evergreens, and (iv) shrubs. The plants are divided into street and off-street parking lot landscaping, where neatness and hardiness near pavement is desired; general landscaping; and reforestation areas. Reforestation areas are restricted to locally indigenous plants. Except as specifically granted by the county as part of a landscape plan approval, plant material is required to meet the requirements contained in appendix F to this chapter.

(c) *Planting locations.* The exact placement of required plants and structures shall be the decision of each user, except for the following requirements that shall be met:

(1) No street or canopy trees shall be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility. The distance from the curb and sidewalk shall be three feet. Exceptions may be made at the discretion of the county contingent upon specific planting conditions and species of trees.

(2) Evergreens and evergreen shrubs shall be planted with a 15-foot spacing to maximize their chance for survival.

(3) The developer shall be encouraged to utilize diversity in planting types and locations.

(d) *Replacement.* The developer shall be responsible for replacing all plants that die during a two-year period from the date of installation. The county may use the bond or surety to replace plants if the developer fails to perform adequately.

(e) *Performance bond.* The developer shall submit a bid for the landscaping that shall be reviewed by the county. A bond, letter of credit, or cash equal to 120 percent of the cost shall be provided to ensure proper installation and maintenance of the landscaping for a period of two years from the date of installation.
(Ord. No. 99-12, § 1 (04.352), 4-26-1999; Ord. No. 2000-11, 2-28-2000)

Sec. 106-1648. Resource protection.

(a) *Tree protection zones.* Tree protection zones shall be established and maintained for each tree preserved or planted on a development site as follows:

(1) *Tree protection barrier.* Prior to commencing construction or any site alterations, a conspicuous four-foot-high barrier to prevent encroachment by people and vehicles

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shall be erected around the tree protection zone that shall require approval by the ZDA. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. No building materials, dirt, debris, oils, paints, or any other materials, equipment or vehicles shall be placed or deposited within the tree protection zone. The barrier shall remain in place until the certificate of compliance is issued.

(2) *New trees.* The protection zone in open areas shall be a circle with a radius of two feet for understory and palmetto trees, and three feet for canopy or pine trees.

(3) *Paving.* The area within the tree protection zone must be open and unpaved, except where approved perforated pavers may be utilized, or tree aeration systems and tree wells installed.

(4) *Change in grade.* Change in grade shall not be permitted within the tree protection zone except for a two-inch cut or a two-inch fill of topsoil, sod or mulch.

(5) *Underground utility lines.* Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through tree protection zones shall be accomplished through tunneling, rather than cutting open trenches.

(6) *Disturbance.* Where machinery must pass within a tree protection zone during construction, approval shall be required from the ZDA. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the ZDA, such as a heavy layer of chip mulch or pine straw or a bridge of boards.

(7) *Existing trees.* The tree protection zone shall be a circle with a radius of one foot for every one inch of dbh or five feet, whichever is greater. The DRT may approve an alternate tree protection zone, if it can be determined by a certified forester that a specific design or protection will not injure any tree under consideration. In no case shall the circle of protection be less than one-half of the total diameter required by the formula in this subsection (a)(7). Conspicuous barrier fencing must be erected around a tree or group of trees to be preserved and protected from encroachment prior to site work or construction commencing and remain in place until the certificate of compliance is issued (see subsection (a)(1)).

(b) *Resource protection zones.* A temporary resource protection zone shall be established prior to commencement of construction. The barrier shall be installed on the outer edge of all resources to be protected, per table 106-1782. The following standards apply:

(1) *Resource protection barrier.* Prior to commencing construction or any site alterations, a conspicuous four-foot-high barrier to prevent encroachment by people and vehicles shall be erected around the resource protection zone that shall require approval by the ZDA. Use of orange polyethylene safety fencing or a similar material is recommended. No building materials, dirt, debris, oils, paints, or any other materials, equipment or vehicles shall be placed or deposited within the resource protection area. The barrier shall remain in place until the certificate of compliance is issued.

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(2) *Silt fencing.* Where wetlands and/or river buffers are involved, a silt fence shall be erected and the required barrier described in subsection (b)(1) of this section installed at least one foot into the buildable area of the site.

(3) *Underground utility lines.* No utilities shall be permitted in resource protection areas. Underground utility lines shall be routed around and away from resource protection zones. No trenching or paving shall be done within the resource protection area.

(c) *Penalty for disturbing resource protection areas.* If trees or any natural resources are damaged or cut down during the process of construction, the following mitigation shall be required:

(1) *One to five individual trees that do not qualify as specimen trees.* The mitigation shall be individual plantings of trees greater than 2.5 inches caliper, with a total caliper equal to that of the dbh of the trees damaged or destroyed.

(2) *One to five specimen trees.* The mitigation shall be individual plantings of trees greater than 2.5 inches caliper with a total caliper equal to 1.25 times that of the dbh of the trees damaged or destroyed.

(3) *Six or more individual trees.* The mitigation shall be individual plantings of trees greater than 2.5 inches caliper with a total caliper equal to 1.4 times that of the dbh of the trees damaged or destroyed.

(4) *Forest areas in excess of one-half acre.* The mitigation shall involve the creation of protected open space that is 1.1 times the area destroyed. This may result in a loss of buildable area and lots. The area shall be replanted at the rate specified in table 106-1680(e).

(Ord. No. 99-12, § 1 (04.353), 4-26-1999; Ord. No. 2007/9, 2-12-2007)

Secs. 106-1649—106-1675. Reserved.

Subdivision IV. Landscaping Standards for Various Uses

Sec. 106-1676. Scope of subdivision.

Table 106-1617 establishes the required landscaping for the landscaped area of each lot, open space, and parking area. The landscaped area standards apply only to those areas of the lot or property not covered by buildings, road rights-of-way, parking, or bufferyards. The parking lot standard applies to the parking area.

(Ord. No. 99-12, § 1 (04.355), 4-26-1999)

Sec. 106-1677. On-lot landscaping standards.

(a) *General requirements.* In general, the on-lot landscaping shall be distributed around the lot, planted close to the buildings, or shall be in some combination of these planting schemes. However, front yards are particularly important for preserving community character. Certain unit types require additional planting material to be planted between front-load garages and the right-of-way as indicated in subsection (b) of this section.

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(b) *Lots less than 12,000 square feet.* In addition to the landscaping required by table 106-1617, all residential lots of 12,000 square feet or less or any unit using side-load garages shall install special landscaping, as indicated in table 106-1677.

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TABLE 106-1677 LANDSCAPING REQUIREMENTS FOR LOTS LESS THAN 12,000 SQUARE FEET

Dwelling Type	*Additional Requirements*	*Landscaping Options*
Village house	Village house (see figure 106-2406) street yards shall be landscaped with two additional items. Select one option each from two of the three categories listed under landscaping options. The site plan and/or landscape plan for each home shall indicate these techniques or they shall be provided as options that may be included in the house price and selected by the home purchaser.	Street property-line border: 1. Wood or nonchainlink fence at least three feet in height 2. Hedge with shrubs planted at a maximum of three feet on center Additional landscaping: 1. Two flowering understory trees at 1.5-inch caliper 2. One canopy tree of at least three inches caliper Structures. The following options are not available where a front-load garage is used on a lot with less than 90 feet of frontage: 1. A roofed porch which is not enclosed or screened, running three-quarters the width of the house front and having a minimum width of seven feet 2. A masonry or stone patio raised a minimum of 18 inches above the front yard, minimum eight-foot width, and at least 500 sq. ft.
Lot line house	Lot line houses shall install an additional canopy tree of at least three inches caliper, in the front yard and one of the landscaping options at right.	1. Three flowering understory trees at 1.5 inches caliper 2. Stone wall, wood or nonchainlink fence at least three feet in height 3. Hedge with shrubs planted at a maximum of three feet on center
House with side-loading garage	Where a side-loading garage is permitted in front of the house proper, extra planting shall be required between the street and the side of the garage facing the street. The planting shall consist of each of the plant types listed in landscaping options, to the right.	1. One canopy tree of at least three inches caliper 2. Two understory trees of at least 1.5 inches caliper each 3. Thirteen shrubs of at least five-gallon pot size
Other single-family detached	These homes shall install two canopy trees of at least three inches caliper, in the front yard, and one of the landscaping options at right.	1. Three flowering understory trees at 1.5 inches caliper 2. Stone wall, wood or nonchainlink fence at least three feet in height 3. Hedge with shrubs planted at a maximum of three feet on center
Attached and multifamily	All attached units shall have on-lot landscaping of two canopy trees. The landscaping material shall be distributed in the front, rear, or side yards. In multifamily developments, the yard areas associated with each unit shall be landscaped with ten canopy trees per acre.	See left.

(Ord. No. 99-12, § 1 (04.355.1), 4-26-1999)

Sec. 106-1678. Open space landscaping standards.

Open space is required in all residential developments to serve the following functional needs: outdoor recreation, play space, trail space, residential attractiveness, scenic landscape

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and vista conservation, the protection of natural and sensitive resources, stormwater detention, and scenic and land use buffers. All areas of required open space shall be landscaped using one of the following landscape treatments:

(1) *Existing vegetation.* Areas presently covered with natural vegetation shall be maintained in that natural state.

(2) *Lawns.* Open space areas intended to be groomed or to serve as a mowed lawn shall be planted with a minimum of six canopy trees per acre. This subsection shall not apply to open space areas that are designed as sports fields or recreational uses that require a paved or specially prepared surface. Golf courses shall provide four canopy trees per acre.

(3) *Reforestation.* Areas disturbed, but scheduled to be returned to natural conditions, shall be planted as forest (reforestation) or with such other plant material that will return the area to its natural condition.

(4) *Other standards.* Any applicable provisions discussed elsewhere in this article shall be satisfied, in addition to the landscaping standards in this section.

(Ord. No. 99-12, § 1 (04.355.2), 4-26-1999)

Sec. 106-1679. Scenic corridor landscaping standards.

(a) *Generally.* Scenic corridors may be established along all arterial and collector roads. There are three types of scenic corridors: open space scenic corridors, open land scenic corridors, and forested scenic corridors.

(b) *Open space scenic corridors.* The open space scenic corridor may be selected and used where the land adjoining the corridor is designated open space for a depth of at least 400 feet. Open space scenic corridors shall meet the following standards:

(1) *Landscaping.* The landscaping shall consist of three canopy trees per 100 feet of corridor. The plantings may be grouped to provide a partial hedgerow planting ten feet in depth adjoining the right-of-way.

(2) *Agricultural field.* An agricultural field having a minimum of 30 acres and a depth of at least 600 feet shall require no landscaping, provided the agricultural field is designated open space and its use is restricted for that purpose.

(c) *Open land scenic corridors.* The open land scenic corridor is land having residential lots within 400 feet of the buffer, and where the vegetative cover is farmland, grasslands, or old field succession. Open land scenic corridors shall meet the following standards:

(1) *Width.* The corridor shall be no less than 100 feet in width.

(2) *Landscaping.* The landscaping shall be up to 12 canopy trees per 100 feet of corridor. The plantings may be grouped to provide a hedgerow planting. The degree of planting shall be governed by the following standards:

a. Where there is less than 50 feet of open space between the buffer and the lots, the full 12 canopy trees shall be required per 100 feet of buffer.

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b. Where the open space is between 50 feet and 100 feet from the buffer to the lots, there shall be ten canopy trees required per 100 feet of buffer.

c. Where the open space is between 100 feet and 300 feet from the buffer to the lots, there shall be six canopy trees required per 100 feet of buffer.

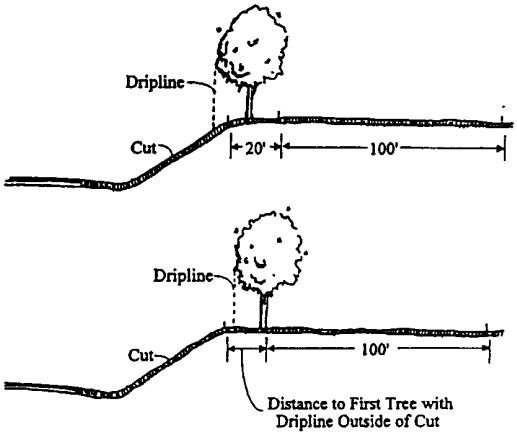
(d) *Forested scenic corridors.* Forested scenic buffers are in areas where a width of at least 50 feet within the scenic corridor is covered by and will be preserved as forest. Forested scenic corridors shall meet the following standards:

(1) *Land survey.* A survey shall indicate the boundary of forest, indicating the preserved area and its width.

(2) *Tree survey.* Where grading on any side of the forested scenic corridor shall exceed three feet of cut or fill, a tree survey covering the area within 40 feet from the proposed grading is required.

(3) *Measurement of width.* Where the cut or fill exceeds three feet, the 100-foot width shall be measured 20 feet from the top of the cut (bottom of fill) or to the first tree whose drip line is outside the disturbed area, whichever is less (see figure 106-1679(d).

Figure 106-1679(d) FORESTED SCENIC CORRIDOR



(Ord. No. 99-12, § 1 (04.355.3), 4-26-1999)

Sec. 106-1680. Bufferyard landscaping standards.

(a) *Existing plant material counted.* In areas of the site not protected as forest resources, existing trees shall be counted towards the planting requirement.

(1) *Lots and parking areas.* Where trees are required by table 106-1617, existing trees six inches in diameter or greater shall be counted. Trees in excess of 24 inches shall be counted as two trees.

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(2) *Open spaces or bufferyards.* Where there are scattered individual trees or an old field condition where the trees are growing back but the canopy averages less than 15 feet in height, the standards of this subsection shall apply.

a. Trees over 24 inches in caliper can replace several required trees based on subtracting the area under the canopy drip line from the area to be planted.

For example: A live oak covering 10,000 square feet of a 50,000-square-foot bufferyard would reduce the planting area to 40,000 square feet.

b. Trees from six inches to 24 inches shall have the total caliper measured and divided by two. That amount of caliper size in plants shall be deducted from the total to be planted. An eight-foot pine is assumed to have a caliper of two inches.

For example: Six trees having a total caliper of 42 inches would be credit for seven three-inch canopy trees ($\frac{42}{2}$ = 21 inches: $\frac{21}{3}$ = 7 three-inch trees).

(3) *Old field or recovering logged areas.* The number of trees of each size category by species shall be counted towards the total number of plants to be planted.

(b) *Natural vegetation.* Bufferyards shall be retained in their naturally vegetated condition, when such retention benefits a visually pleasing and healthy bufferyard. The width of bufferyards in table 106-1617 is based on their natural vegetation. The canopy, pine, and understory trees shall be retained in such buffers. Shrubs shall be retained, or they may be replaced on an equal basis by more decorative species.

(c) *Invasive vegetation.* All species identified as invasive shall be removed and the bufferyard maintained so as to prevent their reestablishment.

(d) *Bufferyards having limited or no vegetation.* Where bufferyards have limited or no vegetation, such as farm fields or logged areas, the area shall be revegetated. The plant material required is such that the site should have a young forest character within five years from planting. Subsection (a) of this section addresses the counting of trees when there is no forest cover, but there are some individual trees. Where an area has been logged and replanted, cleared lots have natural regeneration taking place or where an old field succession has reached the point where the average canopy height is 15 feet, the area shall be considered forested if, upon inspection, it has a reasonable mix of materials typical of either the maritime, mixed, or pine forest.

(e) *Bufferyard reforestation.* There are three types of forests found in the county: maritime, mixed, and pine. Appendix F to this chapter contains the plant species suitable for each forest type. The type of forest shall be selected by matching it to the nearest forest types and individual soil conditions. Where the bufferyard is within 1,000 feet of the shoreline, the maritime forest shall be established unless the soil conditions are unfavorable for this type. Table 106-1680(e) contains the landscaping standards which shall apply to each acre of unforested bufferyard.

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TABLE 106-1680(e) BUFFERYARD PLANTING STANDARDS

Forest Type	*Plant Type*	*Quantity Per Acre*	*Size*
Maritime	Canopy tree	10	3-inch caliper
	Canopy tree	15	2½-inch caliper
	Understory	50	1½-inch caliper
	Shrubs	325	5-gallon pot
Mixed	Canopy tree	15	3-inch caliper
	Pine	25	8-foot height
	Understory	50	1½-inch caliper
	Shrubs	325	5-gallon pot
Pine	Pine	25	8-foot height
	Pine	40	6-foot height
	Understory	40	1½-inch caliper
	Shrubs	250	5-gallon pots

(Ord. No. 99-12, § 1 (04.355.4), 4-26-1999)

Sec. 106-1681. Parking area landscaping standards.

(a) *Parking lots.* Landscaping for parking lots shall include the following:

(1) One canopy tree per number of parking spaces specified in table 106-1617.

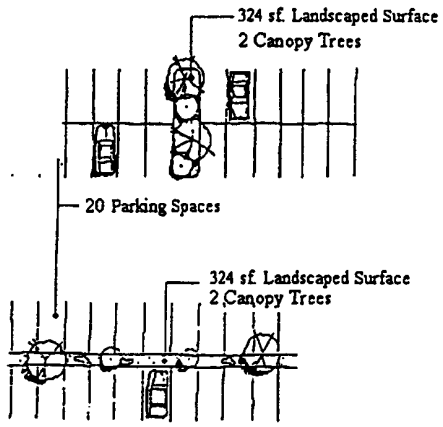
(2) Ground cover and one understory tree of 1½ inches caliper or six shrubs of at least five-gallon pot size.

(3) Each canopy tree shall be planted in a planting island or space with a minimum total area of 162 square feet. The developer shall have the ability to combine islands or to use continuous planting strips between parking aisles. In small parking lots, the islands may be the lot's corners. The landscaping required by table 106-1617 shall be located within the parking lot in order to visually enhance the parking area and to provide shade for pedestrians. Existing trees that can be preserved by not disturbing the area under their canopy shall count towards the landscaping requirements.

(4) Figure 106-1681 illustrates two examples of appropriate planting areas and preservation of existing trees, according to one canopy tree per ten parking spaces.

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Figure 106-1681 EXAMPLES OF PARKING LOT LANDSCAPING CONFIGURATIONS



Illustrating: 1.0 Canopy Tree per 10 parking spaces

(b) *Parking bufferyard standards.* Parking bufferyards are required where parking areas abut an existing residential use or residentially zoned land. Parking buffers shall conform with the following standards:

(1) Where no buffer is required by table 106-1617, a forested buffer 25 feet in width shall be preserved. If no forest cover exists or it cannot be preserved, a 30-foot-wide buffer shall be installed and planted in accordance with section 106-1680.

(2) When a buffer is required by table 106-1617, a parking buffer shall be required only where the parking buffer is wider than the bufferyard width required by table 106-1617. In that case, the parking buffer shall be used.

(3) Parking buffers shall not be required in the interior of a residential development; however, the DRT shall review the landscape plan to ensure that site landscaping provides protection where needed.

(Ord. No. 99-12, § 1 (04.355.5), 4-26-1999)

Cross reference—Parking, § 70-26 et seq.

Sec. 106-1682. Street area landscaping standards.

(a) *Street rights-of-way.* All unpaved areas within street rights-of-way shall be seeded or sodded. All sod, seed, hydroseed and mulch materials and installation shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. Before the release of the 12-month maintenance bond, all unpaved areas between the edge of the road pavement and the right-of-way line shall have the following:

(1) A minimum depth of four inches of topsoil; and

(2) A growth of an acceptable healthy grass turf.

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(b) *Street trees.* New subdivisions or land development shall require street trees to be planted as follows:

(1) Trees shall be planted on the property side of each side of the right-of-way at the minimum spacing indicated in table 106-1617.

(2) Center boulevards shall have a minimum width of 16 feet and shall have one additional tree planted every 40 feet in the landscaped island. Boulevards having a width greater than 20 feet shall plant 1.5 trees every 40 feet.

(3) No trees may be planted closer together than 40 feet except evergreens and special plantings which may be clustered, as determined appropriate by the county.

(Ord. No. 99-12, § 1 (04.355.6), 4-26-1999)

Secs. 106-1683—106-1710. Reserved.

DIVISION 5. EXTERIOR STORAGE AND ILLUMINATION

Subdivision I. In General

Sec. 106-1711. Scope of division.

Exterior storage and illumination requirements are guided by table 106-1711. The standards indicated are applicable to specific uses which would be required for all districts where they are to be given approval for use permission. Elements contained within the table are listed and defined as follows:

Allowable Storage Area	The percent of the building's footprint that may be devoted to exterior storage areas.
Screening	Indicates the opacity level of visual screening required to hide the exterior storage area.
Maximum Illumination	This sets the maximum illumination in footcandles.
Maximum Height	This sets the maximum height of the structure use for holding the lights. Both cutoff and regular luminaires are permitted by this chapter and are indicated in the table.

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TABLE 106-1711. EXTERIOR STORAGE AND ILLUMINATION STANDARDS

	Exterior Storage By Use		*Illumination By District*[1]	
Land Use	*Allowable Storage Area*	*Screening/Setbacks*	*Maximum Illumination*	*Maximum Height*
Agricultural			RC, R, RR, RB (All Uses)	
Agricultural support services	25%	N.A.	Regular = 0.4 footcandle Cutoff = 0.5 footcandle	Regular = 10 feet Cutoff = 15 feet
Commercial			S, U (All Uses)	
Commercial retail, neighborhood	10%	100% fencing/landscaping	Regular = 3 footcandle Cutoff = 5 footcandle	Regular = 15 feet Cutoff = 20 feet
Vehicular sales and rental	Vehicle storage only at 25 spaces per 1,000 sq. ft. No other exterior storage permitted.	N.A.	CP (All Uses) see appendix E	
Recreation and Amusement			CS (Planned, Multifamily, Offices, Retail Uses Only)	
Golf course	10% for maintenance buildings only; storage permitted	80% fencing/landscaping	Regular = 3 footcandle Cutoff = 5 footcandle	Regular = 15 feet Cutoff = 20 feet
			CS (All Other Uses)	
			Regular = 3 footcandle Cutoff = 10 footcandle	Regular = 15 feet Cutoff = 25 feet
Industrial			CR (All Uses)	
Airport	25%	Forested/landscaped buffer along all nonindustrial property boundaries providing 100% opacity	Regular = 5 footcandle Cutoff = 12 footcandle	Regular = 20 feet Cutoff = 30 feet
Heavy industry	20%	Forested/landscaped buffer along all nonindustrial property boundaries providing 100% opacity	RD (All Uses)	
			Regular = 3 footcandle Cutoff = 10 footcandle	Regular = 15 feet Cutoff = 20 feet
Light industry	10% LI district only	Forested/landscaped buffer along all nonindustrial property boundaries providing 100% opacity	BP (All Uses)	
			Regular = 5 footcandle Cutoff = 12 footcandle	Regular = 25 feet Cutoff = 30 feet
Mining/resource extraction	50%	See section 106-1360		
High technology industry	15% LI, IP districts only	Forested/landscaped buffer along all nonindustrial property boundaries providing 100% opacity		
Regional utilities	20% metals only enclosed	Forested/landscaped buffer along all nonindustrial property boundaries providing 100% opacity		

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	Exterior Storage By Use		*Illumination By District*[1]	
Land Use	*Allowable Storage Area*	*Screening/Setbacks*	*Maximum Illumination*	*Maximum Height*
Business storage	70%	Forested/landscaped buffer along all nonindustrial property boundaries providing 100% opacity		
Waste disposal/facilities		See section 106-1367(d)		
Temporary Uses				
Christmas tree sales	80%	Site must be cleared of all debris and environmental damages mitigated prior to user leaving site		
Commercial temporary miscellaneous sales	Permitted only where placement of goods do not interfere with fire/safety codes and motor traffic	Site must be cleared of all debris and environmental damages mitigated prior to user leaving site		
[1]For all uses abutting barrier island beaches or dunes, refer to section 106-1844 for additional lighting standards.				

(Ord. No. 99-12, § 1 (div. 04.400), 4-26-1999; Ord. No. 2001-15, 6-11-2001; Ord. No. 2005/40, 11-28-2005)

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Secs. 106-1712—106-1740. Reserved.

Subdivision II. Exterior Lighting Requirements

Sec. 106-1741. Scope.

Exterior lighting is regulated to eliminate light spillover and glare on motor vehicle operators, pedestrians, and land uses within the light source's proximity. Safety considerations are the basis of the regulations in this subdivision, especially with respect to motor vehicles. In other cases, the regulations in this subdivision protect against both nuisance and hazard aspects of glare or excess light.
(Ord. No. 99-12, § 1 (04.450), 4-26-1999)

Sec. 106-1742. Exterior lighting plan.

When exterior lighting is installed or substantially modified and whenever a zoning permit is sought, as required in section 106-733, an exterior lighting plan shall be submitted to the ZDA to determine whether this article's requirements have been met and that adjoining property will not be adversely impacted by the proposed lighting.
(Ord. No. 99-12, § 1 (04.451), 4-26-1999)

Sec. 106-1743. Lighting standards.

(a) Under this subdivision two types of light sources or luminaires are available (figure 106-1743) as follows:

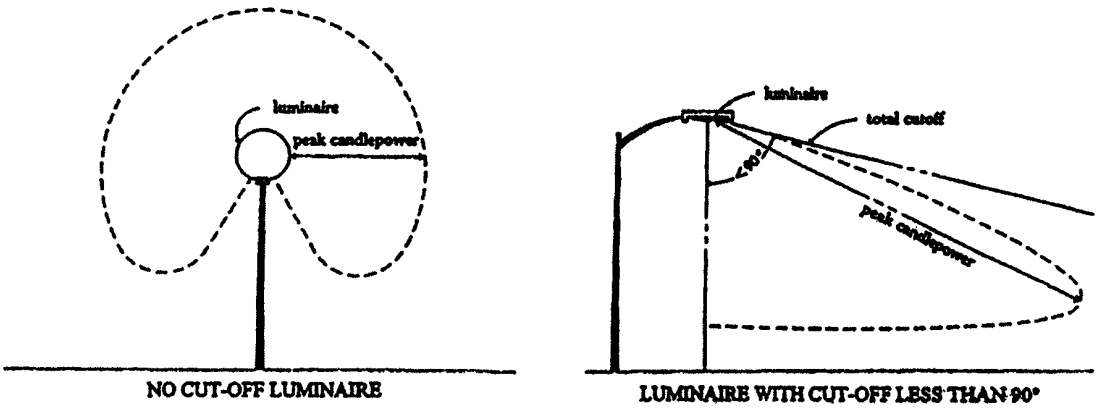
(1) A noncutoff fixture, directing the light to limit view of the light source or luminaire.

(2) A cutoff fixture, which has built-in shielding that blocks the light source from view. The maximum permitted illumination and the maximum permitted luminaire height are set forth in table 106-1711.

(b) Dock area lighting should allow for security and safety but provide cutoff fixtures that shield light sources from view on waterways.

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Figure 106-1743 TYPES OF LUMINAIRES



(Ord. No. 99-12, § 1 (04.452), 4-26-1999)

(Ord. No. 99-12, § 1 (04.452), 4-26-1999)

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Sec. 106-1744. Streetlights.

Public street lighting shall conform to standards set by the county or SCDOT. Adequate lighting of driveways, parking lots, walkways, employee areas and other public and semipublic spaces shall be provided in all commercial, industrial and multifamily residential developments, in accordance with accepted illuminating engineering standards.
(Ord. No. 99-12, § 1 (04.453), 4-26-1999)

Sec. 106-1745. Exterior lighting for outdoor recreational uses.

Ball diamonds, playing fields, and tennis courts have unique requirements for nighttime visibility and, generally, have limited hours of operation. These uses may meet the following limited use standards for approval of lighting in excess of the illumination standards of table 106-1711:

(1) The site plan meets all other Code requirements and, to the maximum extent possible, lighting is located to avoid shining at residential uses.

(2) Exterior light sources do not exceed the maximum permitted post height of 80 feet.

(3) The light source or luminaire shall be cutoff fixtures. The luminaire may have a cutoff angle that extends beyond the property boundaries if:

a. A landscaped bufferyard is provided to prevent light and glare spillover to adjacent residential property. The DRT shall be able to require denser bufferyards than those in table 106-1617 to achieve this objective.

b. The maximum permitted illumination shall not exceed one footcandle at the residential property line or the street curb, whichever is less.

(Ord. No. 99-12, § 1 (04.454), 4-26-1999)

Secs. 106-1746—106-1780. Reserved.

ARTICLE VII. RESOURCE PROTECTION, SITE CAPACITY AND OPEN SPACE

DIVISION 1. GENERALLY

Sec. 106-1781. Purpose.

(a) Natural systems are self-balancing, provided enough of the system is left in a functioning condition. A system's health or function can be measured by its habitat quality and species diversity. Preserving habitats and resources is also important to the community's character. Thus, preservation enhances property values and the quality of life for residents and businesses.

(b) Resource destruction and certain development practices lead to air, groundwater and surface water pollution, flooding and soil erosion to the detriment of the public health. Constructing a building in certain resource areas is hazardous to life and property; therefore,

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development in these areas should be avoided. This article establishes the basic performance standards to protect natural and historic resources. New developments are required to conduct a site capacity analysis which regulates the maximum intensity based on actual site conditions (see the exemptions in section 106-1812). The site capacity analysis ensures that the public health, safety, and welfare are protected by preventing development from exceeding the site's resource capacity to sustain the development.
(Ord. No. 99-12, § 1 (div. 05.000), 4-26-1999)

Sec. 106-1782. Natural resource protection levels.

The protected resources listed in table 106-1782 are provided protection by a requirement of this chapter that all or a percentage of the resource be reserved as open space and left undisturbed by any development. Certain uses are permitted in this open space, however, as provided in division 4 of this article. The protection level for each resource is the decimal value or percentage of the resource that is to remain permanent open space. For example, a protection level of 0.70 means that 70 percent of the land in that resource must be fully protected. The level of protection may vary by zoning district.

TABLE 106-1782. RESOURCE PROTECTION LEVELS

Natural Resource	*R, RC, RQ, RB Districts*	*S, CS Districts*	*All Other Districts*	*Other Standards (See Section)*
Nontidal wetlands	1.00	0.80	0.60	106-1843
Beach-dune	1.00	1.00	1.00	106-1844
Headwaters buffer (RQD only)	1.00	1.00	1.00	pending
River buffer	1.00	1.00	1.00	106-1845
Maritime forest	0.70	0.65	0.60	106-1845
Mixed upland forest, mature	0.55	0.45	0.20	106-1845
Pine forest, mature	0.40	0.30	0.20	106-1845
Mixed upland forest, young	0.25	0.20	0.10	106-1845
Endangered species areas	1.00	1.00	1.00	106-1847
Specimen trees	See subsection 106-1846(b) and article VI			—
Historic sites	See article X			—

(Ord. No. 99-12, § 1 (05.010), 4-26-1999; Ord. No. 2005/40, 11-28-2005)

Secs. 106-1783—106-1810. Reserved.

DIVISION 2. SITE CAPACITY ANALYSIS

Sec. 106-1811. Steps enumerated.

The site capacity analysis requires a six-step process which measures protected resources on each site to ensure that proposed development does not exceed the site resource's ability to sustain the development. These six steps include the following:

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Step 1. Determine if the development is exempt (section 106-1812)
Step 2. Prepare a protected resource survey (section 106-1813).
Step 3. Calculate the base site area and protected resource land (section 106-1814).
Step 4. Calculate residential/nonresidential use capacity (section 106-1815).
Step 5. Apply natural resource protection standards (division 3).
Step 6. Apply open space use standards (division 4).

(Ord. No. 99-12, § 1 (05.100), 4-26-1999)

Sec. 106-1812. Step 1: applicability/exempt.

Each property proposed for development shall, at the time of rezoning, site plan or subdivision application submittal, prepare a site capacity analysis (tables 106-1814, 106-1815(1) and 106-1815(2)) based on the site's physical conditions, hazards, and natural resources, except for the following exemptions from this requirement:

Exemption 1. Any site which does not contain any protected resources listed within table 106-1782.
Exemption 2. Single-family detached developments or farmsteads in the rural district, while exempt from the complete site capacity analysis, shall demonstrate that they meet the protection levels of section 106-1782.
Exemption 3. Single-family detached developments in a CP district:
1. That involve no new streets and take access to existing residential streets;
2. Where the development contains less than ten new lots.
Exemption 4. Any lot of record proposed for residential use which cannot be further subdivided, or which is buildable after wetlands and buffers are taken into account, but would not be buildable after other resource standards are applied. Such lots will be permitted one dwelling unit.
Exemption 5. Any lot of record proposed for a nonresidential use which is less than 20,000 sq. ft. in area and which is buildable after wetlands and buffers are taken into account, but would not be buildable after other resource standards are applied. Such lots shall conduct the site capacity analysis without the other resources.
Exemption 6. Individual lots in subdivisions approved subject to this chapter's provisions, since protection is achieved in the subdivision approval process.
Exemption 7. Planned unit developments (PUDs) see section 106-7.

(Ord. No. 99-12, § 1 (05.110), 4-26-1999)

Sec. 106-1813. Step 2: protected resources survey.

(a) Survey to be sumitted with all proposed plats of subdivision and land development plans. All proposed plats of subdivision and land development plans shall submit a protected resources survey showing all resources listed in table 106-1782. Detailed definitions can be found in sections 106-13 through 106-18. The boundaries of all protected resources shall be field surveyed and delineated on the protected resources survey. Note: When there appears to

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be a conflict between the surveyed boundary and actual site conditions, the applicant shall engage the services of a certified arborist, forester, wetland scientist or other professional approved by the county as knowledgeable in plant and environmental conditions in the county to prepare a delineation report. This report must be submitted as part of the application package, and shall determine the correct boundary of the resource protection area. In addition, the report shall include the following:

(1) A detailed topographic layout of the subdivision and/or area to be developed prepared by a land surveyor or engineer; and

(2) Flood hazard area which shall be tied to site specific topography with one foot contour interval.

(b) *Mapping and calculations requirements for site capacity analysis.* In preparing maps of protected resources, the following rules shall apply:

(1) Map open water and tidal wetlands and subtract them from the total site area.

(2) When resources overlap, the resource having the higher level of protection (greater open space ratio) in table 106-1782 shall be mapped and used for calculating protection level.

(3) Where resources overlap, and some open space uses are permitted in one and not the other, all prohibited uses shall be prohibited.

(4) Where two resources overlap and have differing standards for a use, the plan should seek to meet both. Where this is impossible due to conflicting standards, the department shall review the standards and approve one or a combination of the two that provides the greatest protection for both resources.

(Ord. No. 99-12, § 1 (05.120), 4-26-1999)

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Sec. 106-1814. Step 3: calculation of base site area and total protected resource land.

Table 106-1814 provides a simple method for determining base site area and total protected resource land for a site based on existing conditions and the protected resource survey.

TABLE 106-1814. BASE SITE AREA AND TOTAL PROTECTED RESOURCE LAND

CALCULATION 1: Determine Base Site Area		
Enter gross site area as determined by actual survey		ac.
Subtract land within existing roads' ultimate rights-of-way; or land within major utilities' rights-of-way (minimum 50-foot width within subject property)	–	ac.
Subtract land cut off from use by railroad, highway, or water body	–	ac.
Subtract all existing natural water bodies and tidal wetlands	–	ac.
Subtract land previously dedicated as open space	–	ac.
Equals base site area	=	ac.

CALCULATION 2: Measure all natural resources in the base site area and enter in the acres measured column 2. If resources overlap, measure only that resource with the highest resource protection ratio. These numbers provide each resource's area of land. Multiply by resource protection ratio for the district (column 3, 4, or 5) and insert result in column 6.

		Multiply Column 2 by Resource Protection Ratio			
Column 1 Protected Resource	Column 2 Acres Measured	Column 3 R, RQ, RC, RB districts	Column 4 S, CS districts	Column 5 All other districts	Column 6 Protected Land
Nontidal wetlands		1.00	0.80	0.60	
Beach-dune		1.00	1.00	1.00	
Headwaters buffer (RQD only)		1.00	1.00	1.00	Reserved
River buffer		1.00	1.00	1.00	
Maritime forest		0.70	0.65	0.60	
Mixed upland forest, mature		0.55	0.45	0.20	
Pine forest, mature		0.40	0.30	0.20	
Mixed upland forest, young		0.25	0.20	0.10	
Endangered species areas		1.00	1.00	1.00	
CALCULATION 3: Total resource land equals the sum of all protected resources listed above. Enter this figure to the right:					
CALCULATION 4: Total protected resource land equals sum of column 6 at right:					

(Ord. No. 99-12, § 1 (05.130), 4-26-1999; Ord. No. 2005/40, 11-28-2005)

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Sec. 106-1815. Step 4: calculation of residential/nonresidential capacity.

Tables 106-1815(1) and 106-1815(2) provide the procedures for calculating residential or nonresidential use capacity of a site based on protected resources. Where the site is in more than one zoning district, or where the site is to be developed for both residential and nonresidential uses, separate calculations are required. Final capacity calculations shall be rounded down to a whole dwelling unit (du) or square footage.

TABLE 106-1815(1). RESIDENTIAL USE CAPACITY CALCULATION

Calculation 1:	Take base site area (table 106-1814, calculation 1)	=	ac.
	Subtract total resource land (table 106-1814, calculation 3)	–	ac.
	Equals total unrestricted land	=	
	Enter protected resource land (table 106-1814, calculation 4)		
Calculation 2:	Enter base site area (table 106-1814, calculation 1)		ac.
	Multiply by minimum open space ratio (table 106-1526)	×	
	Equals minimum district required open space	=	ac.
Calculation 3:	Enter base site area (table 106-1814, calculation 1)		ac.
	Subtract protected resource land (calculation 1 or 2, whichever is greater)	–	ac.
	Equals net buildable site area	=	ac.
	Multiply by maximum net density (table 106-1526)	×	
	Equals site specific maximum density yield	=	du's
Calculation 4:	Enter base site area (table 106-1814, calculation 1)		
	Multiply by maximum gross density (table 106-1526)	×	
	Equals district maximum density yield	=	du's
Calculation 5:	Maximum yield for site (calculation 3 or 4, whichever is less)	=	du's

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TABLE 106-1815(2) NONRESIDENTIAL USE CAPACITY CALCULATION

Calculation 1:	Enter base site area (table 106-1814, calculation 1)		ac.
	Subtract protected resource land (table 106-1814, calculation 4)	–	ac.
	Equals buildable land, site	=	ac.
Calculation 2:	Enter base site area (calculation 1)		ac.
	Multiply by minimum landscape surface ratio (table 106-1526)	×	
	Equals minimum landscaped area	=	ac.
Calculation 3:	Enter base site area (calculation 1)		ac.
	Subtract minimum landscaped area (calculation 2)	–	ac.
	Equals buildable land, district	=	ac.
Calculation 4:	Enter calculation 1 or 3, whichever is less		ac.
	Multiply by maximum net floor area ratio (table 106-1526)	×	
	Equals maximum floor area in acres	=	ac.
		×	43,560
	Multiply by 43,560 to determine maximum floor area in square feet	=	sq. ft.
Calculation 5:	Minimum landscaped surface calculation 1 (total protected land) or calculation 2 (minimum landscaped area), whichever is greater	=	ac.

(Ord. No. 99-12, § 1 (05.140), 4-26-1999)

Secs. 106-1816—106-1840. Reserved.

DIVISION 3. NATURAL RESOURCE PROTECTION STANDARDS

Sec. 106-1841. Scope.

This division contains performance standards and mitigation requirements for the various types of protected natural resources found in the county. Only certain uses are permitted in protected resource areas. Table 106-1876 lists use permissions for each type of resource.
(Ord. No. 99-12, § 1 (div. 05.200), 4-26-1999)

Sec. 106-1842. Tidal wetlands.

Water dependent facilities shall be the only use permitted in tidal wetland areas according to the following additional standards:

(1) All proposals for this use shall require the approval of a special use permit.

(2) An environmental impact assessment shall be submitted by the applicant that indicates the design: (i) minimizes the impact on the wetlands, and (ii) is such that

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there is the maximum sharing of the facility to avoid having every property in the area seek a similar request. This may mean shared facilities for the entire development or facilities that can serve several adjoining properties.

(3) Approval by the Army Corps of Engineers and OCRM shall be required.

(Ord. No. 99-12, § 1 (05.210), 4-26-1999)

Sec. 106-1843. Nontidal wetlands.

(a) Farm ponds of less than three acres shall not be considered wetlands by the county and may be filled, provided their stormwater capacity is preserved at another location on the same stream, subject to Army Corps of Engineers' and/or OCRM approval.

(b) Where structures are necessary to a permitted use and cannot be located outside the wetland, the structure shall be located on piles. Where needed, access shall be provided on structures such as boardwalks.

(c) Cases may exist where protection is not a reasonable alternative and mitigation is an acceptable solution. Mitigation is permitted only under the following conditions:

(1) In the U, CR, CS, LI, IP and RD districts, the use intensity is so high that retained wetlands of less than one acre have increased potential to become degraded habitats or, if the retention of the wetland would be isolated, difficult to adequately provide proper water levels to preserve existing vegetation, subject to invasive, nonnative species, would have a greatly reduced habitat value, or serve no significant stormwater or water quality benefit, and subject to the following requirements when such areas are to be filled or severely disturbed:

a. A mitigation plan has been approved, designating the area in which the site is located as a mitigation area; or

b. Mitigation will actually provide larger, more easily protected and managed on-site wetland areas. This permits consolidating many small wetlands into a single wetland management unit. If the county and SCDHEC/OCRM develop a mitigation bank or the U.S. Army Corps of Engineers and other agencies establish a fee-based mitigation program, the county in consultation with SCDHEC/OCRM will permit off-site mitigation when the county finds that the mitigation meets all other standards of this chapter and the site cannot be developed to permitted development intensities without the mitigation, or would be an undesirable development without the off-site mitigation; and

c. The wetlands to be mitigated are not, and cannot, easily become part of an interconnected area that provides drainage and flood storage; and

d. The wetland area to be filled is not more than one acre or 20 percent of the mitigation area, whichever is less.

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(2) In all districts where, due to parcel shape and interaction with topography, reshaping the wetland boundary is necessary to provide a reasonable building site, minor filling is permitted provided that:

a. Less than ten percent of the wetland area or less than two acres, whichever is less, is disturbed; and

b. High quality wetland areas and wetlands containing rookeries are avoided.

(3) In all districts where the wetlands are less than one-quarter acre and not connected to a stream or drainage corridor.

(4) All fill and mitigation shall meet this chapter's requirements or U.S. Army Corps of Engineers' permit requirements, whichever are more stringent. In either case, a permit shall be required.

(5) The current drainage pattern shall be submitted for all subdivisions or land developments containing a wetland. The stormwater management system shall ensure an adequate flow of water to maintain the wetland. OCRM shall sign off on the adequacy of the drainage before a final plat is approved.

(Ord. No. 99-12, § 1 (05.220), 4-26-1999)

Sec. 106-1844. Beach-dune.

(a) *Applicability.* The standards of this section shall apply to site design and development in the beach-dune area.

(b) *Preservation of sand dunes.* No primary dune shall be leveled, breached, altered, or undermined in any way, nor shall vegetation on the primary dune be disturbed or destroyed, with the exception of construction of boardwalks or similar beach accesses. Such pedestrian accesses shall be designed and oriented to have minimal effect on the natural features or vegetation of the dune. The county may require shared accesses by elevated walkways.

(c) *Public beach access required.* Public beach access shall be provided by the developer for any development including more than 1,000 feet of beach frontage, according to subsection (d) of this section.

(d) *Option to purchase beach access.* Upon filing of a preliminary application for an oceanfront development plan with the department, the county shall have an option to purchase reasonable beach access as deemed necessary for the benefit of the public. The county's option to purchase beach access shall run from the date of first submission of plans to the department to the date of the second regular county council meeting following the proposed permit issue date of the DRT, but in no case shall the option period be more than 90 days from the date of first submission of plans. The department shall review all proposed oceanfront development as to the need for public beach access and shall recommend to the county council what action it feels the county should take with regards to public beach access areas in the best interest of the general public. The county council shall notify the developer of its intentions on the option by the end of the specified option period and shall, if electing to purchase the beach access area, have a period of 30 days and one extension period of 30 days from the end of the option period

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to negotiate the terms of the purchase with the developer. The county council may require an appraisal of the required beach access area by a board of at least three independent appraisers in order to establish the basis for a purchase offer to the developer for the beach access area.

(e) *Beach development setbacks.* No development shall be undertaken except in compliance with this section. Furthermore, the requirements of this section shall be included as covenants and restrictions for all subdivision development that contains beach-dune areas located on the seaward side only of the barrier islands (i.e., Bay Point, Capers, Daufuskie, Fripp, Harbor, Hilton Head, Hunting, Pritchards and St. Phillips Islands).

(1) No building or other structure shall be located or constructed in such a manner as to destroy, undermine, or alter any primary sand dune or disturb primary dune vegetation.

(2) At a minimum, no structure, septic tank, or tile field shall be constructed within 50 feet landward of the OCRM baseline, except for beach cabanas of 144 square feet or less in size. No cabana with a permanent roof shall be permitted seaward of the baseline. Shore perpendicular beach boardwalks shall also be permitted per section 106-1911(b) Beach-dune; however, no further encroachment towards the sea shall be permitted.

(f) *Additional studies/reports.* A beach protection plan shall be submitted as part of the required environmental impact assessment and will indicate how the developer plans to preserve sand dunes and shore vegetation.

(g) *Barrier island beach-dune lighting standard.*

The Beaufort County Council finds that the barrier island beaches of Beaufort County serve as nesting habitat for endangered and threatened sea turtles. Coastal development threatens the long-term survival of turtle hatchlings since evidence directly implicating lighting on barrier island beaches and reduced sea turtle nesting has been documented by numerous studies (Witherington 1992b). Artificial lighting near the nesting of sea turtles resulted in dramatic decreases in nesting attempts by sea turtles, including habitat loss, disorientation and eventual death (Raymond 1984a, Witherington and Martin 1996). The Endangered Species Act of 1973 prohibits all killing, harming and harassment of six species of sea turtles (including the Loggerhead). Therefore all lighting for parcels abutting barrier island beaches and dunes shall adhere to the following standards: Existing development abutting barrier island beaches and dunes shall be required to retrofit all lighting fixtures to conform to the following standards by May 1, 2002, in order to ensure that no light is visible from the barrier island beaches or dunes.

(1) Pole lighting shall be bollard louver lighting five feet tall or less that blocks the light source from view and contains illumination within an area of three to less than 73 degrees on the seaward side of the pole (refer to Figure 106-1743 for types of luminaries). Outdoor lighting shall be held to the minimum necessary and, where possible, shall be low pressure sodium for security and convenience.

(2) Bollard lighting shall be used in parking lots and shall be positioned so that no light is visible from the barrier island beaches or dunes.

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(3) Lights mounted on walls, steps and balconies shall be fitted with louvers or hoods and at a height from the floor of three feet or less in order that the lights illuminate only the balcony and will not be visible from the barrier island beach or dunes.

(4) Tinted or filmed glass or solar screens and drapes shall be used in windows facing the barrier island beaches or dunes during the period indicated by subparagraph (g)(7).

(5) All lighting illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that it is not visible from any barrier island beaches or dune during the period of May 1 to October 31 of every year.

(6) Additional landscaping shall be required when necessary mitigate impacts from development on nesting areas.

(7) This section shall be in effect from dusk to dawn during the sea turtle nesting and hatchling period of May 1 to October 31 of every year.

(8) All other lighting must be shielded so that it is not visible from any barrier island beaches or dunes during the period of May 1 to October 31 of every year.

(Ord. No. 99-12, § 1 (05.230), 4-26-1999; Ord. No. 2001-15, 6-11-2001; Ord. No. 2005/7, 2-28-2005)

Cross reference—Public beaches, § 90-61 et seq.

Sec. 106-1845. River buffer.

The river buffer extends inland 50 feet from all tidal waters and wetlands beginning at the OCRM critical line. The following standards are required for all development affecting the river buffer:

(1) *Drainage.* The county engineer shall require BMPs according to the latest version of the county manual for stormwater BMPs in the design of drainage and detention basins. Additional special engineering may be required where the county engineer requires it to protect the nearby waters or wetlands. All drainage shall be diverted away from the OCRM critical line, and through a county-approved stormwater system employing BMPs. The lots adjoining the river buffer shall be designed and engineered to prevent direct discharge from impervious surfaces across the river buffer. All discharges shall be diverted into the development's stormwater system and treated as required by this chapter. Existing agricultural uses are exempt from this subsection, but are strongly urged to utilize BMPs. New agricultural uses shall comply.

(2) *Bulkheads, rip-rap and erosion control devices.* All bulkheads, rip-rap or other erosion control devices in the river buffer are limited uses, subject to the required standards below.

a. A permit to construct the bulkhead, rip-rap or erosion control device must have been issued by OCRM.

b. Application for a permit for the installation of a bulkhead, rip-rap or other erosion control device more than 48 inches in total vertical height from the existing

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ground elevation must submit design plans, including certification from a South Carolina registered professional engineer as to the adequacy of the design standards included to prevent collapse or other failure.

c. The provisions of subsection 106-1846(b), tree protection and specimen trees, must be met.

d. Any disturbance of shoreline within the river buffer landward of the SC critical line shall require submission of a revegetation plan. A principal objective of the plan is to preserve and replace as much of the on-site preconstruction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SC DHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). Such plantings shall be in the quantities set forth in Table 106-1680(e) for a maritime forest on a disturbed area prorated acre basis, i.e., a one-tenth of an acre disturbance requires one-tenth of the bufferyard planting, unless soil conditions are unfavorable to establish this type of forestation, in which case a revegetation plan more suitable for the type of soil conditions will be accepted.

e. Revegetation of areas landward of the critical line, having sloping topography in excess of 1:3 slope, shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000.

f. Landscaping and construction design plans will be submitted to the zoning development administrator (ZDA), who shall issue a development permit for construction and land disturbance if these criteria are satisfied. Inspection of the construction and landscaping shall be done by the Beaufort County Building Inspection Department as provided for building permits.

(3) *View corridor.* The landowner may provide a view corridor through the river buffer. The following standards shall apply:

a. Such a view corridor shall not extend for more than 75 feet or one-third of the lot width, whichever is less.

b. The view corridor shall generally involve only pruning to provide views. However, a landowner may submit a selective clearing and selective landscaping program for the view corridor. This shall only be approved by the DRT if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.

(4) *Setbacks.* The following setbacks from the OCRM critical line shall apply to all new development:

a. Single-family detached and duplex buildings shall be set back 50 feet.

b. All other residential buildings shall be set back 100 feet.

c. Nonresidential buildings, parking lots, and drives shall be set back 100 feet.

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d. Tile fields or septic tanks are prohibited in the river buffer, and shall not be placed within 100 feet of the OCRM critical line.

e. Agricultural uses and golf courses shall be set back 150 feet.

(5) *Waiver.* Where existing conforming or nonconforming lots are so small that a single-family house cannot be built to meet the required critical line setbacks, the DRT may grant a waiver with strict adherence to following standards:

a. The test of whether a waiver can be granted shall be based on the average size of homes within five lots on either side of the proposed house. If there are no homes within this area, a floor area ratio on the lot of three-tenths or maximum building footprint (liveable area) of 15 percent of the total lot, whichever is less, shall guide the need for a waiver.

b. New homes shall be designed so that they do not encroach into the critical line setback area. Applicants for waivers shall prove to the DRT that design alternatives such as adding a second or third story, adjusting house dimensions, reducing overall house size, etc., would still render the noncritical line setback area as unbuildable.

c. The DRT shall be empowered to reduce the street or front yard setback by 30 percent in order to avoid the need for a waiver. In developments that are largely unbuilt, with lots still in common ownership, the county shall require the developer to revise covenants to grant reduced street setbacks. The street setback reduction shall be the minimum possible.

d. The critical line setback shall not be reduced to less than a 35-foot setback, except in areas where homes already existing on nearby lots are located closer than 35 feet. In those cases, the average critical line setback of adjoining lots shall be used, provided that in no case shall a setback of less than 20 feet be granted, unless the setback is to preserve a specimen tree, historic resource, or to prevent a lot from becoming unbuildable with comparable houses as described in subsection (4)a of this section.

e. If the house and lot do not drain to a stormwater management system that uses BMPs pursuant to subsection (1) of this section, the DRT shall require the individual landowner to provide the necessary stormwater management on the lot.

f. The DRT shall also be empowered to grant a waiver in order to protect specimen trees and historic resources or to prevent a lot from becoming unbuildable with comparable houses as described in a., above. In such cases, the DRT shall approve a building envelope that will optimize the protection of all resources.

(6) *Buffer disturbance.* There shall be no disturbance of the river buffer, except as allowed for bulkheads, rip-rap and erosion control devices, view corridors, and other allowable disturbances authorized under article VII, division 4, outlined in this ordinance. A buffer disturbance violation shall require a revegetation plan prepared by a landscape

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designer or landscape architect to be submitted for review and approval by the natural resource planner. The plant back requirements shall minimally meet those requirements outlined in subsection (2)d., above. Removal of trees shall require plant back inch for inch of trees removed. If it is determined by the natural resource planner that all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general forestation fee.

(Ord. No. 99-12, § 1 (05.250), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2002-34, 12-9-2002; Ord. No. 2009-42, 12-12-2009; Ord. No. 2011/35, 10-24-2011)

Sec. 106-1846. Forests.

(a) *Standards for cutting over large area.* In residential developments, forests may be cut over a greater area than permitted in table 106-1782 only if mitigation is provided and the following standards are met:

(1) The mitigation shall be required due to unique conditions on the site that make it impossible to meet the protection standards due to site size, shape, utilities, or other elements that are unique to the property.

(2) A tree survey (see subsection (c) of this section) of the site's forest is conducted. The best forests, in terms of percentage of climax vegetation, tree size, tree health, and habitat value, shall be preserved.

(3) The protection level given forests shall not be less than 80 percent of that required in table 106-1782. Thus, a forest with a protection level of 40 percent could be reduced to 32 percent.

(4) The land on which the mitigation is to occur may be on site where adequate land is available to achieve the required mitigation level. The land on which mitigation is to occur may be off site, if within an approved mitigation bank area only in the urban district where existing lots are too small to permit preservation. All land used for mitigation shall be preserved as permanent open space.

(5) Mitigation shall include planting 1.25 acres of new woodland of comparable species for every one acre of disturbed mature or young forest for which mitigation is required.

(6) The plant material in the mitigation area shall be determined based on a tree survey of the disturbed area in total inches dbh. The mitigation shall be 1.25 times the total inches of dbh and consist of similar species of trees. All trees shall be a minimum of 2.5 inches caliper.

(7) The plant species used in mitigation shall be similar in percentage to those destroyed.

(b) *Tree protection and specimen trees.* In areas of forest that are not protected per section 106-1782, or areas that are not classified as forests, all trees shall be protected as indicated in this subsection. Prior to any clearing or development approval, except bona fide forestry management, the applicant shall provide a tree survey (see subsection (c) of this section) of the

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areas in which building or construction activities are planned. Areas that are to be preserved as protected forest need not be surveyed. A tree survey shall be made of all trees greater than eight inches dbh and all specimen trees (see appendix E). If feasible, all trees greater than eight inches and all specimen trees shall be preserved through careful site planning. Furthermore, on any individual single-family residential lot, where an existing dwelling unit is already present, a homeowner may remove any type of tree excluding specimen live oak (*Quercus virginiana*) trees in any zoning district. For purposes of this section, a specimen live oak (*Quercus virginiana*) tree shall be classified as a live oak (*Quercus virginiana*) tree greater than 12 inches dbh. The Beaufort County Codes Enforcement Officers shall be required through permitting to inspect to insure compliance. Nothing in this section shall be construed to allow the removal of trees from a required buffer.

(1) All trees covered by this subsection shall be protected unless the landowner can demonstrate that:

a. The site plan has used clustering to the maximum extent allowed to preserve trees.

b. The trees sought to be cut cannot be saved by modifying setbacks or construction envelopes in accordance with article XIV (Modulation of Standards).

c. The trees are in the rights-of-way of roads and small adjustments of individual lots cannot be made to the site plan to save the trees without losing lots or floor area.

(2) Conspicuous barrier fencing must be erected around a tree or group of trees to be preserved and protected from encroachment prior to site work or construction commencing and remaining in place until the certificate of compliance is issued (see section 106-1648). The tree protection zone shall be a circle with a radius of one foot for every one inch of dbh or five feet, whichever is greater. The DRT may approve an alternate tree protection zone, if it can be determined by a certified forester that a specific design or protection will not injure any tree under consideration. In no case shall the circle of protection be less than one half of the total diameter required by the formula in this subsection (b)(2).

(3) Excluding single-family homeowners as set forth in subsection 106-1846(b) above, tree removal shall be accomplished upon written certification only by a certified arborist or forester, stating that tagged trees are diseased and can be removed. The priority for preservation shall be healthy trees, as follows:

a. Highest priority: specimen trees over 24 inches dbh.

b. High priority: other trees over 24 inches dbh and specimen tree species over 12 inches dbh.

c. Medium priority: any tree over eight inches dbh and any specimen tree not meeting the requirements of the higher priorities.

d. Low priority: all other trees.

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(4) Where individual trees over 24 inches dbh or specimen trees over 16 inches dbh are to be cut, the developer shall plant sufficient trees having a caliper in excess of 2.5 inches each so as to exceed the dbh of the tree or total trees lost. Such trees shall be of the same species as those cut unless the DRT requires other species to enhance the diversity to that similar to the native forest areas. All mitigation trees shall be planted within the disturbed area of the site.

(5) The saving of existing non-specimen trees is encouraged and may be utilized in some cases to meet the requirements of subsection (4) above pertaining to replacement of trees that are approved for removal. Existing trees used for mitigation must be located within the disturbed area of the site.

(6) Easements and rights-of-way. Removal of specimen trees during the construction or maintenance of easements or rights-of-way for water, sanitary sewer, electricity, telephone, natural gas, cable, storm drainage, telephone, or other service lines, shall be exempt from the requirements of this section provided that the applicable company or agency has executed an agreement with the county that:

a. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance;

b. Establishes, to the extent practicable, design guidelines for construction and maintenance which identifies the saving of hardwood overstory trees as a factor to be considered in the design process;

c. Establishes guidelines to avoid topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, to do so in the manner which is most aesthetically and ecologically acceptable to the county;

d. Provides for a consultation process with the planning department, including, when necessary, review by a certified arborist approved by the county, prior to the commencement of major construction or maintenance or the removal of any hardwood tree over 16 inches DBH;

e. Provides for submittal of annual line clearing plans to the planning department for review;

f. Provides that a breach of such agreement constitutes a violation of this subsection and thus a loss of exemption from the tree protection provisions of this article; and

g. Provides that appeals of administrative decisions made pursuant to such agreement shall be to the ZBOA in accordance with the procedures set forth in section 106-787.

(7) Where the DRT determines that the required replacement of trees is not feasible or not desirable due to the size and shape of property and/or structures, crowding of the trees to where thinning will be required, other design limitations, or other viable site constraints, such reduction shall be subject to a general forestation fee. This fee shall

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be the actual and verified cost of the required tree replacement eliminated per tree reduced and shall be paid to the county treasurer before final approval is given for the development plan. The funds collected through this forestation fee shall be used by the county to plant trees and other landscaping in highway medians, along roads, to provide plants for affordable housing projects or on other public properties as deemed appropriate.

(8) Trees that are used as rookeries (even in nonwetland areas) shall not be cut.

(c) *Tree surveys.* Detailed tree surveys shall be required for any land development that is not exempt from the standards of this chapter. Tree surveys shall be required in all nonforested areas as indicated in subsection (b) of this section and consist of the following:

(1) Tree surveys shall include all trees eight inches dbh and larger, and dogwoods (*Cornus spp.)*, magnolias (*Magnolia spp.)* and redbuds (*Cercis canadensis)* 4 inches dbh and larger.

(2) In all forested areas, tree surveys shall first identify areas of forest by the various categories of forest listed in table 106-1782, and any endangered species area. A detailed tree survey locating individual trees shall be required only where areas of the forest are to be cut.

(3) The tree survey shall be conducted for 75 feet on either side of the tree protection line. This will permit accurate determination of the actual area of protection. The tree survey shall provide size and drip line for all trees in the area where cutting will occur. The actual protection line shall be drawn so that only trees having more than 75 percent of the diameter of their canopy outside the protection fence line may be counted as preserved (see figure 106-1846(c)).

(4) The tree survey may be conducted by a certified arborist, forester, wetland scientist, botanist or registered landscape architect or surveyor. All tree surveys shall be certified by a registered land surveyor. Each tree surveyed shall be referenced in the required report, including the type, size, and condition of the tree, and submitted as part of the application for development.

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(5) A tree survey shall be less than five years old beginning from the application submission date for which the survey pertains. The ZDA or DRT shall require that a new tree survey be undertaken, at the applicant's expense, when it has been determined that a tree survey is invalid.

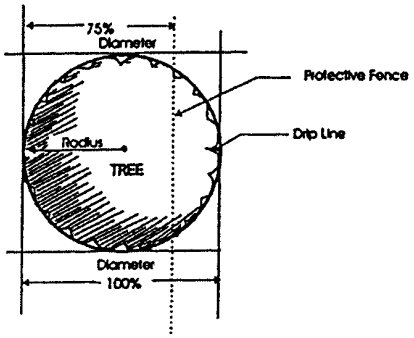


Figure 106-1846(c) TREE PROTECTION LINE

(Ord. No. 99-12, § 1 (05.260), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-11, 2-28-2000; Ord. No. 2000-26, 6-12-2000; Ord. No. 2001-5, 3-12-2001; Ord. No. 2007/9, 2-12-2007)

Sec. 106-1847. Endangered species.

(a) The protection needs of endangered species are, in part, dependent on the type of species.

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(b) The county shall maintain endangered species maps of the areas identified as having endangered species. Applicants shall refer to these maps and united states fish and wildlife service (USFWS) data to determine whether there are endangered species on a proposed development site. All endangered species areas shall be given 100-percent protection. In addition, secondary protection areas may be established. No development shall take place in these areas.

(c) Any site or development that contains an endangered species area or affects a nearby property containing endangered species shall require an endangered species protection plan for approval by USFWS, prior to approval of a plat of subdivision or land development plan by the DRT. The actual species location, primary protection area, and secondary protection areas shall be protected as an endangered species area in the site capacity analysis calculations, beginning with table 106-1814.
(Ord. No. 99-12, § 1 (05.270), 4-26-1999)

Sec. 106-1848. Flood hazard area.

(a) *Applicability.* All standards in this section shall apply to site design and development undertaken within the flood hazard area.

(b) *Flood hazard design standards.* Flood hazard design standards shall be as follows:

(1) All requirements of the county building codes related to construction in flood hazard areas shall be met.

(2) Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to ensure to the maximum extent possible that:

a. Water supply systems will be constructed to preclude infiltration by floodwaters;

b. Wastewater disposal systems, including septic tanks, will be constructed to preclude infiltration by floodwaters; and

c. Types and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation and facilities drainage of potential surrounding floodwaters.

(c) *Indication of flood hazard areas.* The 100-year flood elevation, as shown on official county floodplain maps, shall clearly delineate the flood hazard area on the preliminary and final plat. The line shall be determined by field measurement of the elevation on the site.

(d) *Protective deed restrictions required.* Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:

(1) Construction on lots within what is defined and designated as "Coastal High Hazard Areas: Velocity Zones" shall be elevated and securely anchored to well-anchored piles or columns and shall have the level of the bottom of the lowest horizontal support member one foot or more above the level of the 100-year flood. Space below the level of the first floor level shall be free of obstruction or covered by breakaway facade material capable of producing free obstruction for the impact of abnormally high tides or

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wind-driven water. Residential structures on existing lots shall have a maximum floor area of 2,200 square feet per lot. A larger home may be built only by acquiring additional lots. In new developments, a maximum floor area ratio of one-tenth shall be required.

(2) All other requirements of the county building codes related to construction in flood hazard areas must be met.

(e) *Disclosure statement required.* On all plats of subdivision and land development plans for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plats or plans and readily visible:

"The areas indicated on this plat/plan as flood hazard areas have been identified as having at least a 1% chance of being flooded in any given year by rising tidal waters associated with extreme wind and storm surge. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas."

Reference shall be made to the development covenants and restrictions of this development and requirements of the county building codes department. In addition, some agencies may require mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.
(Ord. No. 99-12, § 1 (05.280), 4-26-1999)

Cross reference—Floods, ch. 78.

Secs. 106-1849—106-1875. Reserved.

DIVISION 4. OPEN SPACE USES AND STANDARDS

Subdivision I. In General

Sec. 106-1876. Uses in open space.

Table 106-1876 lists uses that may be permitted in open space when required elsewhere in this chapter. Most of the uses listed are specific subuses from the generalized uses listed in table 106-1098. In so doing, a closer match of the permitted uses to the resource's tolerance is provided. Any use not listed shall be considered prohibited. Detailed standards for limited uses, special uses, or uses that must prepare an environmental impact assessment are listed in subdivision II of this division.

TABLE 106-1876 USES IN OPEN SPACE

Use	*General Open Space**	*Nontidal Wetland*	*Headwaters Buffer*	*River Buffer*	*Beach-Dune*	*All Forest Types (Sec. 106-1813)*	*Endangered Species*
AGRICULTURAL							
Apiaries	Y	N	Y	Y	N	Y	N

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Use	*General Open Space**	*Nontidal Wetland*	*Headwaters Buffer*	*River Buffer*	*Beach-Dune*	*All Forest Types (Sec. 106-1813)*	*Endangered Species*
Field crops	Y	N	N	N	N	N	N
Orchards	Y	N	N	N	N	N	N
Pasture	Y	N	N	N	N	N	N
Forestry	Y	L	L	L	N	L	N
Kennels and stables	Y	N	N	N	N	N	N
Nursery	Y	N	L	N	N	N	N
RECREATION AND AMUSEMENT: OUTDOOR RECREATION							
Ballfields	Y	N	N	N	N	N	N
Beach	Y	N	N	Y	Y	N	N
Golf course	L	N	N	N	N	L	N
Nature area	Y	Y	Y	Y	N	Y	N
Nature center	Y	N	N	N	N	L	L
Picnic area	Y	N	Y	N	N	N	N
Pools/courts	Y	N	N	N	N	N	N
Trails	Y	L	Y	L	L	Y	L
COMMERCIAL/RESIDENTIAL WATER DEPENDENT							
Water dependent	Y	N	S/EA	S/EA	S/EA	N	N
Bulkheads, riprap and erosion control structures	L	L	L	L	L	L	L
UTILITIES, COMMUNITY/REGIONAL							
Public/private road	L	S/EA	S/EA	N	N	N	N
Essential access	Y	S/EA	S/EA	N	S/EA	N	N
Sewer/water	Y	S/EA	S/EA	N	N	N	N
Stormwater detention	Y	L	N	N	N	N	N
TEMPORARY USES							
Public interest event	Y	N	L	N	N	N	N
Special event	Y	N	N	N	N	N	N

* General open space is that land required by table 106-1526 as Min. OSR/LSR and not containing any specific natural resource.

Y = Permitted use

N = Prohibited

S = Special use

S/EA = Special use, with environmental impact assessment

L = Limited use

(Ord. No. 99-12, § 1 (05.310), 4-26-1999; Ord. No. 2002-34, 12-9-2002)

Secs. 106-1877—106-1905. Reserved.

Subdivision II. Standards for Open Space Uses

Sec. 106-1906. Scope.

Uses listed as limited uses, special uses, or requiring an environmental impact assessment shall, in addition to meeting the criteria in subsection 106-367(g) and subdivision IV of division 3 of article III of this chapter meet the conditions set forth in this subdivision.
(Ord. No. 99-12, § 1 (05.320), 4-26-1999)

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Sec. 106-1907. Forestry.

(a) Clearcutting is prohibited in designated open spaces.

(b) BMPs of the South Carolina Forestry Association shall be employed.

(c) Forestry areas shall be harvested so that a canopy cover consisting of minimum basal area per acre remains well distributed throughout the area. The landowner shall retain a minimum of at least 25 overstory trees per acre after final harvest, in addition to the required forested buffer of 50 feet along all street frontages. The landowner shall immediately pursue planned natural regeneration methods, whereby four to 12 seed harvesting trees are left uncut, or 20 to 30 shelterwood harvesting trees are left uncut. Either method is acceptable as long as the required buffer is provided, and the method recognized by the state for responsible forestry practices. For any area of protected resources that exceeds more than five acres in total, or in an individual area, the harvesting shall be phased so that a balance is retained between the area cut, frequency of harvesting, area that is mature, and area growing back taking into account the time needed for the forest to return to its initial state or, in the case of young forest areas, to reach a mature state.
(Ord. No. 99-12, § 1 (05.321), 4-26-1999)

Sec. 106-1908. Nursery.

Plant nurseries may only be permitted in a headwaters buffer under the following conditions:

(1) The land had been previously used as follows:

a. Farming.

b. Farming had been discontinued, but the current stage of succession is grasslands with few woody plants established.

c. The land had been recently timbered, but replanted trees are not higher than five feet on the average.

(2) The drainage of the nursery was designed to flow away from the shoreline to a detention and settlement basin that protects the area's water quality.

(3) There shall be a strip of natural landscaping with high quality ground cover with a width of 50 feet between the nursery and the water body.

(Ord. No. 99-12, § 1 (05.322), 4-26-1999)

Sec. 106-1909. Active recreation uses exceeding ten acres.

(a) *Area counted toward open space.* Fifty percent of any active recreation use may be counted toward open space in rural districts.

(b) *Forests.* No area of protected forest shall be used for golf courses if the tree cover is to be disturbed. However, trees in the rough may be pruned to provide easy movement at the ground and still be part of the protected open space.
(Ord. No. 99-12, § 1 (05.323), 4-26-1999)

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Sec. 106-1910. Nature center.

(a) *Forests.* Nature centers over 5,000 square feet shall require a special use permit. Nature centers not exceeding 5,000 square feet shall be permitted, provided the following conditions are met:

(1) A tree survey of the site shall be provided to assist in properly locating the building, to avoid destruction of larger trees, specimen trees, or rare trees. Where feasible, the building should be in an area with low tree density or trees that are in poor condition.

(2) Parking is not permitted in the protected open space.

(b) *Endangered species.* The plans for nature centers shall be reviewed by the agency on whose list the species was established (federal, state, or both) and who shall be given 60 days to review and comment on the appropriateness of the design and location. A detailed site plan of the endangered species area should be provided to ensure the most sensitive site design.
(Ord. No. 99-12, § 1 (05.324), 4-26-1999)

Sec. 106-1911. Trails.

(a) *Nontidal wetlands.* Trails may be installed in nontidal wetlands where essential to cross or where the trail has a natural history purpose. The trails shall be of boardwalk construction. The height of the boardwalk above normal high water shall be set to ensure the boardwalk minimally disrupts plant life below it.

(b) *Beach-dune.* Trails over the dunes shall all be of boardwalk construction. The boardwalk shall be located to ensure minimal erosion and constructed to avoid well-established vegetation.

(c) *River buffer.* Trails shall be permitted to cross the river buffer at reasonable intervals for access to the water. Such trails shall be designed and constructed in a manner that does not result in them becoming channels for stormwater, that does not result in erosion, or that does not damage surrounding vegetation. The county may require trails to be of boardwalk construction, pervious paving systems or stepping stones if needed to ensure meeting the objectives of the buffer, and for longterm maintenance of the trail.

(d) *Endangered species.* In general, trails shall be prohibited in these areas. However, if research values and preservation of the species are best achieved by having access on defined trails, they should be permitted. The plans for such trails shall be reviewed by the agency on whose list the species was established (federal, state, or both) and who shall be given 60 days to review and comment on the appropriateness of the design and location. A detailed site plan of the endangered species area should be provided to ensure that the most sensitive site design.
(Ord. No. 99-12, § 1 (05.325), 4-26-1999)

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Sec. 106-1912. Water dependant uses.

Waterways are the domain of the public, and should be regulated to maintain their pristine quality for the citizens of Beaufort County. Areas of ecological significance should be identified and protected. Water dependent uses should be spaced as far apart as feasible, consistent with minimal adverse impacts. The following shall apply to all water dependent uses:

(a) *Navigational structures or aids.* The regulation of navigational structures or aids shall be under the jurisdiction of the state ocean and coastal resource management office or appropriate federal regulators.

(b) *Docks, piers, and wharfs.*

(1) Tidal creeks and shallows are the most sensitive, ecologically, and are, therefore, being regulated.

(2) Small tidal creeks and shallows, which fall within the county, are defined as those bodies of water, [being tidally influenced] as per the Beaufort County official small tidal creek delineation map. Private docks and community docks in small tidal creeks may be allowed on both existing lots of record, and new subdivisions under the following criteria:

a. Lots in new subdivisions must have a minimum of 250 feet of frontage along the waterbody. Existing lots of record are exempt from this requirement. Major subdivision of lots, as defined in section 106-18, fronting tidal creeks and shallows that includes construction of a community dock in lieu of private individual docks, shall also be exempt from the minimum frontage requirement of 250 feet. Major subdivisions with no proposed docking facility or a community dock shall be permitted at allowable lot widths set forth in section 106-1556 table, Lot and Building Standards, and provisions set forth in article XII, Subdivision Design.

b. Dock facilities will neither interfere nor adversely impact navigation. No dock shall be permitted to be constructed where the length of the dock shall exceed 300 feet in total length, inclusive of pierheads, floats, boatlifts, ramps, mooring, pilings and other associated structures, with the exception of existing lots of record where two or more owners of adjoining lots agree to create a community dock, in lieu of individual private docks. In these cases a bonus of one foot of dock length over 300 feet, for every foot of waterfront footage exceeding 300 feet shall be granted to permit a community dock with a maximum length of 500 feet.

c. The dock, pier, boat lift, floating dock, walkway and any appendages thereto allowed under this section shall normally be constructed within the extended property lines of the owner and shall further adhere to the setback requirements of the ZDSO, more specifically, be no closer than 20 feet from extended side property lines, however construction may be allowed closer than 20 feet, or over extended property lines where there is no material harm to the policies of this section.

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d. The maximum width of the walkway or pier between the highland and the pier head shall be four feet, unless compelling circumstances exist whereunder the four-foot limit would render the dock unusable by the owner, members of his or her family, or reasonably anticipated users. The walkway may have a railing, but shall have no walls which impede the flow of air through the walkway. The walkway, pier head, and floating dock shall not be enclosed nor shall there be any walls of any kind on any side of the same. However, safety rails with slats at least two inches apart shall be allowed provided that they do not exceed three feet in height.

e. Electrical cutoff fixture lighting shall be allowed along the walkway and at the head of the dock, provided said lighting is shielded to direct the light down onto the dock and away from any adjoining residences and the creek, and further, provided the electrical power is constructed and attached in conformance with applicable electrical safety codes as delineated in the Southern Building Codes, as adopted by Beaufort County.

f. No plumbing shall be allowed, except for water sinks and faucets. All toilets, port-o-lets, or any other means of sewage collection or disposal is strictly prohibited.

g. Boat lifts shall be allowed, provided that no portion of the boat when fully elevated shall extend higher than 12 feet above mean high water, excluding masts, tower, antennae, and outriggers.

h. The use of docks shall be limited to private, non-commercial uses, unless allowed for as part of a Commercial Fishing Village Overlay District.

i. All docks, associated structures and boats secured thereto, shall be maintained to ensure safe usage and to prevent any potential hazard to navigation.

(3) Notwithstanding any other provision of this section, and pursuant to subsection (4) below pertaining to reconstruction or repairs, any owner of a lot on the date of enactment of this section [May 8, 2000] who has in his or her possession a permit for construction of a dock in a size or length exceeding these specifications, may construct the dock in compliance with the permit, as long as the permit remains valid.

(4) Notwithstanding any other provision of this section, any dock, pier, boat lift, floating dock or walkway, properly permitted prior to the date of enactment of this section and fully constructed within 12 months of the date of enactment of this section [May 8, 2000], may be repaired or reconstructed in the same size and length in the event any portion of the structure is damaged or destroyed. However, any dock, pier, boat lift, floating dock or walkway, constructed in a size and/or length exceeding this section pursuant to an existing permit at the date of enactment of this section, but not fully constructed within 12 months of the date

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of enactment of this section, may not be repaired or reconstructed in a length or size exceeding this section in the event it is damaged by more than 50 percent of its replacement value.

(Ord. No. 99-12, § 1 (05.326), 4-26-1999; Ord. No. 2000-2, 1-24-2000; Ord. No. 2000-24, 5-8-2000)

Sec. 106-1913. Public/private roads.

(a) *Nontidal wetlands.* Crossings shall be permitted only where no reasonable alternative exists. Road shall be elevated and not constructed of or on fill material. Wildlife corridors should be provided under the road.

(b) *Headwaters buffer.* Roads shall be permitted only to provide access to water dependent uses, where county plans call for a new road and bridge, or where headwaters buffers overlap on an island so that a road to buildable areas cannot avoid headwaters buffers.

(c) *All open space.* All utilities shall be placed under the pavement to avoid additional destruction where the road is in wetlands or headwaters buffer.

(d) *General open space.* Where the development is to be set well into a site requiring more than 60 percent open space and the road right-of-way would use more than 20 percent of the

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permitted development area, the DRT may permit a road in the preserved open space. The road shall be designed to minimize cutting of trees and to provide a scenic drive. Special engineering to limit the width of the road and clearing needed to construct it may be required by the DRT.
(Ord. No. 99-12, § 1 (05.327), 4-26-1999)

Sec. 106-1914. Essential access.

Essential access to nontidal wetlands, headwaters buffer areas and beach/dune areas shall be permitted only upon finding (in the EIA) that:

(1) The access cannot avoid crossing nontidal wetlands, headwaters buffers or beach-dune areas to reach land that is otherwise developable.

(2) No development rights are being transferred to the area to be served.

(3) If several properties in the area suffer the same problem, the essential access shall be designed to serve all properties, and access easements shall be provided. The landowner seeking access shall make every effort to gain the cooperation of all affected property owners, including financial sharing of costs. If adjoining property owners do not cooperate, the landowner making the improvements may submit a certified billing on the cost of the access. Subsequent essential access requests in the area shall be denied. The landowners shall be required to use the initial access and pay for their share of the documented expenses based on the number of dwellings or lots served. In the review of developments, the county shall seek to identify areas of adjoining properties that might qualify and provide stub streets to eliminate the need for this type of mitigation.

(Ord. No. 99-12, § 1 (05.328), 4-26-1999)

Sec. 106-1915. Sewer/water.

(a) *Nontidal wetlands.* Crossings shall be permitted only where no reasonable alternative exists.

(b) *Headwaters buffer.* Lines shall be permitted only to provide service to water dependent uses or where headwaters buffers overlap on an island so that service to buildable areas cannot avoid headwaters buffers.
(Ord. No. 99-12, § 1 (05.329), 4-26-1999)

Sec. 106-1916. Public interest events; headwaters buffers.

Public interest events uses shall only be permitted only where the land is a publicly owned park or other land, and maintained in grass rather than natural vegetation.
(Ord. No. 99-12, § 1 (05.330), 4-26-1999)

Secs. 106-1917—106-1975. Reserved.

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ARTICLE VIII. ACQUISITION AND RESALE OF DEVELOPMENT RIGHTS

Secs. 106-1976—106-2040. Reserved.

ARTICLE IX. AFFORDABLE HOUSING INCENTIVES

DIVISION 1. GENERALLY

Sec. 106-2041. Purpose.

The county encourages the production of affordable housing that is fully integrated into the community. The bonuses in this article are intended to encourage the development of housing that meets state and federal affordable housing standards, as well as to permit the market to produce affordable units with only minimal assistance from the government. The bonuses in subdivision II of division 2 of this article provide the mechanism to compensate developers who produce units, or provide a subsidy for such production, that meet the standards of this article. Additionally, this article provides several alternative affordable housing types that may be used to produce affordable housing.
(Ord. No. 99-12, § 1 (div. 07.000), 4-26-1999)

Secs. 106-2042—106-2060. Reserved.

DIVISION 2. BONUSES

Subdivision I. In General

Secs. 106-2061—106-2080. Reserved.

Subdivision II. Affordable Housing Bonus Guidelines

Sec. 106-2081. Affordable housing general standards.

All affordable housing produced requesting a density bonus shall adhere to the following standards:

(1) *Design.* Design shall conform to the following:

a. The units shall be located in a random fashion throughout the development, and mixed in such a way that they blend with the character of the community. In multifamily developments, the designated units shall be mixed throughout the buildings.

b. Exterior materials, details, style, landscaping, and other elements of the units that are visible shall be identical to those of the other units in the development.

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(2) *Control of units.* The units shall be regulated to ensure that they remain available as affordable units. The following are acceptable methods of regulation:

a. Management may be by a private developer, nonprofit housing agency, or housing authority. The eligibility rules shall be reviewed and approved by the housing authority to ensure they meet state and federal requirements. Where there are no state or federal funds or programs involved, the housing authority shall review the pro forma to ensure the eligibility requirements match the cost reduction provided by the bonus.

b. Sales units. These units may be sold subject to agreements that limit appreciation and that require the units to be sold to people eligible for such units. Appreciation shall be geared to the percentage increase in assessed value in the development.

c. Nothing in subsection (2)a or (2)b of this section shall prohibit units to be sold to the housing authority or a recognized nonprofit, affordable housing corporation.

d. Rental units. These units shall be rented only to eligible tenants based on the approved eligibility program.

(3) *Affordability.* Affordable housing units shall be considered affordable in one of two ways:

a. *Below market.* The units are built with a local, state, or federal subsidy, or a private nonprofit sponsor for persons or families earning less than 80 percent of median income; or

b. *Market.* The units are to be made affordable by the following measures, as determined by the developer's pro forma:

1. The cost of the raw land, general site work, roads, and all utilities serving the development shall be zero.

2. The developer shall submit specifications for market-rate and affordable interiors which would lower the cost per square foot of the units. This can include smaller room sizes. The county shall approve any lower standards as being suitable for longterm maintenance; however, the county may not require higher standards than those used in market-rate housing.

3. The developer may be allowed full profits on the construction of the dwelling unit.

(Ord. No. 99-12, § 1 (07.110), 4-26-1999)

Secs. 106-2082—106-2100. Reserved.

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Subdivision III. Types of Affordable Housing Bonuses

Sec. 106-2101. Single-family cluster.

In a single-family cluster, the developer shall submit the site capacity calculations to establish the base density. The developer can propose up to a ten-percent increase in density over that provided in table 106-1526 for a project using development rights. The bonus shall be granted provided all requirements of this article are met, as well as the following conditions:

(1) The bonus shall be permitted only when natural resources do not limit the density, i.e., when the gross density calculation in table 106-1815(1) controls.

(2) Fifty percent of the additional units shall meet the criteria of section 106-2081.

(3) A site plan shows the additional units being accommodated by:

a. A revised set of lot standards which reduces lot area for all lots or uses several lot sizes; and/or

b. A reduction of the amount of open space by multiplying the open space ratio (section 106-1526) by 0.95 to determine the new open space ratio, provided such open space shall not be less than the protected resource land, table 106-1815(1), calculation 1 or 2, whichever is greater.

(Ord. No. 99-12, § 1 (07.210), 4-26-1999)

Sec. 106-2102. Planned, community or multifamily developments.

Developers of these uses can propose up to a 20-percent increase in density from table 106-1526 maximums, which shall be granted provided the requirements of this article are met. The actual bonus shall be determined by this section. The developer shall submit the site capacity analysis to establish the base density, as well as meet the following conditions:

(1) The bonus shall be permitted only when natural resources do not limit the density, i.e., when the gross density calculation in table 106-1815(1) controls.

(2) Fifty percent of the additional units shall meet the criteria of section 106-2081.

(3) A site plan showing the additional units being accommodated by any combination of the following:

a. A revised mix of dwelling unit types. The developer may introduce a unit type that uses less land to partially achieve the increase in density.

b. The affordable units shall be mixed into all unit types used on the plan.

c. Reducing the amount of open space by multiplying the open space ratio (table 106-1526) by 0.95 to determine the new open space ratio, provided such open space shall not be less than the protected resource land, table 106-1815(1).

Example: Site capacity in a planned development permits 100 dwelling units. Use of the bonus would permit a total of 120 dwelling units, of which ten must be affordable units. The 100 base units would sell for $180,000.00. The raw land cost, site development cost and profit on the lot

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would be 25 percent of the total or $45,000.00 per lot. The building cost, including both hard costs and soft costs, would be $80.00 per square foot or $135,000.00 for a 1,688-square-foot house. The ten affordable units would be $78.00 per square foot or $109,200.00 for a 1,400-square-foot unit. This represents a reduction of 39 percent which makes it very affordable when compared to the market housing. The developer's bonus is ten market units. Since there are 110 units to allocate over the cost of land and improvements of $4,500,000.00, the ten-unit bonus in market units reduces the per-unit cost to $40,909.00. If the site was a suburban planned development with a 1.83 gross density and 40 percent open space, it would have the following land allocation: 54.6 acres, of which 40 percent (21.9 acres) was open space, leaving 32.7 acres of buildable land. With about 15 percent streets, the average lot size would have been 12,100 square feet. The affordable project would have 120 units for a density of 2.19 dwelling units per gross acre. Open space would be reduced from 40 percent to 38.0 percent (20.7 acres), thus providing 33.9 acres for development and resulting in 120 lots of about 10,000 square feet each.
(Ord. No. 99-12, § 1 (07.220), 4-26-1999)

Sec. 106-2103. Small subdivisions, multifamily developments and planned developments.

(a) *Generally.* Bonuses for three types of small, affordable developments are defined in this section and shall be permitted in the urban, suburban, commercial suburban, and community preservation districts. Such developments must demonstrate that they meet the guidelines of federal, state, or county affordable housing programs; the county may authorize nonprofit organizations to participate if they provide assurances that they meet the same affordability standards.

(b) *Small subdivisions of up to 50 lots.* Small subdivisions of up to 50 lots have the following conditions:

(1) Reserved.

(2) At least 50 percent of the units shall be affordable to households at 80 percent of median income and below.

(3) Lot size shall be as follows:

a. Suburban district lots shall be reduced to one-quarter acre (10,780 square feet).

b. Commercial suburban district lots shall be reduced to 7,000 square feet.

c. Urban district lots shall be reduced to 6,000 square feet.

Density may increase accordingly, provided the required open space shall be maintained.

(4) The DRT shall reduce the required landscape material size from 2½ inches caliper to 1½ inches caliper where it is demonstrated that the site plan has maximized tree preservation through sensitive design.

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(5) All such subdivisions cannot occur on parcels located within 500 feet of other developments utilizing the affordable housing density bonuses of section 106-2103.

(c) *Multifamily developments up to 70 units.* Multifamily developments up to 70 units have the following conditions:

(1) At least 40 percent of the units shall be affordable to households at 80 percent of median income and below; and 10 percent of the units shall be affordable to households at 50 percent of median income and below.

(2) The county shall reduce the required landscape material size from 2½ inches caliper to ½ inches caliper where it is demonstrated that the site plan has maximized tree preservation through sensitive design.

(3) Density may be increased by up to 50 percent in the commercial suburban district, and by up to 100 percent in community preservation, suburban, and urban districts.

(4) In the commercial suburban district, affordable planned development housing is exempt from the mixed use requirement in this district.

(5) All such subdivisions cannot occur on parcels located within 500 feet of other developments utilizing the affordable housing density bonuses of section 106-2103, and located within one-quarter mile of an arterial street.

(6) Minimum site area is reduced to two acres.

(7) Affordable multifamily developments up to 70 units may be permitted and exempt from having to meet the one-quarter-mile spacing requirements in the urban zoning district as required under subsection 106-1187(b).

(d) *Planned developments up to 100 units.* Planned developments, as defined in table 106-1098, of up to 100 units have the following conditions:

(1) No more than 70 percent of the units shall be of one type.

(2) At least 40 percent of the units shall be affordable to households at 80 percent of median income and below; and 10 percent of the units shall be affordable to households at 50 percent of median income and below.

(3) The county shall reduce the required landscape material size from 2½ inches caliper to 1½ inches caliper where it is demonstrated that the site plan has maximized tree preservation through sensitive design.

(4) Density may be increased by up to 100 percent in community preservation, suburban, commercial suburban, and urban districts.

(5) Affordable housing for the purposes of this section is exempt from the commercial mixed use requirement in the commercial suburban district.

(6) All such subdivisions cannot occur on parcels located within 500 feet of other developments utilizing the affordable housing density bonuses of section 106-2103, and located within ¼ mile of an arterial street.

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(7) Minimum site area is reduced to two acres.

(Ord. No. 99-12, § 1 (07.230), 4-26-1999; Ord. No. 2002-14, 4-22-2002; Ord. No. 2008/27, 8-11-2008)

Sec. 106-2104. Small, single-family housing.

(a) The bonus for small, single-family housing provides for very small housing units, suited for a segment of the housing market that can easily live in small units. The small scale of these units permits them to fit into existing neighborhoods without threatening the character of the neighborhood. The standards for these lots are contained in table 106-2104 (see figure 106-2104). There are three types of housing provided for under this section: (i) single-family detached one-story, (ii) single-family detached two-story, and (iii) single-story attached.

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TABLE 106-2104 SMALL LOT SINGLE-FAMILY UNITS

	Building Standards				*Parcel Setback Standards*		
Unit Type	*Min. Lot Area Per Unit*	*Max. On-Lot Floor Area Ratio*	*Spacing*	*Height*	*Street*	*Side*	*Rear*
1-story detached	1,900 sq. ft.	0.37	16 ft.	18 ft.	15 ft.	5 ft.	10 ft.
2-story detached	2,500 sq. ft.	0.38	20 ft.	22 ft.	15 ft.	5 ft.	10 ft.
1-story attached	700 sq. ft.	0.80	Attached	15 ft.	10 ft.	8 ft.	None

(b) The small, single-family units are to be predominantly one-bedroom units. No more than 20 percent of the units may contain two bedrooms, and those units shall provide a larger lot to maintain the floor area ratio of this section.

(c) The units shall be permitted in the suburban and urban districts, subject to standards in subsection (c)(1), (2), or (3) of this section. They are permitted in some community preservation districts as indicated in subsection (d) of this section. They are also permitted in the suburban commercial districts under the standards in subsection (c)(2) or (3) of this section:

(1) Where the lot size is less than 12,000 square feet;

(2) Where the units are contiguous to a religious or nonprofit organization that owns the units; or

(3) Where they adjoin a commercial area and have direct pedestrian access to the commercial area.

(d) A maximum number of lots shall be permitted as follows:

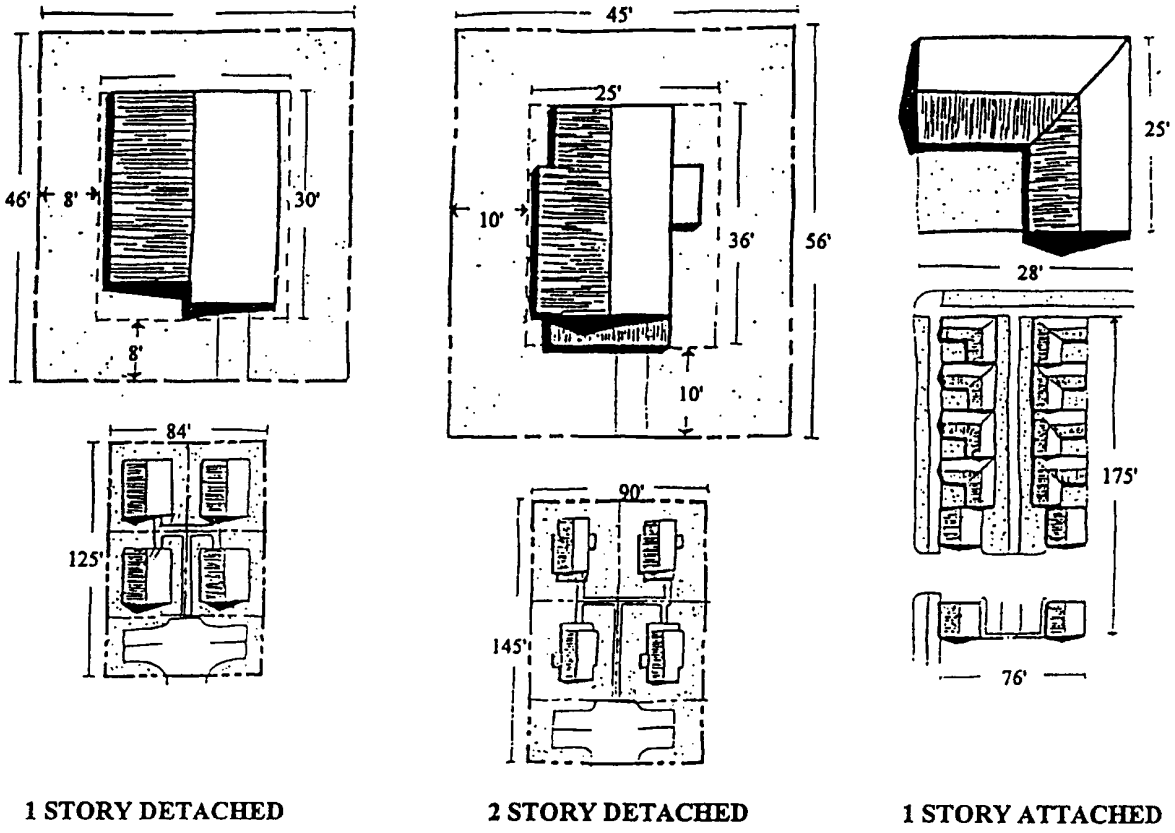
(1) In the suburban and community preservation districts, no more than 20 units on a lot or adjacent lots, provided that there are no more than 48 units within a one-half-mile radius.

(2) In the urban district, no more than 30 units on a lot or adjacent lots, provided that there are no more than 72 units within a one-half-mile radius.

(3) Any small, single-family units in a commercial district shall conform to the standards of the closest urban or suburban district.

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Figure 106-2104 SMALL LOT SINGLE-FAMILY UNITS



1 STORY DETACHED **2 STORY DETACHED** **1 STORY ATTACHED**

(Ord. No. 99-12, § 1 (07.240), 4-26-1999)

Sec. 106-2105. Family compounds.

(a) The purpose of this section is to allow longtime rural residents to protect a traditional way of life and provide affordable housing for family members which in turn will help stabilize and preserve the county's rural communities. Family compounds are approved uses in the rural, rural residential, and community preservation districts. In the rural residential district, only parcels of record may apply for the family compound option.

(b) The family compound option allows property owners a density bonus for family dwelling units, which can be built either on the applicant's property or on property subdivided and conveyed by the applicant.

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(c) Upon application by a property owner, the county shall permit additional family dwelling units and/or permit a subdivision upon a determination that both of the following are satisfied:

(1) Either a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property for no less than 50 years.

(2) The person for whom the family dwelling unit is to be built and/or the property subdivided is related to the owner of the property by blood, marriage, or adoption.

(d) Dwelling unit design is as follows:

(1) Family dwelling units may be built at the densities set forth in table 106-2105 as limited by subsection (f) of this section. As the table indicates, the property owner will be permitted more family dwelling units if the new units are arranged in a traditional cluster with two or more existing units. For the purposes of this section, the term "traditional cluster" means that the average distance between units is not more than 50 feet.

TABLE 106-2105 FAMILY COMPOUND DENSITY

Minimum Site Area (acres)	*Number of Units with Traditional Clustering*	*Number of Units without Traditional Clustering*
Up to 1.99	2	1
2	4	2
3	6	3
4	7	3
5	8	4
6	9	4
7	9	4
8	10	5
9	10	5
10	11	5
11	11	5
12	12	6
13	12	6
14	13	6
15	13	6
16 or more	14	7

(2) For traditional clustering, a site plan shall be submitted. The site plan must be drawn to scale and clearly indicate all property lines and the location of all existing and proposed structures.

(3) In order to facilitate traditional clustering, there shall be no minimum lot size required for that option; otherwise, the minimum lot size shall be one-half acre.

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(4) No family dwelling unit shall be built unless the appropriate agency has determined that septic systems and reserve areas in the family compound are sufficient to serve all units in the compound.

(5) In order to facilitate traditional clustering, the minimum separation between family dwelling units shall be 15 feet.

(6) Rural subdivision standards do not apply. Improved roads are not required. Any subdivision under this section shall be accompanied by covenants and cross easements, or similar restrictions and reservations, guaranteeing essential infrastructure and 50 feet of vehicular access for each family subdivided lot.

(e) No family dwelling unit shall be leased for five years from the date of approval unless the lessee is related to the property owner by blood, marriage, or adoption.

(f) No portion of a tract of land granted a density bonus under this section shall be conveyed for five years from the date of approval unless the grantee is related to the property owner by blood, marriage, or adoption. This limitation on conveyance shall:

(1) Be recorded on the plat of the applicant's property, on the plats of any property subdivided and conveyed by the applicant under this section, and in a database accessible to county staff.

(2) Not operate to prohibit actions in foreclosure brought by lenders that are participating in the secondary mortgage market.

(3) Not operate to prohibit sale by the county of the entire tract or a portion of it for nonpayment of property taxes.

(g) Violations and penalties for violation of this section are as follows:

(1) Any person found in violation of this section may be assessed a fine of the maximum allowed by state law for each dwelling unit in violation.

(2) A violation of this section shall consist of the following:

a. Intentional misrepresentation during the application process;

b. Lease of a family dwelling unit to a nonfamily member within five years of approval; or

c. Conveyance of any portion of a tract of land granted a density bonus under this section to a nonfamily member within five years of approval.

(3) The fine may be waived if it can be shown that lease or conveyance to a nonfamily member was absolutely necessary to avoid foreclosure on either a family dwelling unit or any portion of a tract granted a density bonus under this section.

(4) Until the fine has been paid, the ZDA shall not permit additional family dwelling units or further subdivision under this section in the violator's family compound.

(5) As a condition of approval, the applicant and the person for whom the family dwelling unit is to be built or the property subdivided shall read and sign disclosure forms describing violations of this section and applicable penalties.

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(6) A violation shall not have the effect of clouding the title of a parcel subdivided under this section.

(h) Applicants must submit a sworn affidavit with the following information:

(1) Certification that the parcel in question has been in the family for at least 50 years as required by this section.

(2) An agreement that all new parcels subdivided from the parent parcel shall be owned or used by family members or as otherwise provided for in this section.

(3) Acknowledgment that resale of any parcel approved as part of a family compound shall be restricted for five years as provided for in this section.

(Ord. No. 99-12, § 1 (07.250), 4-26-1999)

Sec. 106-2106. Reserved.

Editor's note—Ord. No. 2002-14, adopted April 22, 2002 repealed § 106-2106. Former § 106-2106 pertained to accessory dwelling units and derived from Ord. No. 99-12, adopted April 26, 1999.

Sec. 106-2107. Historic transfers.

The development rights awarded as an historic preservation bonus may be transferred within the zoning district or to any zoning district having a higher density. For planned developments or communities, the units shall be added to those otherwise permitted by this chapter.

(Ord. No. 99-12, § 1 (07.270), 4-26-1999)

Secs. 106-2108—106-2145. Reserved.

ARTICLE X. HISTORIC PRESERVATION*

DIVISION 1. GENERALLY

Sec. 106-2146. Purpose.

The preservation and protection of buildings, structures, sites, objects, districts and landscape features of historic, architectural, cultural, archeological, educational and aesthetic merit are critical to the character of the county. The preservation of these historic resources promotes and enhances the county's distinctive architectural and cultural heritage. Preservation also provides educational, cultural, and economic enrichment for the people of the county.

(Ord. No. 99-12, § 1 (div. 08.000), 4-26-1999)

*Cross references—Environment, ch. 38; buildings and building regulations, ch. 74.

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Sec. 106-2147. Identification of historic resources.

The regulations of this article provide the mechanism to identify resources and provide for their longterm maintenance and preservation in a form that is as close to their historic use and character as is consistent with the economic realities of the neighborhoods and county. This is done by reviewing development plans in a manner that encourages the purposes of this article. A historic property's current condition will be reviewed to determine feasibility of preservation and to ensure that the historic character, architecture, and site conditions are respected and enhanced in the land development plan.
(Ord. No. 99-12, § 1 (08.010), 4-26-1999)

Sec. 106-2148. Mapping of historic resources.

All locally designated historic properties and historic districts shall be clearly shown on the zoning map.
(Ord. No. 99-12, § 1 (08.020), 4-26-1999)

Secs. 106-2149—106-2175. Reserved.

DIVISION 2. INVENTORY AND DESIGNATION

Sec. 106-2176. Historic property inventory.

The historic preservation review board (HPRB) shall maintain a local inventory of buildings, structures, objects, cemeteries and sites that meet the historic survey eligibility standards of the state historic preservation office (SHPO) guidelines. These records shall be available to the public.
(Ord. No. 99-12, § 1 (08.110), 4-26-1999)

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Sec. 106-2177. Criteria for designation of historic properties.

(a) *Recommendations to council.* The HPRB shall review the local inventory of buildings, structures, objects, cemeteries and sites and make recommendations for historic designation to the county council. The following are the criteria upon which a property may be designated a historic resource:

(1) It must be at least 50 years old and listed in or has been determined by the state historic preservation office (SHPO) to be eligible for listing in the National Register of Historic Places;

(2) The site or structure has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation;

(3) It is the site of an event significant in the community, state, or national history;

(4) It is associated with a person who contributed significantly to the culture and development of the community, state, or nation;

(5) The site or structure exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation;

(6) Individually, or as a collection of resources, it embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering;

(7) The structure or building is the work of a designer whose work has influenced significantly the development of the community, state or nation;

(8) It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;

(9) The buildings are part of or related to a square, park, or other distinctive element of community planning of a historical, cultural, or architectural context;

(10) It represents an established and familiar visual feature of the neighborhood or community; or

(11) The site has yielded, or may be likely to yield, information important in prehistory or history.

(b) *Level of significance.* In recommending the designation of a site, building, or structure as historic, the HPRB shall use the following to identify the resource's levels of significance:

(1) *Class I.* Class I resources are as follows:

a. Resources listed in the National Register of Historic Places maintained by the United States Department of the Interior;

b. Resources determined by the SHPO to be eligible for listing in the National Register of Historic Places; or

c. Resources determined by the HPRB to be examples of high style regional architecture and/or resources of particular historical importance to the county.

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(2) *Class II.* Class II resources are resources determined by the HPRB to be of good architectural quality, vernacular resources, and/or resources that contribute to broad patterns of the county's history.

(Ord. No. 99-12, § 1 (08.120), 4-26-1999)

Sec. 106-2178. Designation of interior public spaces.

(a) *Consent of owner required.* No public space within the interior of a building may be designated historic without the prior written consent of the owner of record.

(b) *Owner notification.* Owners of properties proposed to be designated historic shall be notified in writing 30 days prior to consideration by the HPRB. Owners may appear before the HPRB or the county council to voice approval or opposition to such designation.

(c) *Appeal of designation.* Any property owner may object to the decision by the county council to designate his property as historic by filing suit against the county council before the courts of the state. This suit must be based on procedural nonconformities in the designation process, or on the misapplication of the criteria for designation as specified in this chapter, or under S.C. Code 1976, § 6-29-870.0, and not simply on the desire not to be designated as an individual historic resource or as part of a historic district.

(Ord. No. 99-12, § 1 (08.130), 4-26-1999)

Sec. 106-2179. National Register of Historic Places nominations.

The HPRB may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the state board of review. The HPRB may send its recommendations to the state historic preservation office for consideration at the meeting of the state board of review. The HPRB shall not nominate properties directly to the National Register; only the state board of review shall have this final review authority unless expressly authorized by federal statute.

(Ord. No. 99-12, § 1 (08.140), 4-26-1999)

Secs. 106-2180—106-2205. Reserved.

DIVISION 3. HISTORIC PRESERVATION BONUS

Sec. 106-2206. Intent.

This division is intended to promote the retention of the community's historic resources. Resources of different classifications are given different protection levels. Special rules encourage preservation by ensuring that the development's density is not lowered by the protection of the historic buildings and site. Where maintaining the density is not feasible, the density can be transferred. Since, in some cases, the longterm management and maintenance of an historic structure is unfeasible, density bonuses or transferable development rights may be awarded to preserve the structure.

(Ord. No. 99-12, § 1 (div. 08.200), 4-26-1999)

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Sec. 106-2207. Classification of historic resources.

This classification permits historic resources to be preserved in a setting similar to their historic setting, rather than simply preserving a structure. Historic resources are classified by their viewing area as determined by their context (parcel size, vegetation, topography, and surrounding development). The goal is to preserve landscapes that are part of the view into and out of historic resources. There are both historic districts and historic sites. Figure 106-2207 illustrates the four classifications, which are described as follows:

(1) *Villages and small nucleated settlements.* This is an area that has a common architectural or historic heritage, usually in a village or hamlet form, and is designated on the zoning map as an historic overlay district. In designating the boundaries, land that is part of a view into or out of the district and contributes to the integrity, understanding and appreciation of that existing historic district shall be included within the boundaries.

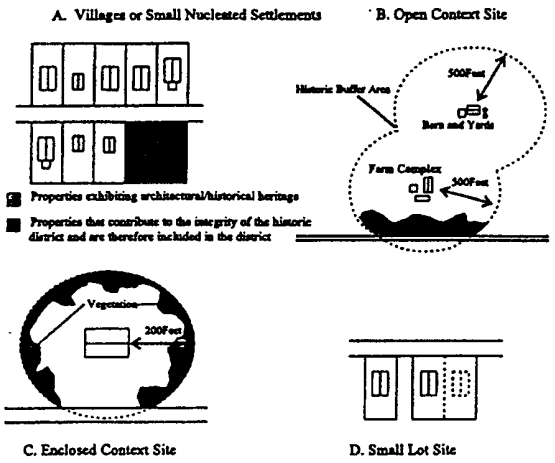
(2) *Open context site.* This applies as an historic building or site where the context and value of the site is dependent on being seen in its context across relatively open land. For example, farms were surrounded by fields. A buffer of 500 feet or more around the buildings or other features shall be identified as the site and an historic buffer created.

(3) *Enclosed context site.* A site where the vegetation, topography and/or surrounding development limit the context of the building leaving a small viewing area. An historic buffer of 200 feet around the buildings or other features shall be identified as the site. The distance may be reduced when the viewing area is interrupted by other buildings or physical features. At the discretion of the historic preservationist, a different configuration or size of the historic buffer may be considered if the preservation of the resource is enhanced.

(4) *Small lot site.* This is an historic building or site in a developed area, where the site cannot be subdivided or would permit only one additional building on the property. The area is generally developed and the historic structure is seen in a much modified context.

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Figure 106-2207 CLASSIFICATION OF HISTORIC RESOURCES



(Ord. No. 99-12, § 1 (08.210), 4-26-1999)

Sec. 106-2208. Eligibility.

(a) Properties with historic resources shall be eligible for bonuses to ensure the preservation of the historic resources.

(b) All historic properties get a bonus in that the historic structure does not count towards the permitted dwelling units or floor area. For historic sites, the area preserved shall count as open space.

(c) If the preservation of the required open space around Class I or II historic properties (section 106-2207) makes it impossible to plan the permitted number of lots, the development is eligible for reduced lot sizes, pursuant to section 106-2209, or transferable development rights.

(d) Where an historic review conducted pursuant to sections 106-672 and 106-2272, pertaining to historic demolition request, determines that the resource will be difficult to maintain or preserve, the HPRB may award increased density to the development or transfer of development rights. The developer will need to provide reports concerning the state of the resource, compiled by an architect or structural engineer, and cost estimates for maintenance or renovation.

(e) In nonresidential districts, where the site cannot be preserved while providing for the allowable intensity, the HPRB may award development rights. The county may relax site coverage on other lots or height restrictions to permit the intensity to be transferred in the rest of the development or permit transfer to another site.
(Ord. No. 99-12, § 1 (08.220), 4-26-1999)

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Sec. 106-2209. Single-family cluster or planned developments.

(a) The intent of the open space surrounding class I and II historic districts is the preservation of the historic setting of the structure. Ideally, single-family cluster or planned developments should have sufficient open space to achieve this; however, that may not always be the case. A radius is used to determine the area to be protected and can be modified by subsection (b) of this section. Because there is a minimum lot size for single-family cluster developments, it may in some cases prove impossible to develop the permitted number of lots allowed in article VII due to the increased amount of open space required. If that occurs, the ZDA is authorized to make corrections using subsection (b), (c), (d) or (e) of this section. In planned developments, the developer has flexibility in selecting housing types, so adjustments will be unusual; however, should adjustments be needed, the DRT is authorized to use the provisions of subsection (c) or (d) of this section to achieve the permitted density.

(b) The DRT may adjust the boundaries of the open space, provided the total size of the open space is not reduced. The DRT, upon recommendation from the HPRB, shall consider traditional lotting patterns, land cover and vegetation, topography, views and view sheds, and pedestrian access in determining the shape of the protection area.

(c) The lot size and frontage for all or some of the lots may be reduced so that the developer may develop the permitted number of units. The reduction for up to 30 percent of the lots may be ten percent. If more lots are impacted, the reduction shall not exceed five percent.

(d) Depending on the historic character of the site, the open space may be used for detention or recreation, thus making it easier to provide the required amount of open space and lots.

(e) The site area requirement for planned developments may be lowered so that a site which would not otherwise be eligible as a planned development may become eligible by using the planned option at the permitted open space subdivision density and without the increased open space.
(Ord. No. 99-12, § 1 (08.230), 4-26-1999)

Sec. 106-2210. Historic resources.

(a) *Development of site.* Historic resources that are preserved and restored for use shall not be counted as part of the maximum permitted development if the site is large enough to permit subdivision or increased development.

(b) *Detached single-family use.* The residence shall not be counted as one of the permitted residential lots as determined by article VII of this chapter, but shall be a bonus unit if it is preserved and restored.

(c) *Large single-family.* Where the historic resource was a single-family house, but is deemed too large to be effectively maintained as a single-family unit, the ZDA, with approval from the HPRB, may permit it to be converted to either a duplex or two-flat type unit. In this case, neither unit shall be counted as one of the permitted dwelling units as determined by article VII of this chapter.

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(d) *Multifamily.* The residential units shall not be counted towards the permitted units as determined by article VII of this chapter, but shall be a bonus for preservation and renovation.

(e) *Nonresidential.* The floor area of the historic resource may not be counted towards the permitted area as determined by article VII of this chapter, but shall be a bonus for preservation and renovation.

(f) *Open space.* The preservation and renovation of an historic resource that also requires the preservation of open space around the historic resource shall be implemented by the following:

(1) The entire open space may be sold to the user of the building as a building or residential lot. The lot shall be subject to a conservation easement. Stipulations in the easement that prevent any resource or development on the property which would detract from the historic setting shall be approved by the DRT and the HPRB.

(2) The open space may be split into a lot and common open space to be maintained by the maintenance organization. The lot and open space shall be subject to a conservation easement. Stipulations in the easement that prevent any resource or development on the property which would detract from the historic setting shall be approved by the DRT and the HPRB.

(Ord. No. 99-12, § 1 (08.240), 4-26-1999)

Sec. 106-2211. Renovation incentive.

(a) An historic resource may require significant, expensive renovations and costly maintenance that could be deemed fiscally impossible. The DRT, upon a recommendation from the HPRB, may grant a bonus for the renovation and longterm maintenance of such historic resources.

(b) The DRT shall review the pro forma indicating the cost of renovation and cost of maintenance versus the expected value of the renovated property on the market.

(c) A bonus of dwelling units, additional floor area for nonresidential properties, or transferable development rights may be offered to provide the incentives needed to renovate and preserve the historic resource. The bonus shall be such that the renovation is made feasible by providing the value to pay for the renovation and longterm maintenance.

(d) County purchase of development rights could also be used in lieu of a bonus or in conjunction with a bonus.

(Ord. No. 99-12, § 1 (08.250), 4-26-1999)

Secs. 106-2212—106-2240. Reserved.

DIVISION 4. USES OF HISTORIC STRUCTURES

Sec. 106-2241. Permitted uses.

The historic zone established pursuant to this chapter shall be deemed an overlay zone on the otherwise applicable zoning district on the county zoning map. All uses permitted in the underlying zoning district shall be permitted.

(Ord. No. 99-12, § 1 (08.310), 4-26-1999)

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Sec. 106-2242. Prohibited uses.

All uses prohibited in the underlying district are prohibited in the historic district except as specified in section 106-2243. In addition, the department may prohibit any change in use that meets the following criteria:

(1) The change in use requires the building to be expanded to an extent that its historic character and style are lost.

(2) Renovations or expansions to the use alter the exterior so as to destroy one of the characteristics that led to the property's designation.

(Ord. No. 99-12, § 1 (08.320), 4-26-1999)

Sec. 106-2243. Adaptive reuse of historic resource.

A historic resource may be converted or adapted into the uses permitted in this section. The application shall include: (i) construction plans if an addition or alteration is planned; and (ii) a site plan showing parking areas, accessways, buffers, landscaping, signs, lighting structures, the relationship of the proposed conversion to adjacent residential properties, and the present and proposed location and use of any accessory structure. The conversion shall conform to the following standards:

(1) The following uses are permitted: bed and breakfasts, home businesses, limited office uses, and personal services. If the use is to provide sheltered and screened parking in the opinion of the HPRB, retail uses or cottage industry may be permitted subject to a special use permit.

(2) An application for historic zoning shall be filed with the department simultaneously with the special use permit application (see subdivision IV of division 3 of article III of this chapter).

(3) New additions, exterior alterations, or related new construction shall not destroy historic features and materials that characterize the historic resource. Additions shall be compatible with the massing, size, scale, and architectural features of the historic resource and shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired. The converted resource and proposed addition shall comply with all other provisions of this article. No structured (deck) parking facilities are permitted.

(4) The lot upon which the structure and any permitted addition is situated shall adequately preserve the setting of the resource. If physical limitations of the site contribute to economic unfeasibility of adaptive use, the HPRB may grant a reduction of lot size, open space, or setback requirements in order to promote the preservation of a resource.

(Ord. No. 99-12, § 1 (08.330), 4-26-1999)

Secs. 106-2244—106-2270. Reserved.

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DIVISION 5. PERMITS REQUIRED

Sec. 106-2271. Certificate of appropriateness.

A certificate of appropriateness is required before a building permit can be issued for the construction, exterior alteration, modification or addition to a designated historic resource or before a development permit can be issued for any property on which is located one or more designated historic resources. Any building permit not issued in conformity with this chapter shall be considered void.
(Ord. No. 99-12, § 1 (08.410), 4-26-1999)

Sec. 106-2272. Demolition permit.

Prior to the demolition of any building or grading of any historic or archeological site, a demolition permit shall be required. No demolition permit shall be granted unless the board finds that, even with all the bonus and clustering provisions of this chapter, it is impossible or economically infeasible to preserve the structure or site (see section 106-672).
(Ord. No. 99-12, § 1 (08.420), 4-26-1999)

Sec. 106-2273. Maintenance, repair and interior projects.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The HPRB shall not consider the interior arrangements or alterations to the interior of a building unless an interior feature is visually part of the exterior appearance of the resource or the interior of a public building or the public space of a private building is specifically described and designated as historic. The HPRB may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to other reviews.
(Ord. No. 99-12, § 1 (08.430), 4-26-1999)

Secs. 106-2274—106-2300. Reserved.

DIVISION 6. ARCHAEOLOGICAL AND HISTORIC IMPACT ASSESSMENT

Sec. 106-2301. Scope.

To protect the many significant archaeological and historic resources of the county, the requirements of this division shall be adhered to.
(Ord. No. 99-12, § 1 (div. 08.500), 4-26-1999)

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Sec. 106-2302. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Archaeological resources means as defined in the Archaeological Resources Protection Act of 1979 (16 USC 470aa—470mm) Section (1): The term "archaeological resource" means any material remains of past human life which are of archaeological interest. Such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under this definition, unless found in an archaeological context. No item shall be treated as an archaeological resource under this definition unless such item is at least 100 years of age.

Archaeological site means the area of the development identified as being listed in or having the potential for listing in the National Register of Historic Places.

Effect and *adverse effect* mean as follows:

(1) *Effect* means an undertaking has an effect on a historic resource when the undertaking may alter the characteristics of the resource that may qualify the resource for inclusion in the National Register of Historic Places.

(2) *Adverse effect* means an undertaking in which the effect on a historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Historic resources. According to the National Historic Preservation Act of 1966, as amended through 1992 (16 USC 470 et seq.) section 101(a)(1)(A): The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Criteria set forth by the Secretary of the Interior states that any district, site, building, structure, or object that is at least 50 years of age and is significant in American history, architecture, archaeology, engineering, and culture may be considered for inclusion on the National Register of Historic Places.

Intensive level survey means a survey that will be based on a systematic approach to the entire tract, usually at 100-foot intervals, that are differentiated between having high or low potential for containing archaeological and historic resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, subsurface activity, such as shovel tests, are done, unless surface exposure is evident, and the materials are sifted. All of the findings, as well as a determination of eligible sites, will be compiled into a final report.

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Memorandum of agreement means an agreement between the county and the applicant to avoid, reduce, or mitigate adverse effects on archaeological and historic properties, or to accept each effect in the public interest.

Qualified personnel means professional consultants meeting the criteria set forth by the Secretary of the Interior, as well as the state historic preservation office and published in their Guidelines and Standards for Archaeological Investigation.

Significant resources means historic resources eligible for listing in the National Register of Historic Places.

(Ord. No. 99-12, § 1 (08.570), 4-26-1999)

Cross reference—Definitions generally, § 1-2.

Sec. 106-2303. General requirements.

(a) All proposed developments shall be required to have a written statement from the county planning director or the county historic preservationist indicating whether or not the location of the proposed development contains any archaeological resources identified by the county through existing surveys, historic maps and papers and other information available, the state department of archives and history, and the South Carolina Institute of Archaeology and Anthropology as being listed in or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places, as well as those areas identified in the document entitled "Cartographic Survey of Historic Sites in Beaufort County, South Carolina," dated June 30, 1992, as having the potential to yield significant archaeological information.

(b) If the planning director determines that the proposed development contains or is likely to contain archaeological resources, a professional archaeological survey shall be completed by qualified personnel to determine the existence of the resource and to evaluate the significance of the resource. The survey shall then be submitted to the planning director for review.

(c) If the area of the proposed project has been previously surveyed for archaeological resources and the survey report is available and meets the standards, the applicant will not be required to perform another survey, but merely submit that report to the planning director.

(d) If the planning director determines that the location contains a potential historic resource, qualified personnel shall complete and submit to the planning director the documentation as outlined in this article. Identified resources shall be preserved and/or the effects of the proposed project mitigated in accordance with the applicable federal and state laws and guidelines. Further, for any contemplated construction that would significantly affect the setting or vista of any archaeological or historic resource in a manner that would compromise the resource's eligibility to the National Register of Historic Places, the planning director may require that the development plans be altered to mitigate or avoid such effects.

(e) All requests to the applicant by the planning director for surveys, documentation, and mitigation shall include a letter outlining the justification for such requests. A letter of

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justification from the planning director shall also be required when a survey is required by the county and not by the state department of archives and history and when no survey is required.
(Ord. No. 99-12, § 1 (08.510), 4-26-1999)

Sec. 106-2304. Prohibited acts; permit required.

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological or historic resource located in the county unless such activity is pursuant to a permit issued by the planning director. Any person violating this article shall be subject to penalties prescribed in this chapter and additional penalties prescribed by state laws.
(Ord. No. 99-12, § 1 (08.520), 4-26-1999)

Sec. 106-2305. Intensive level archaeological survey.

(a) Under this division, the planning director will officially notify, in writing, the applicant of the need for an intensive archaeological level survey. The survey must meet the criteria set forth by the state historic preservation office's Guidelines and Standards for Archaeological Investigation.

(b) The applicant will notify the planning director as to who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the state historic preservation office's standards.

(c) The findings of the intensive level survey will be submitted to the planning director.

(d) Upon receipt of the intensive level survey final report and any necessary visual records, the planning director will either issue a permit of approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any negative impact.
(Ord. No. 99-12, § 1 (08.530), 4-26-1999)

Sec. 106-2306. Historic resource documentation.

(a) If, at any time either prior to, during the execution of, or after the completion of the intensive level survey required under this division, historic resources are identified on the property to be developed, the planning director will notify the applicant in writing of the need to document the identified historic resources.

(b) The documentation will be executed by qualified personnel, as required by the state historic preservation office's Guidelines and Standards for Archaeological Investigation. The applicant will notify the planning director as to who will be authorized to complete the documentation.

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(c) Documentation will be completed for each resource. Documentation required will be one or more of the following:

(1) A completed statewide survey site form.

(2) Measured drawings, flat plane photographs (four inches by five inches or eight inches by ten inches) or 35 mm documentation as prescribed by the American Institute of Architects (AIA) in their publication Recording Historic Structures.

(d) The completed documentation will be submitted to the planning director for review, after which the planning director will either issue a permit of approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any adverse affect.
(Ord. No. 99-12, § 1 (08.540), 4-26-1999)

Sec. 106-2307. Mitigation.

(a) *Determination of adverse effects.* Upon receipt of an intensive level archaeological survey final report, documenting archaeological resources and/or the statewide survey form documenting historic resources pursuant to this division, the planning director will determine whether the proposed project will have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places. The actions of the planning director on the determination are as follow:

(1) *No adverse effect.* If the planning director determines that the project will not have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places, the director will issue a permit of approval for the proposed project.

(2) *Adverse effect.* If the planning director determines that the project will have an adverse effect on archaeological or historic resources, listed in, or eligible for listing in, the National Register of Historic Places, the director will deny a permit of approval for the proposed project until the development plans can be altered to mitigate or avoid adverse effects.

(b) *Mitigation of adverse effects.* The applicant shall enter into a memorandum of agreement (MOA) with the county that describes mitigation measures that will be required prior to the issuance of a permit of approval. The planning director shall stress to the applicant that preservation in place of a significant resource is the preferred mitigation method. Mitigation may include the following:

(1) *Preservation in place.* Preservation in place of an archaeological or historic resource is the avoidance of the resource which protects it from damage, destruction, vandalism or deterioration and may include such measures as dedicated open space, protective barriers, deed restrictions, preservation covenants and easements, the rehabilitation/ maintenance of historic buildings and structures, and others.

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(2) *Documentation.* If is determined that an adverse effect to a historic resource cannot be avoided, the resource shall be documented in accordance with the Secretary of the Interior's Standards for Historical Documentation, the Secretary of the Interior's Standards for Architectural Documentation, and/or Recording Historic Structures by the American Institute of Architects.

(3) *Data recovery.* Data recovery of an archaeological site shall be conducted if the site cannot be preserved. Provisions for the ownership and preservation of the excavated artifacts, field notes, records, maps, photographs, and materials shall be detailed in the archaeological data recovery mitigation plan. A final report on the archaeological data recovery shall be produced.

(4) *Reporting.* All identified archaeological sites shall be reported to the South Carolina Institute of Archaeology and Anthropology, and all historic sites shall be reported to the state historic preservation office for assignment of a site number.

(Ord. No. 99-12, § 1 (08.550), 4-26-1999)

Sec. 106-2308. Open space.

If the property proposed for development contains any archaeological or historic sites, the planning director, along with the DRT, may allow for the potentially impacted sites and their appropriate buffers to be counted as part of the required open space for the development, or the open space requirements may be reduced by an amount that would equal the value of the land containing the archaeological or historic sites provided that the property owner agrees to preserve the resource.

(Ord. No. 99-12, § 1 (08.560), 4-26-1999)

Secs. 106-2309—106-2345. Reserved.

ARTICLE XI. COMMUNITY USE AND NONRESIDENTIAL DESIGN

DIVISION 1. GENERALLY

Sec. 106-2346. Purpose.

(a) This article addresses the standards to be applied to traditional neighborhoods developments, planned and multifamily communities, manufactured home communities, nonresidential developments, and planned unit developments. It provides regulations to ensure the quality of development and prevent monotony. These development options require special design controls if they are to be successful. In traditional communities and neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

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(b) All nonexempt development occurring along or requiring access from the following county highways: U.S. 278, S.C. 170, S.C. 46, S-163, Bluffton Parkway, Buckwalter Parkway, U.S. 21, U.S. 17, S.C. 802, S.C. 280, S.C. 21, and S.C. 116, shall require approval from the appropriate corridor review board, before consideration by the DRT. Refer to subdivision VI of division 2 of article II of this chapter and division 5 of article III of this chapter for additional guidelines and procedures for these reviews.
(Ord. No. 99-12, § 1 (div. 11.000), 4-26-1999; Ord. No. 2010/15, 9-13-2010)

Secs. 106-2347—106-2375. Reserved.

DIVISION 2. TRADITIONAL NEIGHBORHOOD DEVELOPMENTS*

Sec. 106-2376. Purpose.

The purpose of the traditional neighborhood development option is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. These can range from moderate infill or redevelopment projects located in already-developed areas and relying on adjacent land uses, to larger new towns complete within their own village centers and hundreds of acres of mixed housing types. Buildings within these communities can vary as well, from neighborhoods consisting primarily of single-family attached and detached dwellings, to mixed use centers, complete with integrated retail, civic, office and residential uses, including live-work units, and housing units located on top of shops.

The various uses are connected and unified by a network of streets providing a pedestrian and bicycle-friendly environment. Within this street network on-street parking is provided as a traffic-calming and pedestrian-safety device, while street trees and sidewalks create a pleasant and safe walking environment. The pedestrian-oriented nature of the district is reinforced by human-scaled buildings that relate to the street, provide safe pedestrian access, and create a distinct district identity. In addition, the master planned nature of this district allows building setbacks to be reduced from conventional standards as part of a carefully programmed and cohesive design.

This district also supports the preservation of environmentally and historically sensitive or significant sites and the incorporation of a variety of open space, civic space, and recreational amenities into new development. Traditional neighborhood developments require specific design controls if they are to be successful. In traditional neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.
(Ord. No. 2010/15, 9-13-2010)

*__Editor's note__—Ord. No. 2010/15, adopted Sept. 13, 2010, amended div. 2 in its entirety to read as herein set out. Former div. 2 consisted of §§ 106-2376—106-2380, pertained to community use design and standards, and derived from Ord. No. 99-12, adopted Apr. 26, 1999.

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Sec. 106-2377. Definitions.

[The following terms and phrases shall have the meaning ascribed to them in this section:]

(a) *Bungalow court.* Bungalow courts consist of between six and ten single-story or one and one-half story differentiated semi-detached units grouped around a shared pedestrian courtyard. The courtyard must be entered from the street through some form of gateway and be of sufficient size to create a hierarchical transition from the public street to the semi-private courtyard, and then to the individual bungalow.

(b) *Community garden.* Green spaces that are communally cultivated and tended for the purpose of providing produce, a gardening experience, and/or education to residents of the surrounding community. A community garden may be divided into individual plots or tended in a communal fashion.

(c) *Green finger.* Reserve areas along a natural feature such as a stream, vegetation, or topographic feature that extend into developed residential and commercial areas of the traditional neighborhood development.

(d) *Live/work unit.* An attached building type with a small home business on the ground floor that is owned and operated by the resident of the residential unit above.

(e) *Pedestrian shed.* The pedestrian shed is the area that is within a five-minute walk of an activity center such as a park, civic building or commercial center. A five-minute walk or one-quarter mile represents the distance most people are willing to walk to get to the center.

(f) *Town cottage.* A town cottage is an urban detached single-family dwelling on a small lot that is potentially shared by one or more ancillary buildings. Because of the urban condition, there are no minimum front or side setbacks. Garages and/or surface parking shall be provided in the rear yard or ground level and accessed from an alley if possible. Town cottages are only permitted in the neighborhood center.

(g) *Workforce housing units.* A workforce housing unit is any housing unit that is affordable to individuals and families with an income ranging from 65 percent to 120 percent of Beaufort County's median income as produced annually by the U.S. Department of Housing and Urban Development (HUD). In order to be affordable, the annual cost of all housing expenses including, but not limited to, mortgage payments, rent, property tax, mortgage insurance, housing insurance (including flood insurance), essential utilities (gas and electric), regime fees, and property owners association fees cannot exceed 35 percent of the gross annual income of the occupant.

(Ord. No, 2010/15, 9-13-2010)

Sec. 106-2378. General requirements.

(a) *Minimum site area.* Traditional neighborhood developments that are zoned suburban must have a minimum site area of 40 acres, while those that are zoned urban must have a minimum site area of 20 acres.

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(b) *Location requirements.* Traditional neighborhood developments shall meet at least one of the following locational standards:

(1) The site must have direct access to an existing arterial or major collector roadway.

(2) The site must be within one-quarter-mile of public park or school.

(c) *Mix of neighborhood zones.* Traditional neighborhood developments are required to have a minimum of two of the following three neighborhood zones: neighborhood center, neighborhood general, and neighborhood edge.

(d) *Pedestrian shed.* Where environmental conditions, site size and shape permits, all structures should be situated within one-quarter-mile of an activity center such as a park, civic building or commercial center.

(e) *Mix of land uses and lot sizes.* There shall be a variety of housing types in the overall development: single-family detached of various sizes; single-family attached; and multifamily dwellings. While multifamily is permitted, the majority of multifamily units are expected to occur in mixed-use structures or in multifamily housing structures designed to appear to be large, single-family structures.

(f) *Diversity of housing choices.* Traditional neighborhood developments are required to provide a diversity of housing options and prices to encourage a mix of incomes among its residents.

(1) *Workforce housing units.* A minimum of ten percent of the dwelling units in a traditional neighborhood development shall be workforce housing units in accordance with section 106-2382.

(2) *Accessory dwelling units.* Accessory dwelling units are permitted in accordance with section 106-1188 with the exception that there are no restrictions on the percentage of principle dwelling units that can have accessory dwelling units.

(g) *Interconnected street network.* Where environmental conditions, site size and shape permits, the site should be developed using an interconnected network of streets with public access that form appropriate size blocks that are no longer than 600 feet between any two intersections.

(h) *Public access to all streets.* All streets shall have no gates or any other fixture that prevents general public access to the streets.

(i) *Direct frontage on arterials and major collectors.* Where it is deemed essential to the successful development of the community, the DRT may approve frontage on an existing arterial or major collector. However, no typical strip commercial uses will be permitted and development shall adhere to the requirements established in this section and the design guidelines that are adopted with the final approval of the traditional neighborhood development.

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(j) *Conceptual plan submission.* The conceptual plan submission shall include the following:

(1) A regulating plan consisting of one or more maps showing the following, in compliance with the standards described in this article:

a. Location of neighborhood zones (edge, general, center, and preserve);

b. Mix of uses;

c. Location, types and sizes of open spaces;

d. Thoroughfare network including location of sidewalks and pathways.

(2) Preliminary design guidelines that assure a cohesiveness of the vernacular and style typical of the lowcountry (final design guidelines are submitted with the final plan submission).

(Ord. No. 2010/15, 9-13-2010)

Sec. 106-2379. Neighborhood zones.

Each traditional neighborhood development may consist of the following neighborhood zones: neighborhood center, neighborhood general, neighborhood edge; and neighborhood reserve.

(a) *Neighborhood center.* This is a social, mixed-use hub within walking distance of the surrounding neighborhood general and edge zones. Housing is in more dense rear yard and side yard buildings, often combining upper floor residential with ground floor commercial. All buildings are served by alleys. Thoroughfares typically are streets and avenues with parallel parking on both sides. Open space is organized into parks and squares. Traditional neighborhood developments are required to limit commercial development to the neighborhood center. Such areas shall be designated in the concept plan. The county may require phasing of the development to ensure the commercial area is produced. The following shall govern commercial development:

(1) Commercial uses in the neighborhood center shall be limited to the uses in the urban zoning district in table 106-1098 of this chapter of the ZDSO.

(2) The build-to setback for commercial buildings shall be from zero to eight feet. The build-to line shall be specifically approved in the concept plan for the design and landscaping of the community center area.

(3) Drive-in uses are prohibited, except where they are accessed via a rear alley.

(4) The total area of commercial uses in the neighborhood center area shall be in proportion to accepted planning standards, allowing for excellence in project design.

(5) The vehicular access to units shall be via alleys. This permits the rather narrow building fronts to be free from driveways and garage doors.

(b) *Neighborhood general.* This is the most widespread urban fabric, with a mixture of housing types and limited nonresidential uses. Housing is typically in rear yard, side

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yard, and all yard buildings, with accessory structures at the rear. The thoroughfares are streets or roads with or without curb, and parallel parking. Open space is organized into parks and playgrounds.

(1) Nonresidential uses in the neighborhood general shall be limited to the following:

a. Home occupational use on the ground floor as long as the activity is that of the property owner and the property owner is in residence in the dwelling. Home occupational uses shall follow the standards set forth in this chapter.

b. Home business use in an accessory structure as set forth in this chapter.

c. Institutional uses, such as churches and schools.

(2) The vehicular access to units shall be via alleys.

(c) *Neighborhood edge.* This is a residential fabric with low to moderate density. Housing is exclusively in all yard or side yard buildings. Nonresidential uses are limited to home occupational use and special recreational or civic uses, relating to adjacent forests or waterfront. Home occupational uses shall follow the same standards as the neighborhood general zone set forth in this section. The thoroughfares are roads with soft edges and no curbs. Periodic parking is accommodated on the roadside.

(d) *Neighborhood reserve.* The neighborhood reserve consists of all areas within the traditional neighborhood development that are set aside as passive open space including lands delineated to meet the protected resource requirements of section 106-1782 and the bufferyard requirements in section 106-1617. The neighborhood reserve shall be counted as part of the minimum open space required by table 106-1526.

(1) With the exception of green fingers and community gardens, the neighborhood reserve should be situated generally outside of the pedestrian sheds established in the traditional neighborhood development.

(2) To the greatest extent feasible, the neighborhood reserve should consist of a continuous network of contiguous open space, buffers and preserved lands within the traditional neighborhood development.

(3) Where there are natural features and preserved lands located on abutting properties to the traditional neighborhood development, the neighborhood reserve shall adjoin these features.

(4) Agricultural uses, community farms and community gardens are permitted within the neighborhood reserve with the following restrictions:

a. Habitable structures, bed and breakfasts, other commercial structures and parking areas that are part of a community farmstead are not permitted within the neighborhood reserve. Community farmsteads shall be situated so that these structures are located in an adjoining neighborhood edge or neighborhood general zone.

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b. Agricultural structures such as barns, coops, storage sheds, and education facilities are permitted within the neighborhood reserve.

(5) Uses and development standards within the neighborhood reserve shall meet the requirements of article VII, division 4.

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Table 106-2379: Lot and Building Standards for Neighborhood Zones

Development Type	*Lot Area*	*Lot Width*	*Street Yard*	*Side Yard*	*Building Spacing*	*Rear Yard*	*Maximum Height**	*Maximum Side Load Garage Setback*	*Minimum Garage Rear Setback*	*Minimum Garage Side Setback*	*Range in % in Width along frontage*	*Minimum Front Porch Depth*	*Minimum Front Porch % of Façade*	*Minimum First Floor Height above Grade*
NEIGHBORHOOD CENTER														
Single-Family														
Town cottage	864	18	0/8 maximum	0	0	5	45		5		50%	8	20%	29 inches
Bungalow court house	1,500	30	6/24 maximum	3	6	5	45		5		50%—80%	8	30%	29 inches
Single-Family Attached														
Townhouse	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	29 inches
Multifamily														
Duplex	4,800	48	0/8 maximum	3	6	5	45		5		50%—80%	8/3 for balconies	30%	29 inches
Multiplex	4,800	48	0/8 maximum	3	6	5	45		5		50%—80%	8/3 for balconies	30%	29 inches
Apartment	4,800	48	0/8 maximum	3	6	5	45		5		50%—80%	8/3 for balconies	30%	29 inches
Commercial														
Live-work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Shopfront	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Institutional/ civic			0/8 maximum	0	0	5	45				50%			0
NEIGHBORHOOD GENERAL														
Single-Family														
Single-family detached	4,800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%—80%	8	30%	29 inches
Bungalow court house	1,500	30	6/24 maximum	3	6	5	45		5		50%—80%	8	30%	29 inches

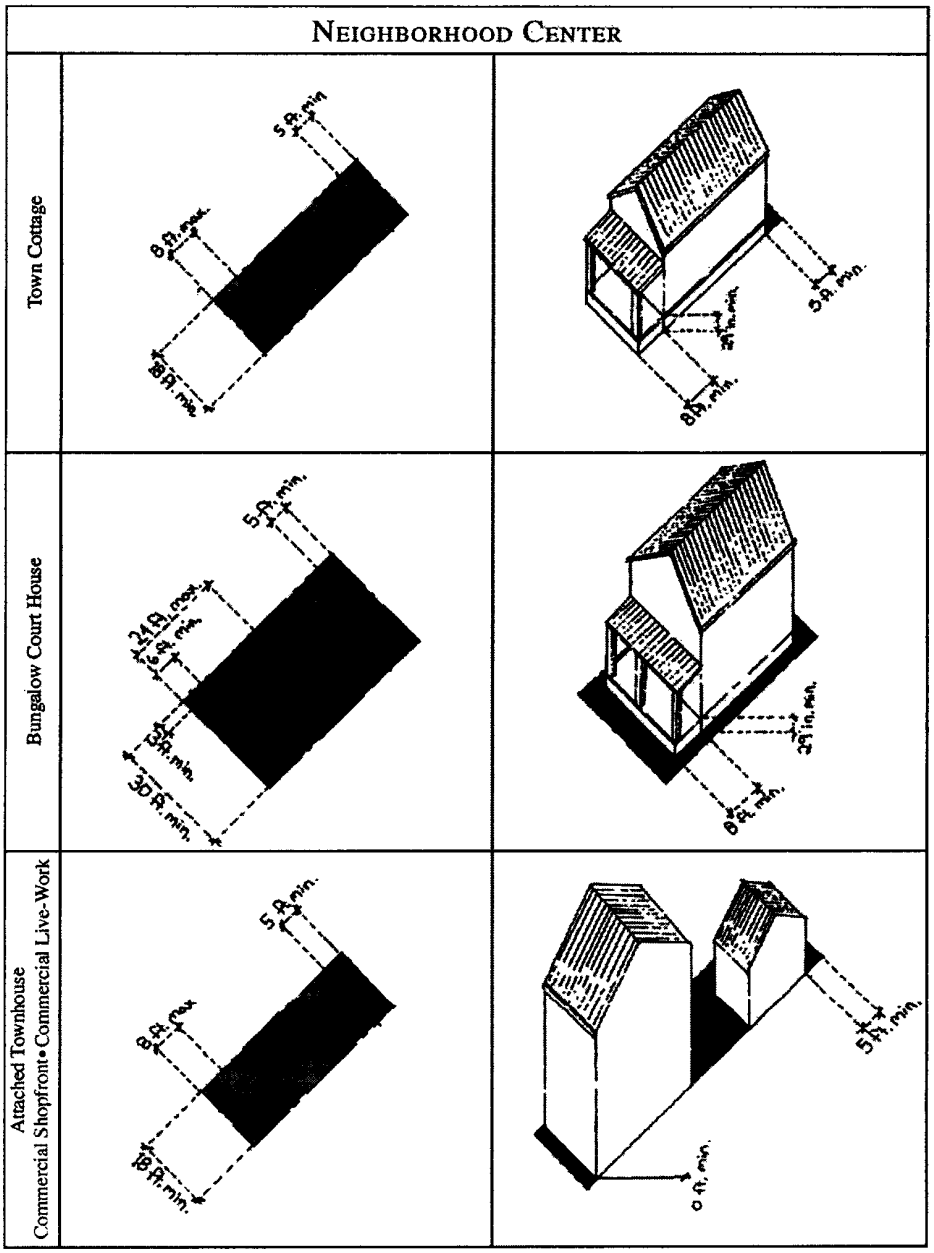
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Development Type	*Lot Area*	*Lot Width*	*Street Yard*	*Side Yard*	*Building Spacing*	*Rear Yard*	*Maximum Height**	*Maximum Side Load Garage Setback*	*Minimum Garage Rear Setback*	*Minimum Garage Side Setback*	*Range in % in Width along frontage*	*Minimum Front Porch Depth*	*Minimum Front Porch % of Façade*	*Minimum First Floor Height above Grade*
Multifamily														
Duplex	4,800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%—80%	8	30%	29 inches
Commercial														
Institutional/ civic			6/24 maximum	3			45							29 inches
Live-work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
NEIGHBORHOOD EDGE														
Single-Family														
Single-family detached	6,000	60	18	12		24	45	24	5	3	40%	8	40%	36 inches
Commercial														
Institutional/ civic			18	12			45				40%			

* Height is measured from grade to average height of the highest roof surface.

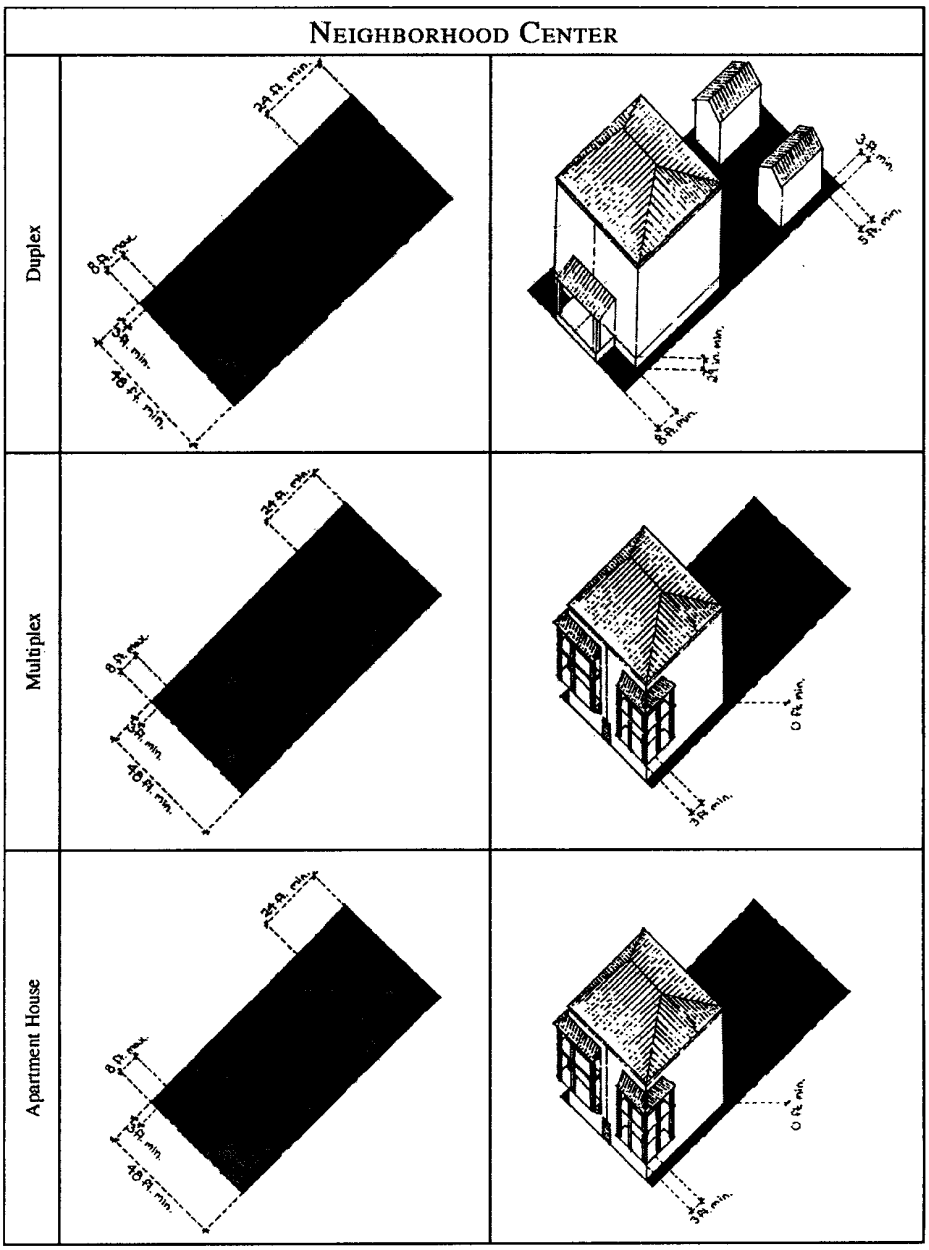
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Figure 106-2379(a): Neighborhood Center Lot and Building Standards



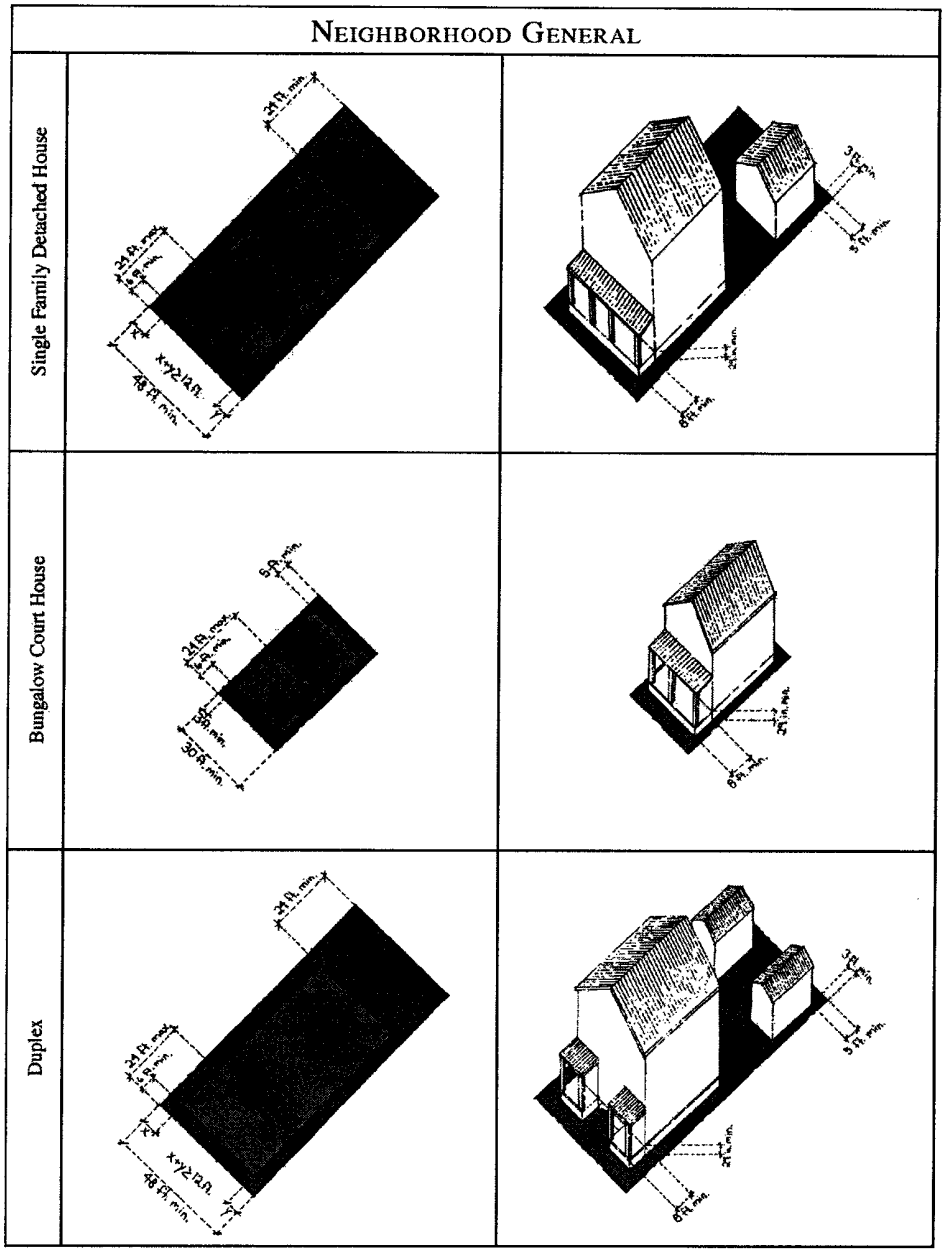
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Figure 106-2379(a): Neighborhood Center Lot and Building Standards (Continued)



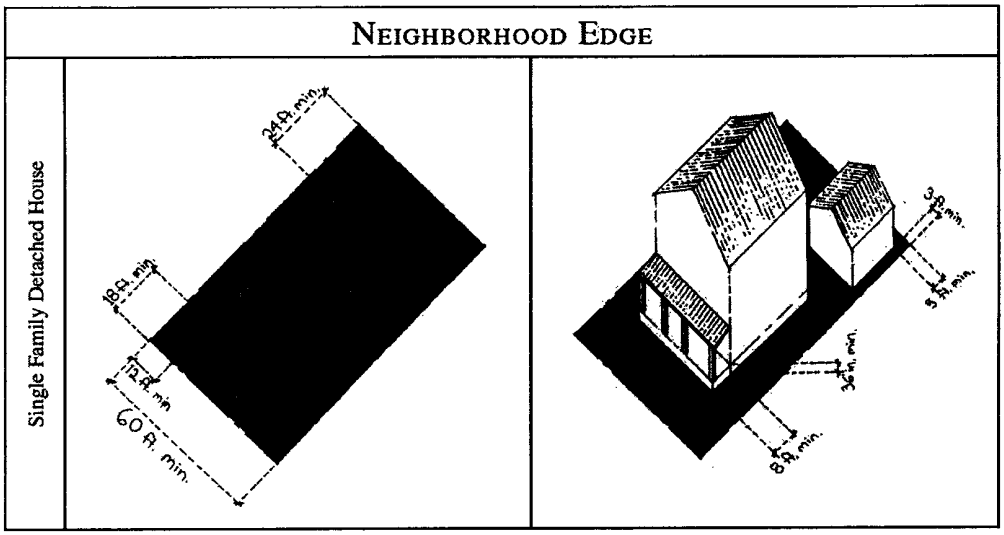
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Figure 106-2379(b): Neighborhood General Lot and Building Standards



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Figure 106-2379(c): Neighborhood Edge Lot and Building Standards



(e) *Development standards applicable to all neighborhood zones:*

(1) *Principal building and yard.*

a. Stoops, balconies, porches, and bay windows may encroach within front and corner side setbacks. Balconies and arcades may encroach within the right-of-way the width of the sidewalk only in the neighborhood center zone.

b. Double frontage buildings shall have the required front setback along both frontages unless otherwise designated on the regulating plan.

c. Buildings shall show two, four, or six, projecting corners to frontage, but no more than six.

d. Attached buildings on corner lots may move required front setback forward or backward a maximum of six feet.

e. Fences, garden walls, and hedges may be built on property lines or as a continuation of building walls.

(2) *Principal building height.*

a. Within the traditional neighborhood development, building height is measured from grade to average height of the highest roof surface.

b. Residential ground floors shall have a minimum height of nine feet. Commercial ground floors shall have a minimum height of 12 feet.

c. Structures such as, but not limited to, observation towers shall be allowed to reach an accessible height of 60 feet if all of the following conditions are met:

1. Structure is constructed on other than residential lot.

2. Structure with a footprint of 250 square feet or less.

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3. Structure that is uninhabitable.

4. Structure meets conditions for construction stated by Beaufort County building codes and local fire officials.

d. Church steeples and other architectural features shall be allowed to reach a height of 100 feet from finished grade.

(3) *Accessory structures.*

a. Accessory structures shall have a maximum of 625 habitable square feet.

b. Maximum building height shall be 22 feet, measured from grade to eave.

c. Home occupational uses are permitted within an accessory structure if the activity is that of the property owner and the property owner is in residence in the primary dwelling. Accessory units cannot be rented to businesses.

d. Only one habitable accessory structure with a kitchen permitted per residential lot.

e. Accessory dwelling units shall follow the standards set forth in section 106-1188.

(4) *Garages.* Front loaded garages are permitted on lots with widths of 50 feet or greater, and the following shall be used to reduce the impact of drives and garages (figure 106-2378(b)):

a. Garages shall be recessed from the primary building facade a minimum of 20 feet with a drive of no more than ten feet in width providing access and may include pervious medians.

b. Side load front garages shall be used on at least 40 percent of lots where the garage is not to the rear of the lot.

(5) *Live work units.*

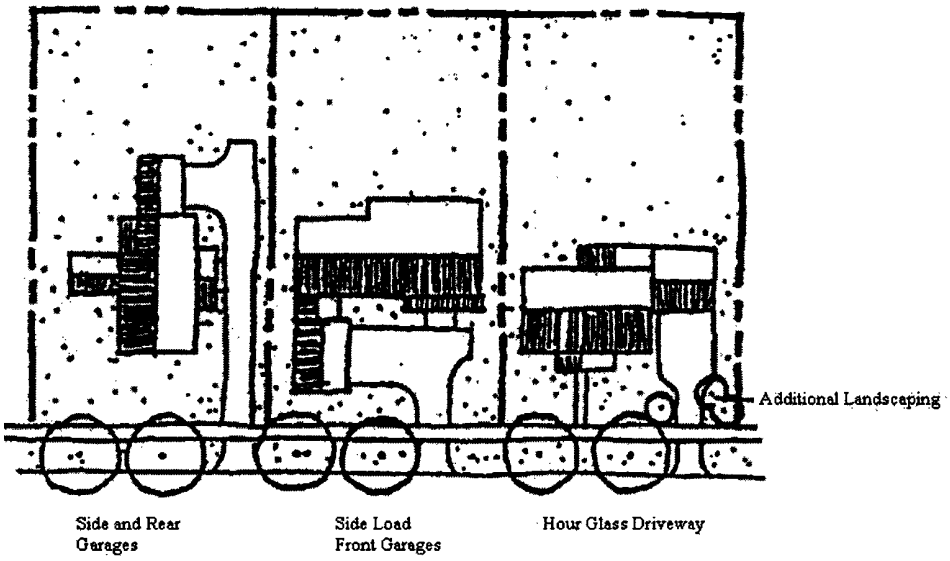
a. Uses within the live work units are limited to those uses that are permitted in the neighborhood zone in which the unit is located.

b. In the neighborhood center zone, where there is a mix of residential and nonresidential uses in a live-work unit, residential uses are limited to the second, third and fourth floors.

c. In the neighborhood general zone, nonresidential uses are limited to the first floor.

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Figure 106-2379(e) VEHICULAR GARAGE ACCESS



(6) *Parking.*

a. Parking shall be two per principal dwelling unit; one per apartment unit; and one per every 400 square feet of commercial use.

b. Required parking shall include on-street parking along the frontage.

c. Required parking in the neighborhood center shall include mid-block parking, on-street parking, and private parking as long as the parking spaces are within 700 feet of the intended use.

(7) *Lot and building standards applicable to all neighborhood zones.* Housing types used in traditional neighborhood developments are contained in table 106-2379. Housing types and lot configurations are illustrated in figures 106-2379(a), 106-2379(b), and 106-2379(c).

(Ord. No. 2010/15, 9-13-2010)

Sec. 106-2380. Civic open space.

Each neighborhood zone shall assign at least five percent of its area to appropriate types of civic open spaces. Civic open space shall be counted as part of the minimum open space required by table 106-1526. Formal activity areas are encouraged to be built into open spaces. These include fountains, formal gardens and sitting areas, gazebos or similar facilities. These should serve the residents and provide a sense of identity to the various open spaces. The concept plan and preliminary plan shall provide increasing detail on the types of structures to be provided. Six types of civic open spaces - parks, boulevards, greens, squares, plazas, playgrounds - are permitted and shall conform to the following standards:

(1) *Parks.* Park areas shall be designed to provide a range of unstructured recreational opportunities for the development's residents. A park may be independent of surround-

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ing building frontages. Its landscape shall consist of paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be one-half-acre. Golf courses may be counted toward park space; however, fairways must be deleted from reserve area calculations.

(2) *Boulevards.* A divided street with a reserve area in the center is considered a boulevard. In order to qualify as civic open space, the median shall be at least 20 feet wide feet, with a minimum area of 5,000 square feet. Such areas shall be designed to permit passive or active recreational use by the community where appropriate.

(3) *Greens.* Greens are smaller reserve areas available for unstructured recreation. A green may be spatially defined by landscaping or building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be one-half-acre and the maximum shall be eight acres.

(4) *Squares.* Squares are a reserve area available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be ¼ acre and the maximum shall be five acres.

(5) *Plazas.* Plazas are a reserve area available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of hardscaping. Trees are optional but encouraged. Plazas should be located at the intersection of important streets. The minimum size shall be one-quarter-acre and the maximum shall be two acres.

(6) *Playgrounds.* Playgrounds are a reserve area designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

(Ord. No. 2010/15, 9-13-2010)

Sec. 106-2381. Traditional neighborhood thoroughfare standards.

(a) *General standards.*

(1) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and community reserve areas.

(2) Thoroughfares shall generally consist of vehicular lanes and public frontages.

(3) Thoroughfares shall be designed in context with the urban form and desired design speed of the neighborhood zones through which they pass. The public frontages of thoroughfares that pass from one neighborhood zone to another shall be adjusted

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accordingly or, alternatively, the neighborhood zone may follow the alignment of the thoroughfare to the depth of one lot, retaining a single public frontage throughout its trajectory.

(4) Within the most rural zones (neighborhood edge), pedestrian comfort shall be secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more urban neighborhood zones (neighborhood general and neighborhood center), pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.

(5) The thoroughfare network shall be designed to define blocks not exceeding the sizes set forth in this chapter. The perimeter shall be measured as the sum of lot frontage lines. Block perimeter at the edge of the development parcel shall be subject to approval by the DRT.

(6) All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by the DRT to accommodate specific site conditions only.

(7) No more than 20 percent of lots within any neighborhood zone shall front a passage or a shared pedestrian courtyard (bungalow court).

(8) Curbless thoroughfares that do not have on-street parallel parking shall have a minimum asphalt width of 18 feet with one foot of stabilized shoulder on each side to meet emergency access standards. This standard also applies to curbless one-way thoroughfares with on-street parallel parking on one side.

(b) *Vehicular lanes.* Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in table 106-2381.

(c) *Thoroughfare landscaping standards.* The following landscaping standards apply to street trees, lawns, and other landscaping within the rights-of-way of thoroughfares within the traditional neighborhood development. Landscaping shall meet the requirements prescribed in table 106-2381. Tree spacing may be adjusted by the DRT to accommodate specific site conditions.

(1) *Neighborhood edge.*

a. Landscaping shall include trees of various species, naturalistically clustered, as well as understory.

b. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. Lawns should be minimal.

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Thoroughfare Type	*Neighborhood Zones*	*Design Speed*	*Right-of-Way Width*	*Pavement Width (from face of curb)*	*Traffic Flow/Lane Width*	*No. of Parking Lanes*	*Curb Type*	*Curb Radius*	*Planter Width*	*Planter Type*	*Sidewalks*	*Sidewalk Width*
Commercial Street A	Center	20—25 MPH	68'	36'	Two-way/10'	2	Raised vertical	10' max.	5'	Individual tree wells	Both sides	16'
Commercial Street B	Center	20—25 MPH	60'	36'	Two-way/10'	2	Raised vertical	10' max.	5'	Individual tree wells	Both sides	12'
Commercial Drive	Center	20 MPH	40' (each way)	18'	One-way/10'	1	Raised vertical/swale	10' max. at curb/25' max. at swale	5' at curb	Individual tree well	One side	12'
Street	Center	20 MPH	50'	28'	Two-way/10'	1	Raised vertical	10' max.	5'	Individual tree well or continuous	Both sides	5'—11'
Residential Street A	Center and general	20 MPH	50'	26'	Two-way/9'	1	Raised vertical	15' max.	7'	Continuous	Both sides	5'
Residential Street B	General	20 MPH	40'	18'	Two-way/9'	0	Swale	15' max.	6'	Continuous	Both sides	5'
Urban Drive	Center and general	20 MPH	48'	26'	Two-way/9'	1	Raised vertical/swale	15' max. at curb/25' max. at swale	5' at curb	Individual tree grate	One side	12'
Residential Drive	Center, general, edge	20 MPH	40'	18'	One-way/10'	1	Raised vertical/swale	15' max. at curb/25' max. at swale	7' at curb	Continuous	One Side	5'
Residential Road A	General and edge	20—25 MPH	50'	18'	Two-way/9'	0	Swale	25' max	11' both sides	Continuous	One side	5'
Residential Road B	Edge	20—25 MPH	40'	18'	Two-way/9'	0	Swale	25' max.	6'—16' both	Continuous	Walking path optional	5'—8'
Rear Alley	Center, general, and edge	NA	24'	12' pervious material	One-way yield/12'	0	Swale	15' max.	NA	NA	NA	NA
Pedestrian Passage	Center, general, and edge	NA	12'	varies	NA	NA	NA	NA	3' minimum	Continuous	NA	Varies

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(2) *Neighborhood general.* Landscaping shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.

(3) *Neighborhood center.*

a. Landscaping shall include trees planted in a regularly-spaced, allee pattern of single species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

b. Streets with a right-of-way width of 40 feet or less shall be exempt from the tree requirement.

(Ord. No. 2010/15, 9-13-2010)

Sec. 106-2382. Workforce housing.

A minimum of ten percent of the dwelling units in a traditional neighborhood development shall be workforce housing units. The location of workforce housing units shall be shown on the conceptual plan. A workforce housing agreement shall be submitted with the conceptual plan that delineates how the TND will meet all of the requirements provided in section 106-2382.

(a) *Location of workforce units.* Except as provided in subsection 106-2382(g) workforce housing units shall be built on the site of the traditional neighborhood development.

(b) *Timing of development.* The workforce housing agreement shall include a phasing plan which provides for the timely development of the workforce housing units as the TND is built out. The phasing plan shall provide for development of the workforce housing units concurrently with the market rate units.

(c) *Unit size.* Workforce housing units shall accommodate diverse family sizes by including a mix of studio, one-, two- and three-bedroom units as determined by the development review team.

(d) *Exterior appearance.* Workforce housing units shall be visually compatible with the market rate units. External building materials and finishes shall be the same type and quality for workforce housing units as for market rate units.

(e) *Affordability agreement.* Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the county that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the workforce housing units shall be recorded with the county register of deeds. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Workforce housing units that are provided under this section shall remain as workforce housing for a minimum of five years from the date of initial owner occupancy for ownership workforce housing units.

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(f) *Occupancy requirement.*

(1) *Rental units.* Any person who occupies a rental workforce unit shall occupy that unit as his or her principal residence.

(2) *For-sale units.* During the period of affordability the owner who purchases a for-sale workforce housing unit shall occupy that unit as his or her principal residence.

(g) *Provision of workforce housing units off-site.* If it is not feasible to develop workforce housing units within the TND, an applicant may develop, construct or otherwise provide workforce units equivalent to those required in this section off-site. All requirements of this division that apply to on-site provision of workforce units, shall apply to provision of off-site workforce units. In addition, the location of the off-site units to be provided shall be approved by the development review team as an integral element of the review and approval process. Off-site units may be located in a neighboring municipality.

(h) *Fees-in-lieu-of workforce housing unit provision.* An applicant may opt to contribute to an established local housing trust fund to be used for the development of workforce housing in lieu of constructing and offering workforce units within the locus of the proposed development or off-site. The fee will be calculated as the amount required to provide the workforce housing unit discount necessary to make the unit workforce (e.g., median sale price of market rate unit minus maximum sale price of a three-bedroom workforce dwelling unit). Fees in lieu of unit payments shall be made according to the schedule set forth in subsection 106-2382(b).

(i) *Restrictions on resale.* Each workforce unit created in accordance with this division shall have limitations governing its resale. The purpose of these limitations is to preserve the affordability of the unit and to ensure its continued availability for workforce income households. The resale controls shall be established through a restriction on the property and shall be in force for a period of five years. Sales beyond the initial sale to a qualified workforce income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in subsection 106-2382(e). For example, if a unit appraised for $100,000.00 is sold for $75,000.00 as a result of this division, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $150,000.00, the unit may be sold for no more than $112,500.00—75 percent of the appraised value of $150,000.00.

(Ord. No. 2010/15, 9-13-2010)

Secs. 106-2383—106-2405. Reserved.

DIVISION 3. LOT AND BUILDING STANDARDS FOR PLANNED AND MULTIFAMILY HOUSING DEVELOPMENTS

Sec. 106-2406. Scope.

Housing types used in planned or multifamily housing are contained in table 106-2406. Housing types and lot configurations are illustrated in figure 106-2406. The requirements for

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a mix of dwelling units is contained in table 106-2408. The following explanations describe the columns for table 106-2406; see sections 106-13 through 106-18 for the full and complete definitions of these terms.

Site Area	The area required to be eligible to develop this dwelling unit type. It applies to multifamily and attached housing types.
Lot Area	The area in square feet, unless number is followed by ac. denoting acres.
Lot Width	Width at setback line.
Yards	The yard dimensions or setbacks.
Building Spacing	This is used when the yard dimension applies only to one side yard, or where side yards are small or nonexistent, but buildings still need a minimum separation.
Maximum Height	The height of the building.
Maximum Building Coverage	This regulates the building size that can be placed on a lot.
Patio	These apply to patio and atrium housing types where the entire lot is enclosed and small internal patios or atriums are used instead of normal yards.
Side-Load Garage Setback	Some unit types permit side loading garages in front of the normal setback line. This setback governs the garage.
Minimum Percentage in Width Type	Village and lot-line homes have three lot widths. Each development shall have the stated percentage of each width. This is an affordable housing strategy.

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TABLE 106-2406. LOT AND BUILDING STANDARDS FOR PLANNED AND MULTIFAMILY HOUSING DEVELOPMENTS

	Minimum								*Patio Minimums*			
Development Type	*Site Area*	*Lot Area*	*Lot Width*	*Street Yard*	*Side Yard*	*Building Spacing*	*Rear Yard*	*Maximum Height*	*Area*	*Width*	*Side-Load Garage Setback*	*Minimum Percent in Width Type*
Single-family												
Single-family detached		10,000	80	25	6/15		30	35				
Single-family detached		8,500	70	25	5/12		30	35				
Lot line		6,410	55	20[1]	1@20	20	30	30			8	20
		7,000	60								8	40
		7,580	65								8	Remainder
Village		4,500	45	12bt	5/10	N.A.	25[2]	35				
		5,000	50								6	
		5,500	55									
Patio		4,500	50	8/20[3]	Patio	8	Patio	26	1,000/48	20/6		
Single-Family Attached												Max. Unit in a Row
Twin	9,000	4,200	42	20/20[3]	1@8	12	25	35				2
Atrium	9,000	3,000	45	0/20[3]	0	8	0	16	800/48	24/6		8
Weak-link townhouse	10,800	3,600	36	15/20[3]	0	10	25	35				8
Townhouse	7,200	2,200[4]	22[4]	15/20[3]	0	10	20	35				10
Multifamily												
Duplex	7,000	3,500	70	20	8/22	N.A.	30	35				N.A.
Multiplex	8,000	2,000	80	20	6	12	15	35			5	8
Apartment	10,000	1,800	100	25/15[3]	12	30	20	35				N.A.

[1] Setback to garage from sidewalk.

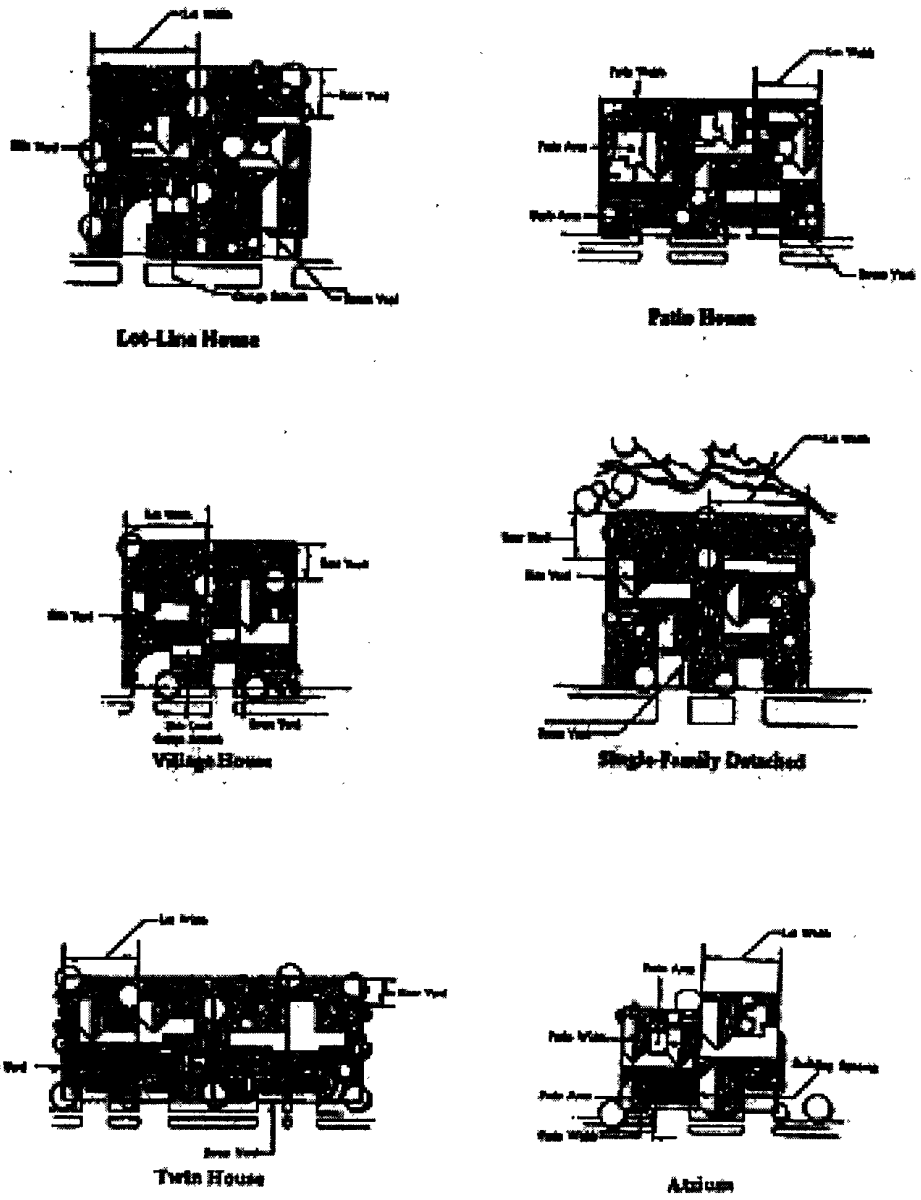
[2] Rear garage may have five-foot rear yard setback providing access to alley.

[3] Setback to parking.

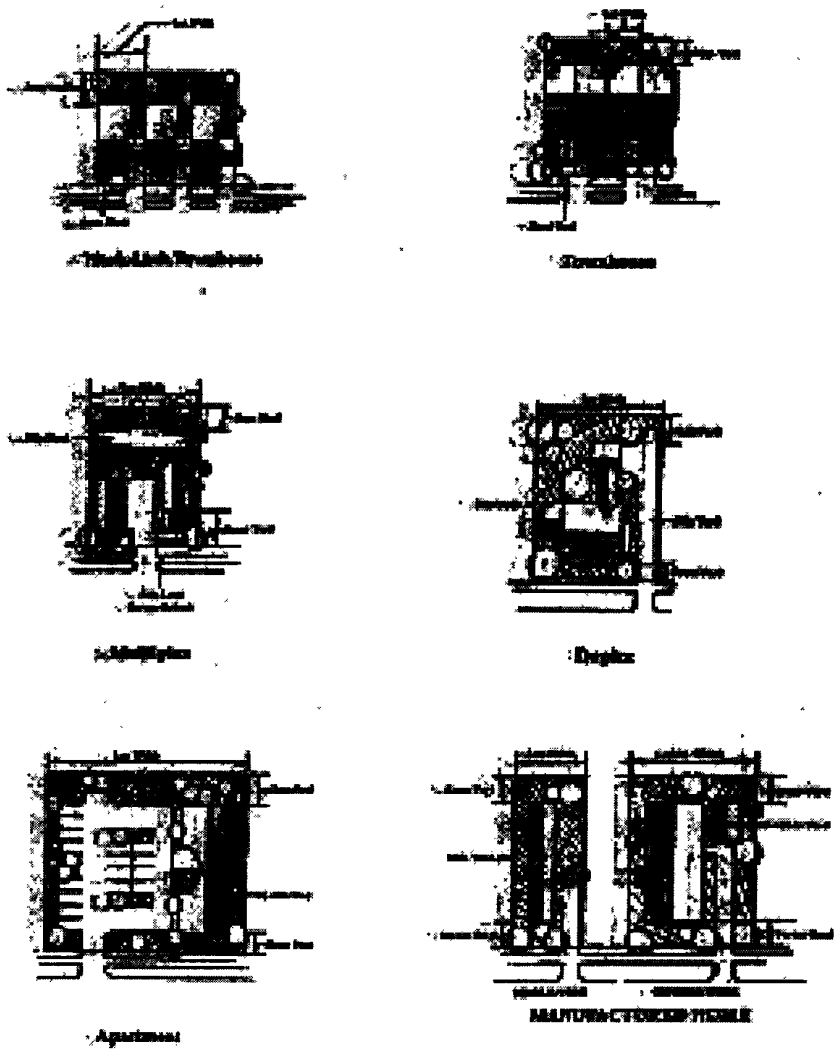
[4] Variable. See section.

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Figure 106-2406 HOUSING TYPES AND LOT CONFIGURATIONS



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(Ord. No. 99-12, § 1 (div. 11.200), 4-26-1999; Ord. No. 2010/15, 9-13-2010)

Sec. 106-2407. Lot-line, village and patio housing types.

Lot line and village houses in table 106-2406 utilize various widths and areas of lots. Such variations provide variable home sizes for diversity in housing cost and appearance. All three lot types shall be mixed on each block face or cul-de-sac having more than six units. Only two are needed on smaller block faces having fewer than six units. Corner lots have two street yard requirements which narrow the width of the building, prohibiting the wider unit. In

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calculating the width of corner lots, obtain the frontage of the lot type from table 106-1526 or table 106-2406 and add the difference between the street yard and side yard. See figure 106-2406.
(Ord. No. 99-12, § 1 (11.210), 4-26-1999)

Sec. 106-2408. Dwelling unit mix requirements.

All planned developments shall meet the mix requirements (table 106-2408) regarding the number of different dwelling unit types that must be provided. The mix provides a variety of housing types to meet all residents' needs. If the development is to be phased, each phase shall contain a share of the largest unit types generally proportional to the percentage of the total dwelling units. Where more unit types are provided than required, the developer may determine the percentage of those types to be provided.

TABLE 106-2408. DWELLING UNIT MIX REQUIREMENTS FOR PLANNED DEVELOPMENTS

Total Units in Project		*Min. Number of Types*	*Max. % Any Type*	*Min. % Any Type*
R, CP, & S Districts	*U Districts*			
1—50	1—100	2	70	20
51—150	101—200	3	60	15
151—300	201—400	4	45	10
301—600	401—700	5	40	5
601 or more	701 or more	6	40	5

(Ord. No. 99-12, § 1 (11.220), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2010/15, 9-13-2010)

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Sec. 106-2409. Manufactured home community.

Manufactured home community development is intended to accomplish quality design principles with manufactured housing units, to provide more affordable housing options for a variety of residents. Through flexible yet careful consideration of site design, density, architectural and structural treatment and innovative construction, these types of developments can provide young, first-time homeowners, as well as people on fixed incomes, reasonable community types of living environments with effective neighborhoods, including active/passive open space areas for recreation, pedestrian orientation and other attractive amenities that have become highly marketable.

TABLE 106-2409. MANUFACTURED HOME COMMUNITY STANDARDS

Standard	*Urban, Suburban, CP Districts*	*Rural District*	*Additional Standards*
SITE LOCATION:			
District	Anywhere in district with minimum collector road direct access.	Only permitted within 1 mile (measured to the closest property frontage along the highest order road), or as part of a community preservation district. Public sewer or community system is required for all developments with 10 or more units.	Permitted in suburban-river quality. See table 106-1526.
SITE DIMENSIONS:			
Site area	Min: 3 acres Max: 20 acres	Min: 10 acres Max: 30 acres	
Density	Up to 4 units/acre gross	Up to 2 units/acre gross	
Lot size	Min: 5,000 sq. ft. CP district: Min: 10,890 sq. ft.	Min: 21,780 sq. ft.	
Lot width	Min: 40 feet	Min: 50 feet	
Unit separation	Min: 10 feet	Min: 20 feet	Variations in exterior design and treatment of facades to avoid monotony shall be encouraged by the DRT.

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Standard	*Urban, Suburban, CP Districts*	*Rural District*	*Additional Standards*
OPEN SPACE, BUFFERS, SETBACKS:			
Minimum open space	40% overall Active open space requirement: 100 sq. ft. per unit or 5,000 sq. ft., whichever is greater	40% overall Active open space requirement: 200 sq. ft. per unit or 10,000 sq. ft., whichever is greater	1. No more than 25% open space can be water/wetlands. 2. Passive green areas open space including trails, viewing areas, etc., must be completed prior to 25% development completion. Active green areas open space, including bikepaths, park facilities, swimming pools, etc., must be completed prior to 50% development completion.
Landscaping	Lot: 2 existing or planted canopy trees per unit, on each lot. Entrance to community: required	Lot: 3 existing or planted canopy trees per unit, on each lot. Entrance to community: required	
Buffers	Perimeter: 50-foot landscaped or natural vegetation providing at least 50% opacity.		May be used as 25% of total open space requirement.
Setbacks	Variable		No structure permitted within any buffer.
COMMUNITY OPTIONS:			
Use limitations	Recreational vehicles are not permitted.		
Site layout	Variable. Traditional neighborhood design encouraged.	Clustering required.	Zero lot-line layout is permitted.
Commercial uses	Not permitted.	One traditional neighborhood shop permitted for developments with more than 100 units, and must be incorporated into the development design. All standards in section 106-1285 must be adhered to.	

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Standard	*Urban, Suburban, CP Districts*	*Rural District*	*Additional Standards*
ARCHITECTURAL REQUIREMENTS:			
Structural design	1. Exterior siding shall be made of nonreflective and nonmetallic materials, including vinyl, wood, glass, stucco, brick, stone and other masonry materials. 2. Roof structures shall be sloped and provide an eave projection of no less than 6 inches, and no greater than 30 inches (not applicable to approved deck areas). 3. Roofing material shall consist of one of the following: wood, shingle, synthetic composite shingle or concrete tile (metallic roofing surfaces are not permitted). 4. Minimum floor area shall be no less than 800 sq. ft. for any unit, excluding garage or carport. 5. Minimum width shall be no less than 22 feet at the lesser of any first story dimension, excluding garages and carports. Single section homes less than 22 feet, excluding garages or carports, but including two-story additions may be permitted at the discretion of the DRT. 6. Foundations shall allow permanent placement of every manufactured home that meets or exceeds all applicable county building code requirements. 7. Skirting or a similar structural enclosure shall be installed so that no underside of any unit is exposed, and the continuation of the exterior facade is not interrupted.		1. These requirements supersede the requirements as defined in sections 106-13 through 106-18. 2. Variations in exterior design and treatment of facades to avoid monotony shall be encouraged by the DRT.
OTHER REQUIREMENTS:			
Reports, studies	1. Community impact statement including affordable housing narrative.		

(Ord. No. 99-12, § 1 (11.250), 4-26-1999)

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Secs. 106-2410—106-2435. Reserved.

DIVISION 4. NONRESIDENTIAL DESIGN STANDARDS

Sec. 106-2436. Purpose.

Nonresidential uses are often built along a roadway as single buildings on individual lots over a period of years. The diversity of styles, colors, materials, shapes, and other architectural features that are often done to attract attention result in chaotic streetscapes. A number of uses are often combined under a single roof or under single ownership (shopping centers, for example). These types of development offer greater potential for good design, which is not always achieved. The standards within this division may be considered by the DRT and/or the CRB, and are applicable to all such uses within the county, regardless of their location within a designated highway corridor, and in addition to any formal review by other county boards, if required. The following standards are intended to achieve several objectives:

(1) Ensure that the degree of difference in style, color, materials, signs, and other design features is not so great as to result in a cluttered, chaotic, or unsightly streetscape.

(2) Ensure that larger buildings and streetscapes are harmonious and have a sense of community, while having sufficient diversity in details and architectural features to avoid monotony.

(3) Provide a clear sense of place and a community character that distinguish the county from other areas.

(Ord. No. 99-12, § 1 (div. 11.300), 4-26-1999)

Sec. 106-2437. Individual building standards.

Where individual buildings are to be built, the review required in this division will look for the following:

(1) Buildings that use common materials, low country styles, or colors to create a strong sense of compatibility with adjoining uses along that street face.

(2) Buildings that use roofs that unify the street face.

(3) Corporate formula buildings are to be strongly discouraged. Roofs, colors, and motifs should be blended with the streetscape.

(4) Differentiation should be encouraged through building shape (footprint), architectural details, such as windows, accent materials, entrance details, rooflines and other architectural features, that articulate and create variety while maintaining a consistent roof theme.

(5) The street face shall be considered a block (area between streets) unless the block is less than 300 feet or more than one-quarter mile.

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(6) No building shall be clad in metal. Metal buildings are permitted, when clad with nonmetal exterior. An exception to this is buildings in the light industry district that take access to interior streets of the development and are a minimum of 400 feet from exterior streets or property lines.

(Ord. No. 99-12, § 1 (11.310), 4-26-1999)

Sec. 106-2438. Building complex standards.

Where the development is a complex of buildings, such as a shopping center, an office or industrial park with its own design guidelines, the complex should have a strong sense of place and unity of design. The complex should not be out of keeping with the surrounding buildings, but may clearly establish its own identity. The complex shall have a sense of place which can be accomplished with the use of a variety of architectural elements and design techniques. The following shall be used in evaluating the complex:

(1) Commonality of materials and architectural style.

(2) Rooflines and materials that provide a common overall design, but punctuated by design features that articulate the major elements of the center and provide variety and interest.

(3) Break up horizontal fronts of buildings and create spaces that create a desirable pedestrian environment with appropriate street furniture.

(4) A uniform sign package that limits style of letters, colors, and has rules for size.

(5) An element that provides a strong identifying image. The strength of the image should be related to the scale of the development. A small project should have an image that is more closely related to its neighboring land uses. A large, regional facility should have greater differentiation from its neighbors and a sense of place that is readily identifiable. Intermediate scale projects will need to have an identity that is distinct, but also relates well to neighboring uses. Entrance features, including the use of architectural features like a clock tower or corner building that has a strong image, are ways in which a strong identity may be created.

(Ord. No. 99-12, § 1 (11.320), 4-26-1999)

Cross reference—Buildings and building regulations, ch. 74.

DIVISION 5. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Sec. 106-2439. Scope of division.

(a) In order to achieve the goals of the Beaufort County comprehensive plan and to allow flexibility in development that will result in improved design, character, and quality of new mixed use developments and preserve the natural and scenic features of open spaces, a PUD may be established as provided in this division.

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(b) A PUD is an amendment to the Zoning and Development Standards Ordinance (ZDSO) and the Beaufort County official zoning map. An adopted PUD concept plan or master plan may be utilized as an instrument to establish a PUD District on the official zoning map. The adopted PUD map is a zoning district map for the property. The establishment of a PUD is an action derived from the adoption of an ordinance. All ordinances approved by county council require the requisite public hearings before the planning commission and county council.

(c) It is the intent of these PUD provisions to encourage innovative site planning for residential, commercial, institutional, and industrial developments within the PUD. A PUD may provide for variations from the ZDSO 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.

(d) The purpose of approving a PUD district is to implement the comprehensive plan by providing additional flexibility in land planning that will result in improving design, character, and quality of new, homogenous and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of such things as streets, and utilities; and to preserve the natural and scenic features and open space.

(e) The Beaufort County comprehensive plan contemplates the establishment through a rezoning process the PUD concept in any area when an applicant demonstrates that the proposal meets the requirements of Beaufort County Zoning and Development Standards Ordinance. ZDSO section 106-492 prescribes methods by which a change from a rural district to a priority investment area classification must be processed through the planning commission and adopted into law by the county council
(Ord. No. 2003/35, 12-8-2003)

Cross reference—Beaufort County Comprehensive Plan, Ch. 3, section 3.4(c), Existing Land Use.

Sec. 106-2440. Qualifications for PUD zoning.

(a) PUD as a planning tool is designed to create innovative site designs. The connection to surrounding areas that increase accessibility and interconnectivity is a goal of PUD and should be encouraged to the greatest extent possible. Therefore, restrictive-entrance-gated are contrary to this principle and should be discouraged.

(b) All property that is at least four contiguous acres in the priority investment area, or at least 25 contiguous acres in any other development area, shall be eligible for approval as a PUD.

(c) Properties consisting of less than 200 contiguous acres are not required to submit a concept plan and may begin the review process with an application and master plan.

(d) Properties consisting of 200 acres or less or those that are unusually complex or involve environmentally sensitive areas may elect to submit a concept plan to avoid undue delays and expense in the review process.

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(e) All property zoned PUD shall be under single ownership, or if in multiple ownership, then by written consent of all owners who agree to be bound by the district designation and regulations.

(f) The detailed standards set forth herein are minimum requirements and it is the intent of this section that the county staff and planning commission may recommend to county council, and county council may impose additional conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Nothing in this section should be construed as entitling any party to a PUD zoning.

(g) Utilization of the PUD option within existing community preservation/CP districts is allowed unless specifically prohibited within a specific community preservation plan/district. Each CP District Committee shall be notified in writing by the planning staff that staff is in receipt of an application for a PUD.

(h) PUDs will be approved only in areas where the infrastructure necessary to support the proposed development already exists or is slated to exist in the opinion of county council. (Ord. No. 2003/35, 12-8-2003)

Sec. 106-2441. General considerations.

The following is a list of general considerations to be reviewed by the county staff, the county planning commission, and the county council when reviewing applications for a PUD rezoning.

(1) The applicant's statement describing the character of and rationale for the proposed development.

(2) The appropriateness of each development area and the development standards proposed for each area.

(3) Land uses proposed for the prospective PUD.

(4) The location of major components in each proposed phase of the PUD shall be clearly marked so that Beaufort County staff, the planning commission and county council can evaluate the functionality of each phase as a stand-alone entity.

(5) Compatibility of proposed land uses within the PUD and the surrounding area.

(6) Infrastructure capacity and the effect upon public services to include the cumulative impact of existing zoning in the surrounding area.

(7) Conformance with engineering and other technical requirements.

(8) Effects upon public health, safety, and general welfare.

(9) Land usage densities and intensities as they compare to current county underlying zoning requirements.

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(10) Impacts on local and regional transportation facilities. For further reference on the manner in which a traffic impact analysis shall be carried out at the concept plan or master plan stage.

(Ord. No. 2003/35, 12-8-2003)

Cross reference—Section 106-2450, Traffic impact analysis.

Sec. 106-2442. Special considerations.

The following list includes special considerations to be made when reviewing applications for PUD rezoning. Satisfaction of these requirements is not mandatory, but are strongly recommended and desired.

(1) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.

(2) Preservation of open space, natural and cultural areas, as well as the creation of active and passive recreation to include greenways, sidewalks, and other pedestrian/bicycle circulation networks that serve to connect significant areas and various land uses.

(3) Enhanced landscaping, deeper buffers, and increased planting along public rights-of-way, open space/recreational areas, and the overall perimeter of the project.

(4) Separation of vehicular, pedestrian, and/or bicycle traffic lanes, internal traffic patterns, connections to adjacent properties/interconnectivity, and other traffic mitigation measures.

(5) Provision of affordable housing.

(6) Public benefits (e.g., public parks and water access) and community facilities and the access thereto.

(7) Sensitive treatment of perimeters to mitigate negative impacts upon adjoining property and existing residents.

(8) Placement of utilities underground.

(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2443. Permitted uses.

(a) Any use listed in Table 106-1098 (General Use Table) of the ZDSO may be permitted by the county; however, any condition required to be performed as a condition subsequent to approval of the PUD shall be performed and maintained when applicable.

(b) There shall be no areas of a PUD that are unspecified as to the type of land uses that will occupy those particular areas.

(c) The development plan will be the ultimate authority regarding density, provided that the development plan shall not exceed the maximum number of residential units and commercial square footage approved by the master plan or concept plan, whichever is appropriate.

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(d) The development plan must account for all residential units and nonresidential square footage in total and within specified phases of the development plan. In the event a development plan departs from the master plan, or concept plan, whichever is applicable, a reduction in residential density and/or nonresidential square footage is binding on the development and not subject to future utilization. Nothing in this section shall necessarily prohibit the transfer of development from one tract to another tract within a single phase, provided that the master plan shall be amended to show the transfer of development in accordance with section 106-2447(d).
(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2444. General standards.

(a) All property in a PUD shall be required to adhere to all provisions of the ZDSO unless otherwise specifically stated in writing in the PUD ordinance. The regulations applicable to the uses in an approved PUD shall be those of the zoning district where such uses are typically allowed unless a variation or deviation from the restrictions are clearly stated in writing in the master plan and approved by ordinance.

(b) No development shall occur in the buffer area or setback areas except as permitted by section 106-1616 or otherwise provided explicitly in the PUD ordinance.

(c) The county staff may require, if it finds substantial need for screening of the proposed PUD activity, a six-foot high fence made of either brick, finished concrete, mortar, wood, stone, masonry units, or a combination thereof, within the buffer. The fence shall be fronted by the required vegetative screen.
(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2445. Application

(a) A request for the PUD district shall be processed as an amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) (Article III, Division 3, Subdivision II. Amendments to zoning map) and the Official Beaufort County Zoning Map.

(b) To secure a PUD district designation, an application shall be filed with the county planning division.

(c) The application shall contain, at a minimum, a legal description of the property and, if in multiple ownership, the written consent of all owners who agree to be bound by the district designation and regulations.

(d) A concept plan or master plan (see sec. 106-2440(c)) shall be submitted with the application to the county planning division, applications, master plans, and/or concept plans will be forwarded to the county planning commission with county staff comments for planning division recommendation to county council in accordance with sections 106-261—106-293, 106-366—106-398 and the with procedural requirements in Art. III, Division 3, discretionary reviews, section 106-491—106-494.
(Ord. No. 2003/35, 12-8-2003)

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Sec. 106-2446. Concept plan.

(a) The choice of a concept plan to initiate a PUD amendment to the official zoning map will require a three-step review and approval process of the PUD. The concept plan is the first step, to be followed by a master plan and a development plan. The concept plan and the master plan will necessitate a review and recommendation from the planning commission, and the adoption by an ordinance of each type of plan. The development plan is an implementation of the master plan and will be reviewed solely by the development review team.

(b) A concept plan shall contain all of the following:

(1) A narrative statement by the applicant as to the goals of development and a definitive justification of why a PUD designation is desirable to achieve the goals.

(2) The types of uses proposed for the PUD, either specifically or generally. If general descriptions are used, the uses applied for shall be those allowed in the typical zoning district where such uses are permitted as a matter of right, and the regulations of such zoning district shall apply. To avoid miscommunication and to encourage ease of administration, applicants are encouraged to specifically designate the uses proposed, (i.e. single-family residences, offices, and business parks).

(3) The total number of units for residential uses and the total amount of square footage for nonresidential uses shall be specified along with the total acreage.

(4) A general layout of roadways of major circulation, including their widths and whether they are to be publicly or privately maintained.

(5) A description or list of any proposed variations or deviations from the ZDSO standards and what are proposed in their place. The applicant shall provide a clear and concise statement of any proposed variations or deviations from the ZDSO, and the reasons for the variations or deviations.

(6) The applicant shall, at the time of filing, provide letters from utility providers, indicating the ability of utility providers to service the PUD, or, what would be required to provide such services.

(7) A proposed build-out schedule.

(8) A statement identifying existing buildings, structures, or other facilities on the property including identification of designated historic properties, as applicable.

(9) Identification, by name, number, and width of existing public rights-of-way on/or adjacent to the property, and the proposed access to such existing rights-of-way.

(10) Proposed stormwater mitigation for any deviations from the ZDSO.

(11) The proposed ownership and maintenance of rights-of-way, drainage systems, water and sewer systems, open space systems, and amenities.

(12) A description of known archaeological sites or historic structures on the property, and the proposed approach for protecting them and any others that might be discovered during development.

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(13) A site map/plan delineating the vicinity of the property; the boundary lines of the property; any rivers, creeks, marshes, and general patterns of wetlands on or adjacent to the property; land uses adjacent to the property; municipal or county boundary lines adjacent to the property; designated historic structures and archeological/cultural resources on or adjacent to the property, as applicable; any flood hazard and all overlay district boundary lines; proposed access to existing roads; and arrangement/layout or land uses, approximate acreage of each land use area, type of use and residential density of each use area.

(14) A traffic impact analysis in accordance with section 106-2450.

(15) A natural resources survey shall be performed utilizing the best information reasonably available from Beaufort County or other public or private sources. The analysis performed may not be exhaustive, but it must be representative of the natural resources found within the boundaries of the project. The typical resources of concern include, but are not limited to: wetlands, drainage features, significant stands of trees, specimen trees, beaches, dunes, marshes, topographical features, animal or plant habitats, soil types, bird nesting areas, rivers, streams, etc.

(16) Parking spaces shall be accounted for on the concept plan in accordance with the ZDSO. Any deviation or variation shall be explained. All parking spaces that are to be counted to meet parking requirements must be located on non-publicly owned property unless otherwise specifically approved in the PUD ordinance. Parallel parking on streets that the developer anticipates will be maintained by the public cannot be counted in the parking requirements for the proposed development.

(c) The county council will consider the application, concept plan and recommendations from the county planning division and the county planning commission. The county council shall examine, consider, and address issues relating to financial impacts upon the county, environmental impacts, and required infrastructure to serve the PUD. The county council may require submission of additional maps, data, or proposed methods of addressing other pertinent matters relative to the development, which are reasonably available, and where, owing to the nature, size, and location of the proposed development, are critical to the health, safety, and welfare of the community and its citizens. Such elements may be, but are not limited to, environmental impact statements as to specific matters not otherwise required or adequately addressed herein, hurricane evacuation, other emergency preparedness and response, historical preservation, shoreline erosion, public access, community linkages, public education, and the like. Should additional information be requested by the county council, the county council may request the review and recommendation of the county planning division and the county planning commission relative to the additional information. When necessary and appropriate to address such issues, the county staff may recommend to council a development agreement as a prerequisite to approving a PUD hereunder, in accordance with the South Carolina Development Agreement Act.

(d) Upon approval by the county council of the application and concept plan and the adoption of an ordinance to that effect, property greater than two hundred (200) acres, or a smaller property submitted pursuant to section 10-2440(c), shall be zoned PUD.

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(e) A zoning of PUD shall not entitle an owner of the affected property any right to develop or engage in any land use or land disturbing activity, other than that in existence as of the time the concept plan/master plan is approved. Further, initial zoning of PUD does not vest a developer any number of residential units or square footage of commercial/institutional/industrial space. To engage in development or any land use or land disturbing activity other than that in existence when PUD zoning is approved, the development plan(s) must be approved for the areas to be developed or engaged in land disturbing activity. A zoning of PUD is not deemed by the county to constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silviculture activities.
(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2447. The master plan.

(a) A master plan shall be developed for all or any portion of the PUD property to be developed. The master plan shall be submitted to the county planning division for a recommendation to the county council. The minimum requirements of the master plan shall include the concept plan requirements and the following:

(1) The applicant shall supply the required number of copies of the master plan as directed by staff.

(2) Proposed arrangement of land uses, including land for public facilities, approximate acreage of each use, including mixed use, by acre or tract, type of use and density (residential use tracts). All specified densities will be construed as maximums, with acceptance of the maximums subject to satisfaction of other provisions with the PUD ordinance.

(3) A boundary survey with the computed acreage of the tract bearing the seal of a South Carolina registered land surveyor.

(4) The location of primary control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred.

(5) The proposed name of the development.

(6) Type of land use of all parcels contiguous to the development property.

(7) A map or site plan showing (certain of the below required information may be obtained from county government):

a. The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts.

b. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary.

c. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads.

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(8) Topographic survey of the property.

(9) The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting, or contiguous with its boundaries or forming such boundaries.

(10) The location, dimensions, name, and description of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract.

(11) The proposed location, dimensions, and description of land(s) for public facilities.

(12) Proposed street system layout, vehicular, pedestrian, and bicycle paths, with review by the county engineering division.

(13) Traffic impact analysis plan if (more than 50 ADT/average daily trips) required under the general provisions of the ZDSO (section 106-2450), with review by the county transportation planner/engineer. If mitigation is requested by the traffic planner/engineer, the applicant must submit a response to the mitigation request and justification for any proposed departure from that request.

(14) A drainage plan and water and sewer plan for the entire PUD with the review by the county engineering division.

(15) The location of any overlay district boundary on the development property.

(16) Preliminary comments from affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments.

(17) The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and when any are to be privately owned, a description of the mechanism to be used to secure their future maintenance, upkeep, and upgrading.

(18) Proposed phasing and time schedule if development is to be done in phases.

(19) Proposed phasing and time schedule for lands to be dedicated for public facilities.

(20) Proposed internal site planning standards such as typical lot sizes, widths, setbacks, and buffers aimed at addressing potential incompatibility between adjacent land uses and activities.

(21) Letters of capability and intent to serve community water supply, sewage and solid waste disposal, and other utility services from the affected agency or entity, where applicable.

(22) A statement describing the character of, and rationale for, the proposed master plan.

(23) Other information or descriptions deemed reasonably appropriate for review.

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(b) Upon review of the proposed master plan, the county council may move to approve or disapprove the master plan. The county council may request additional study of the master plan through the process outlined in section 106-2446(c).

(c) All phases of the PUD will be required to adhere to the latest version of the ZDSO at the time of development plan submittal for standards pertaining to:

(1) Tree and landscaping standards;

(2) Stormwater best management practices;

(3) Environmental quality standards; and

(4) Impact fees (unless otherwise specified in a development agreement).

(d) Unless otherwise specified in a development agreement, in accordance with S.C. Code, 1976, §§ 6-31-80 and 6-31-140, an approved master plan may be revised subject to the approval of the county development review team/DRT for the following changes:

(1) Minor changes in the location of roads or widths of streets or right-of-ways within the master plan;

(2) Minor changes in the allocation of housing density within the master plan so long as the overall approved density of the master plan is not increased; and

(3) Change in the proposed build-out and phasing schedule.

(e) Any changes to the master plan, other than the changes delineated above, shall be referred to the county planning commission and the county council for approval.
(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2448. Development plan.

An approved development plan is required prior to commencement of development (e.g. land disturbance/construction) within any area or phase within the PUD district. Development plans must be in conformance with the approved concept or master plan. Development plan approval must follow the process outlined in Art. III, Division 2, section 106-366 et seq. of the ZDSO.
(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2449. Sale or transfer of an interest in ownership in a PUD.

The developer of a PUD may sell or transfer ownership of all or a portion of the PUD in accordance with the following procedures and provisions:

(1) A concept plan and/or master plan for the PUD shall have been approved by Beaufort County Council;

(2) Property covenants and restrictions shall run with the land and a written acknowledgement of such covenants and restrictions shall be provided by the purchaser and dully recorded as a deed restriction;

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(3) The developer must submit a sworn affidavit from the prospective purchaser of a development tract wherein the purchaser waives rights to the guarantee of the installation of required improvements afforded through the PUD ordinance for the subdivision of land, and further acknowledges and agrees that an initial master plan and final development plan must be submitted, and a development permit awarded, prior to commencement of any development on the tract;

(4) The developer must submit a plat for certification and recording by the zoning and development administrator and subsequently record such plat prior to the sale or transfer of any development tract or phase; and

(5) This procedure will not be permitted for the sale or transfer of any individual single-family lot or group of lots intended for construction of one single-family dwelling.

(Ord. No. 2003/35, 12-8-2003)

Sec. 106-2450. Traffic impact analysis.

(a) *Purpose.* It is the purpose of this section to measure the effect of a PUD development prior to the adoption of a concept plan or master plan.

(b) *Intent.* The regulations of this section are designed to:

(1) Measure development against the traffic service level goals in section 106-2450(l) in order to correctly ascertain the needed road facilities stimulated by new development.

(2) Enable the county to conduct an appropriate review and evaluation of the traffic impact of proposed development, and to provide necessary road mitigation measures as called for in a traffic impact analysis plan.

(3) Ensure that new development is accompanied by traffic mitigation plans, which address the traffic projected to be generated by the proposed development.

(4) Establish uniform procedures for the review of traffic impact analysis plans as a part of a PUD application.

(5) Coordinate the short-term growth potential of the county with the immediately available road system capacity to maximize the potential for in-fill development and the redevelopment of depressed areas in need of public reinvestment.

(6) Coordinate the long-term road capacity of the county, which may become available in the future, with the desire to encourage new development that promotes economic prosperity, environmental protection, and community and military enhancements.

(7) Coordinate the timing of development with the future availability of road systems capacity.

(c) *Applicability.* The traffic impact analysis plan, monitoring and mitigation requirements and procedures set forth herein are applicable to development as defined in each PUD.

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(d) *Traffic impact analysis plan preparation.*

(1) The traffic impact analysis plan shall be prepared for the applicant by a qualified traffic-engineering firm.

(2) Prior to beginning the traffic impact analysis plan, the applicant shall supply the county with the following:

a. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;

b. A site location map showing surrounding development within a one-half mile of the property under development consideration; and

c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.

(3) The county transportation engineer will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the engineering department, and available information on land use, travel patterns and traffic conditions, and after consulting with the SCDOT will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the county.

(e) *Plan contents.*

(1) All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

(2) The following elements shall be included in a traffic impact analysis plan:

a. A site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersections.

b. Description of the proposed development, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation.

c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour. Trip rates shall be taken from ITE manual, provided, however an

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applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the county engineer and traffic engineer. For proposed uses not specifically listed in the ITE manual, and for which a trip generation study has not been performed, the county engineer, in consultation with the traffic engineer, shall determine the most appropriate trip generation rate. The county engineer and the traffic engineer, shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of this information.

d. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan, shall be included in the analysis. If the assumptions are derived from the ITE manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study and reasons underlying the assumptions shall be stated in the narrative.

e. The traffic impact analysis shall be based on intersection analysis procedures for signalized intersections as identified in the most current edition transportation research board's highway capacity manual and/or the last update that analyses and emulates these procedures by means of computer software if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the traffic goals in section 106-2450(l).

f. The intersections that must be analyzed in the study are identified to be as follows:

   1. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.

   2. The first major intersection as identified by the county traffic engineer on either side of the development's point of access.

   3. Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection or when in the opinion of the county traffic engineer there is a potential for a significant impact to the intersection's level of service from site related traffic, or intersection demand critical.

   4. Unsignalized intersections and access drives shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the PUD master plan or concept plan. The analysis shall reflect the projected condition of these intersections and

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movements, based on the scheduled opening date of the development. Other phases of the development if they can be reasonably determined shall be considered as well.

(f) *Mitigation plan required.* If the initial analysis indicates that the county's adopted traffic service level goals will be exceeded, a mitigation plan must be prepared based on additional analysis. The mitigation plan must show how the county's service level goals are addressed as mitigated. Applicants will be responsible to mitigate the traffic impacts at any intersection effected by a proposed development.

(1) If a traffic signal is recommended, the analysis shall provide information that does the following:

a. Clearly indicates the need for a traffic signal.

b. Assesses the ability of other existing or planned or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.

c. Describes in detail how a specific development will affect the study area transportation system.

d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices (SCMUTCD) signal warrant satisfaction.

e. Gives design geometry of the private road that is consistent with that of public road intersections including curbs, appropriate lane widths, pavement markings and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.

f. Provides an approach throat length for the road to guarantee the movement of vehicles entering the site will not be impeded by on site conditions, and insure that all signal spacing requirements are adequately met.

(2) A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards given the presence of existing signals or the possible existence of future signals proposed as part of a highway signal system.

(3) The desirable spacing of signalized intersections on principal arterials is the SCDOT standards or county standards. The county transportation engineer may recommend to SCDOT the installation of a traffic signal at locations where using SCDOT standards, spacing is inappropriate due to: topography, existing or proposed road layout; documented accident history; unique physical constraints; existing or proposed land use patterns; or requirements to achieve specific objectives for highway segment designations as shown in any locally adopted land use or transportation plan or approved county transportation plan or approved transportation policy.

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(4) Signal spacing concerns may be ameliorated in the following ways:

a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an onsite route or a frontage road that directs traffic to or from a nearby public road;

b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties;

c. An existing or proposed intersection may be relocated; or

d. A shared private road may be required to serve the needs of the multiple properties.

(5) A traffic signal progression analysis for all new, revised or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the county transportation engineer. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:

a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week adjusted for peak season, for cycle lengths and travel speeds approved by the county transportation engineer;

b. Provide for a progressed traffic band speed no more than five mph (eight km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than ten mph (16km/h) below the existing posted speed during peak periods. Approval by the county transportation engineer is required where speeds deviate more than the above;

c. Demonstrate sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the county transportation engineer based on existing or projected conditions;

d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections; and

e. Provide a progression bandwidth as large as that required, or as presently existing, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane on the federal or state highway.

(6) The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry and lane balance considered at

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all locations shall be appropriate for the present and future conditions. Present and future conditions are usually considered to include the year of completion, and five years into the future.

(7) A clear and concise summary of recommended improvements that can serve as an executive summary is required.

(g) *Traffic impact analysis plan review.* The county engineer and the transportation engineer shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.

(h) *Application.* A traffic impact analysis plan shall be submitted to the county transportation engineer. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the county.

(i) *Action on traffic impact analysis plan.* Following review of the required impact analysis plan, the county transportation engineer shall recommend action as follows:

(1) Approval of the traffic impact analysis as submitted;

(2) Approval of the traffic impact analysis plan with conditions or modifications as part of the PUD review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county-programmed transportation improvements; applicant provided transportation improvements; or any other reasonable measures to insure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from Beaufort County.

(j) *Timing of implementation.* If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.

(k) *Responsibility for costs of improvements.* The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.

(l) *Traffic goals.* The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the County's adopted traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.
(Ord. No. 2003/35, 12-8-2003)

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Sec. 106-2451. Applicant reconsideration of PUD designation.

(a) Within 30 days after the approval by county council of the concept plan or the master plan, the applicant may elect to withdraw from PUD zoning designation upon a written notification by certified mail to the county council. If withdrawn, the zoning for the area shall be unchanged from the zoning existing before the application was submitted.

(b) If a PUD concept plan or master plan is not withdrawn within 30 days upon proper notification to the county council, the uses, densities, and development parameters set forth in the PUD shall thereafter be restricted to those approved by the county council.
(Ord. No. 2003/35, 12-8-2003)

Secs. 106-2452—106-2475. Reserved.

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ARTICLE XII. SUBDIVISION DESIGN

DIVISION 1. GENERALLY

Sec. 106-2476. Purpose.

State law defines subdivisions as land developments that divide a tract or parcel of land into two or more lots, building sites, or other divisions. This article provides the principles for subdivision layout and design. Adherence to the provisions of this article ensures new subdivisions are consistent with the county's community-oriented character by ensuring:

(1) The subdivision plat contributes to the creation of a neighborhood or community rather than the development of an isolated project.

(2) The subdivision plat preserves or enhances the character and the quality of the county and its neighborhoods.

(3) The street, road, and pedestrian system is created in a manner that is safe and provides the best overall layout for the community, as well as the individual development.

(4) Subdivision plats conform to public improvement plans of the county, such as the proper provision of open space for recreation and other public use, and the convenient and proper location of sites for future schools, other public buildings, community facilities and shopping and industrial areas.

(5) Adequate water, sewer, stormwater systems, and other utilities are provided to serve the development without adversely impacting other portions of the system or properties.

(6) Proposed developments are functional and internally safe to the greatest degree possible and without adverse impact on the environment and adjoining properties.

(7) All requirements of this chapter have been met.

(8) All subdivision plats are processed equitably according to the uniform procedures and standards delineated in this chapter.

(Ord. No. 99-12, § 1 (div. 13.000), 4-26-1999)

Secs. 106-2477—106-2505. Reserved.

DIVISION 2. GENERAL REVIEW STANDARDS

Sec. 106-2506. Scope.

All major subdivisions shall comply with the standards in this article, unless superseded by more appropriate standards elsewhere in this chapter. Subdivisions may be as simple as merely dividing a tract or parcel of land, or for developing the tract or parcel of land into a legal use (table 106-1098) that includes or requires eventual subdivision.

(Ord. No. 99-12, § 1 (div. 13.100), 4-26-1999)

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Sec. 106-2507. Evaluation criteria.

All nonexempt new subdivisions shall be evaluated with regard to excellence in design. The design should allow the subject site and adjoining land to benefit from careful placement of uses, lots, drainage, and roads both on and off the site. The DRT may require that design modifications be made in order to achieve a design that meets the standards of this article. The DRT shall recommend modulation of the standards, where appropriate, to achieve better design without penalizing the developer. The DRT shall review all proposed subdivision plats and land development plans against the standards to:

(1) Facilitate the conformance with the public improvement plans of the county, such as the proper provision of open space for recreation and other public use and the convenient and proper location of sites for future schools, other public buildings, and other community facilities.

(2) Protect the site's natural resources as provided by this chapter, with highest quality resource areas having the highest preservation priority. In addition to meeting minimum requirements of this chapter, plats and plans shall reflect sensitivity to such ecological factors as preservation of vegetation, including protecting existing trees from destruction; minimizing of cut-and-fill operations; avoidance of erosion and consequent siltation of streams and drainageways; and other pertinent conservation measures.

(3) Provide for well-proportioned and oriented lots that relate properly to roads and open space. An awkward and irrational pattern of lots and individual lot shapes shall be avoided. However, where somewhat irregular lots provide better visual access to open space or permit more efficient utilization of the land while still providing suitable house pads, they should be permitted. No remnants or landlocked spaces without access to the vehicular/pedestrian circulation system shall be permitted.

(4) Promote the best design for the use of the property, both functionally and in relation to the adjoining neighborhood.

(5) Provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Vehicular travel lanes, pedestrian movement systems, and parking should be separated. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential, local shopping, employment, schools, and other areas. Road connections shall seek to avoid external automobile trips through the employment of superblocks, stub streets, connecting open space, bicycle-pedestrian ways, and other design techniques and devices. Private gated communities shall not be permitted to restrict public access to the detriment of the county's other residents.

(6) Integrate drainage and utilities efficiently into the design and avoid off-site impacts. With drainage in particular, the enhancement of flood storage capacity shall be encouraged.

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(7) Promote the district's qualities and character through both the site layout and landscaping. Bufferyard landscaping shall be provided of a type to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.

(8) Review standards to determine if modulations in zoning or infrastructure design would assist in improving the development's quality, preserve natural resources, or enable the developer to work around difficult site conditions while maintaining density.

(9) Permit plat or plan modifications to improve design, without requiring density reduction. The DRT may focus on revising the plat or plan by altering roads, lots, landscaping, or other plan elements and locations, rather than by altering development density.

(Ord. No. 99-12, § 1 (13.110), 4-26-1999)

Secs. 106-2508—106-2535. Reserved.

DIVISION 3. TYPES OF SUBDIVISIONS

Sec. 106-2536. Scope.

There are four types of subdivision permitted under this chapter: major, minor, rural small lot, and commercial. Refer to article III of this chapter regarding review procedures for subdivisions.

(Ord. No. 99-12, § 1 (div. 13.200), 4-26-1999; Ord. No. 2013/39, 11-18-2013)

Sec. 106-2537. Major subdivision.

Major subdivisions are land developments that include subdividing any tract or parcel of land into five or more lots. Refer to section 106-18 for a detailed explanation of major subdivision. Major subdivisions shall comply with this article and article XIII and other applicable sections of this chapter. Administration for major subdivisions begins with the ZDA and receives final approval by the DRT. Refer to articles II and III of this chapter for review responsibility and procedures for major subdivisions.

(Ord. No. 99-12, § 1 (13.210), 4-26-1999)

Sec. 106-2538. Minor subdivision.

Minor subdivisions are land developments that include subdividing any tract or parcel of land into four or less lots. Refer to section 106-1 for a detailed explanation of minor subdivisions. Minor subdivisions shall comply with this article XII and article XIII and other applicable sections of this chapter. Administration for minor subdivisions begins and ends with the ZDA, who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for minor subdivisions. Refer to section 106-7 for exemption options for certain types of subdivisions.

(Ord. No. 99-12, § 1 (13.220), 4-26-1999)

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Sec. 106-2539. Rural small lot subdivision.

(a) The rural small lot subdivision is designed to allow owners of small rural lots greater flexibility to subdivide land that would normally be restricted with the application of the rural density as prescribed in table 106-1526. The rural small lot subdivision allows a designated number of "by-right lots" to be subdivided from a parent parcel with the rural density as prescribed in table 106-1526 applying to the remainder of the parent parcel. The number of by-right lots that can be subdivided from a parent parcel are limited by the following geographic restrictions:

(1) *Port Royal Island.* For land zoned rural on Port Royal Island outside of the airport overlay district, parcels of record are permitted to have two by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.

(2) *Sheldon Township.* For land zoned rural located north of the Whale Branch and Coosaw Rivers parcels of record are permitted to have three by-right subdivided lots, after which the base underlying density prescribed in table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.

(3) *St. Helena Island.* For land zoned rural located on St. Helena Island east of Chowan Creek and the Beaufort River and south of Morgan River, parcels of record are permitted to have three by-right subdivided lots, after which the base underlying density prescribed in table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.

(4) *[Applicability.]* The small lot rural subdivision option does not apply to rural and rural residential properties located south and west of the Broad River, on Lady's Island, and in the airport overlay district for MCAS Beaufort.

(b) Use of the small lot rural subdivision option is limited to parcels of record at July 1, 2010, and cannot be transferred to any other parcel. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural small lot subdivision. Administration for rural small lot subdivisions begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural small lot subdivisions.
(Ord. No. 99-12, § 1 (13.230), 4-26-1999; Ord. No. 2010/25, 10-11-2010)

Sec. 106-2540. Commercial subdivision.

(a) Commercial subdivisions are land developments that include master planning and subdividing into two or more lots any tract or parcel of land located in commercial regional, commercial suburban, research and development, light industry, and industrial park districts. These subdivisions are limited to commercial and/or industrial uses only. This type of subdivision includes all of the following:

(1) Separate ownership of lots, coupled with undivided interest in common property;

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(2) Restrictive land use covenants or easements that govern use of both the common area and separate ownership interests; and

(3) Management of common property and enforcement of restrictions by a property owners' association.

(b) A master development plan for the commercial subdivision, which shall show buildout of the project, including proposed lots and outparcels, shall be submitted for conceptual development plan review and approval by the DRT. The master development plan shall be accompanied by a traffic impact analysis (TIA) and include a master signage plan depicting signage to be used by the owners of lots in the commercial subdivision.

(c) Commercial subdivisions shall be subject to restrictive land use covenants or easements, which provide for the installation, maintenance, and shared use of infrastructure and common areas among the lots depicted in a commercial subdivision master development plan. Such restrictive covenants or easements shall provide for shared access, ingress, egress, parking, common area ownership and maintenance, utility and stormwater infrastructure, signage in accordance with the master signage plan and landscaping among the lots in the commercial subdivision. Said restrictive land use covenants or easements shall comply with the ZDSO and shall be recorded concurrent with the sale or transfer of any lot within the commercial subdivision.

(d) Except for outparcels, unless such outparcels are shown and included in the master development plan, individual lots within a commercial subdivision are exempt from the open space and density, lot and building intensity, and bufferyard and landscaping standards of article VI; the site capacity and resource protection standards in article VII, except for tree protection and removal; and parking standards in article XIII. The intent being that the commercial development will meet these standards as a whole during review of the master development plan, and that subsequent to subdivision, the lots depicted in the master development plan for a commercial subdivision shall be used and shall operate together as a single master planned development. Where applicable; however, individual lots within a commercial subdivision shall meet the corridor overlay district guidelines in appendix B, except that perimeter buffer requirements (see appendix B, section 5.A.2.d) shall not apply between individual lots in the commercial subdivision.

(e) Amendments to the commercial subdivision, including, but not limited to, the size, dimension and number of lots depicted therein, shall be approved by the DRT.

(f) The original developer of a commercial subdivision may or may not actually develop the entire project to completion. As a special exception to the subdivision process outlined in this chapter, the developer of a commercial subdivision may sell or transfer ownership of lots within the commercial subdivision in accordance with the following procedures and provisions:

(1) Prior to the sale or transfer of lots, the developer shall build any necessary off-site improvements for the development, including those identified in the traffic impact

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analysis (TIA), water/sewer extensions to the site, etc., or the developer may elect to provide surety in the amount of 125 percent of the cost estimates for such improvements in accordance with article XIII, division 7 (performance guarantees).

(2) Property covenants and restrictions (see subsection (c) above), must accompany the sale or transfer of any lot within the commercial subdivision restricting the new owner to the development shown on the approved master development plan;

(3) The developer shall submit to the ZDA a sworn affidavit from the prospective purchaser of a lot wherein the purchaser waives his or her right to the guarantee of the installation of required improvements afforded through this chapter for the subdivision of land, and further states that he or she understands that a final development plan application must be submitted and approved, and a development permit issued by the county in accordance with the procedures in article III (administrative procedures) prior to commencement of any development on the lot;

(4) The developer shall submit a plat for certification for recording to the ZDA and subsequently record such plat prior to sale or transfer of any lot in the commercial subdivision.

(Ord. No. 2013/39, 11-18-2013)

Secs. 106-2541—106-2565. Reserved.

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DIVISION 4. SUBDIVISION LAYOUT

Subdivision I. In General

Sec. 106-2566. Scope.

The sections in this division provide design guidance in laying out blocks, lots, open spaces and streets in a subdivision development. The subdivision development shall be designed with a system of major and minor streets creating blocks of land.
(Ord. No. 99-12, § 1 (div. 13.300), 4-26-1999)

Secs. 106-2567—106-2595. Reserved.

Subdivision II. Small Lot Rural Subdivisions

Sec. 106-2596. Minimum development standards for small lot rural subdivisions.

(a) Minimum lot size for by-right lots is one-half acre.

(b) Once the permitted number of by-right lots is subdivided from the parent parcel in compliance with table 106-2596, the open space and density standards in table 106-1526 shall apply to the remaining acreage of the parent parcel with the following exception. Where by-right lots are less than one acre, one acre per subdivided by-right lot will be subtracted from the original acreage of the parent parcel before applying the density standards in table 106-1526 to the parent parcel.

TABLE 106-2596. MAXIMUM NUMBER OF LOTS THAT CAN BE SUBDIVIDED FROM A PARCEL OF RECORD UTILIZING THE SMALL LOT RURAL SUBDIVISION

Parcel Size (base site density) in Acres	*Maximum Number of Lots with no "By-Right" Lot Splits (Lady's Island, Southern Beaufort County, Airport Overlay District)*	*Maximum Number of Lots with 2 "By-Right" Lot Splits (Port Royal Island outside of Airport Overlay District)*	*Maximum Number of Lots with 3 "By-Right" Lot Splits (Sheldon Township, St. Helena Island)*
2	1	2	2
3	1	3	3
4	1	3	4
5	1	3	4
6	2	3	4
7	2	3	4
8	2	4	4
9	3	4	5
10	3	4	5
12	4	5	6

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Parcel Size (base site density) in Acres	*Maximum Number of Lots with no "By-Right" Lot Splits (Lady's Island, Southern Beaufort County, Airport Overlay District)*	*Maximum Number of Lots with 2 "By-Right" Lot Splits (Port Royal Island outside of Airport Overlay District)*	*Maximum Number of Lots with 3 "By-Right" Lot Splits (Sheldon Township, St. Helena Island)*
15	5	6	7
20	6	8	8
25	8	9	10
30	10	11	12
40	13	14	15
50	16	18	18
100	33	34	35

(Ord. No. 99-12, § 1(13.310), 4-26-1999; Ord. No. 2010/25, 10-11-2010)

Sec. 106-2597. Conditions and limitations.

Small lot rural subdivisions shall meet the following conditions and limitations. Where the adjoining public right-of-way is an arterial or collector street, the required right-of-way of such streets shall be dedicated to standards as designated by the county or SCDOT.

(1) *Access easement.* All lots shall take direct access from an access easement or right-of-way having a minimum width of 50 feet. The access easement shall be improved with gravel and ditches for drainage. A 40-foot access easement may be permitted to serve no more than four lots with documentation provided to the ZDA if emergency vehicles can be accommodated. Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.

(2) *Access limitations.* Any lot abutting a public right-of-way classified as an arterial, collector, or emergency evacuation route shall have an accompanying plat note prohibiting direct access to that lot from the abutting arterial, collector, or emergency evacuation route.

(3) *Improvements.* The responsibility of the parent parcel owner to install, in accordance with the requirements of subsection 106-2597(1), roads and install all public utilities, water, sewer, and storm drainage for the initial lots shall be noted on the final plat.

(4) *Restrictions on future subdivisions.* A note shall appear on all plans for rural small lot subdivisions specifying the number of remaining by-right lots that can be subdivided from the parent tract. If all by-right lots are subdivided, the note shall state that remaining subdivisions of the parent tract shall meet the density requirements prescribed in table 106-1526.

(Ord. No. 99-12, § 1 (13.311), 4-26-1999; Ord. No. 2010/25, 10-11-2010)

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Secs. 106-2598—106-2625. Reserved.

Subdivision III. Traditional Neighborhood Design Subdivision

Sec. 106-2626. Blocks.

Design standards for blocks in traditional neighborhood design subdivisions shall be as follows:

(1) Where possible, blocks shall be laid out to have their short length abutting arterials, collectors, or the development's major road. The blocks should not, in general, exceed 15 lots in length as measured on one side of the street. The length, width and shape of blocks should be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, topography, fire access, emergency service, and police protection.

(2) Blocks should be, at minimum, such width as will provide two tiers of lots, except where reverse frontage lots are located along an arterial or collector street or where such an arrangement is prevented by size, topographical conditions or other inherent site conditions of property, as determined by the DRT.

(3) Blocks for commercial and industrial areas may vary from the elements of design contained in this subdivision if the nature of the use requires other treatment. In such cases, safe and convenient access to the street system shall be required. Space for off-street parking may also require similar access for employees and customers. Extension of streets and utilities should be provided as necessary.

(4) In areas where a grid or other formal system is desired in which open spaces are integrated into the block design, exceptions would be made for green spaces along drainage or stream channels or where other natural resources make the grid difficult or cost prohibitive. In other areas, the street and block system should be designed to preserve and protect natural areas.

(5) Alleys are considered desirable for areas where lot sizes are less than 15,000 square feet in area. Alley access permits more narrow streets and improves the street frontage by keeping parking to the rear. Flexibility with regard to this objective will be needed on narrow sites or where there are resource limitations.

(Ord. No. 99-12, § 1 (13.330), 4-26-1999)

Sec. 106-2627. Lots.

Design standards for lots in traditional neighborhood design subdivisions shall be as follows:

(1) Every lot shall have frontage along the right-of-way lines of a street.

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(2) Double-frontage residential lots should be avoided. It is preferable along arterials or collectors to align blocks with perpendicular local streets so that side lot lines adjoin the main road. Only where this is impractical or where large buffers exist between the lot and the road should double frontages be permitted. Residential lots fronting on collectors shall be prohibited unless served with alleys.

(3) Sidelines of a lot should generally be set approximately at right angles or radial to street right-of-way lines, and rear lines should generally be approximately parallel to street lines.

(4) In rural areas, lotting along existing roads should generally be such so as to preserve the future developmental viability of interior lands by providing adequate road right-of-way access to the interior of properties. All homes should take access from new roads, rather than from existing roads.

(5) The arrangement of lots must reflect sensitivity to the natural features of the property. Alternative development options, such as open space subdivision, single-family clustering or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into wetlands, floodplains, and other natural resources.

(6) Commercial and industrial lots should be designed to prevent any visually unattractive facility, such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas, from facing major streets or residential neighborhoods. Alley access or screening walls should be utilized to shield visually unattractive facilities.

(Ord. No. 99-12, § 1 (13.331), 4-26-1999)

Sec. 106-2628. Lot width and frontage.

In traditional neighborhood design subdivisions, lot width and frontage requirements shall reflect the subdivision or land development conditions. These standards are intended to provide a reasonable building envelope and adequate access to each lot. The following guidelines govern lot configuration:

(1) Where a grid street system exists, the lots should be as close to rectangular as feasible.

(2) In curvilinear street patterns, irregular lot shapes will result. The construction envelope is where the minimum lot width must be maintained; therefore, the lot width may not be narrower than the minimum at any point within the envelope. The developer may define building envelopes more restrictively than minimum yard setbacks on the final plat. The building pads should permit houses that are part of the developer's product mix.

(3) Where topography, natural resources, or property shape make normal lotting difficult, common drives, flag lots, or shared easements shall be considered.

(4) Each lot shall have frontage on a public or private street. The minimum lot frontage shall be similar to minimum lot width. Exceptions shall be granted on curvilinear

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streets or culs-de-sac and where irregular lots are found to assist in achieving other goals. No frontage shall be less than 25 feet at the street line. The critical element of lot width or frontage is that the building envelope be maintained so that houses typical of that lot size can be built.

(Ord. No. 99-12, § 1 (13.332), 4-26-1999)

Sec. 106-2629. Lot lines.

The county desires lot lines to be generally perpendicular or radial to the street and rear lines to be generally approximately parallel to street lines. However, different lot shapes will be permitted in traditional neighborhood design subdivisions if they can be shown to be necessary or desirable to relate building sites to the terrain and open space or if they provide better site utilization and building relationships. Lots with nonradial, nonperpendicular, or bent lot lines may be permitted where it leads to greater efficiency while still providing generally rectilinear building envelopes. More flexibility in this consideration shall be granted as lot sizes increase. Also, where providing views of open space or to avoid resource destruction, the use of nonrectangular lots is desirable to achieve these broader goals.

(Ord. No. 99-12, § 1 (13.333), 4-26-1999)

Sec. 106-2630. Easements.

Where required, all lots in traditional neighborhood design subdivisions shall provide easements for sewer, water, drainage, gas, telephone, or cable TV necessary to serve the subdivision. Such easements shall be located in either street rights-of-way, alleys, side or rear yards. The following standards shall apply to easements:

(1) The utility easements shall be a minimum of ten feet wide. Easements which fall on shared side or rear lot lines shall be divided equally, requiring five feet from each lot.

(2) Where attached housing types or patio lots are involved and yards are enclosed or very narrow, easements shall be placed in open space areas where maintenance will not disturb the enclosures.

(3) Drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or in open spaces.

(4) The minimum lot size may include ten-foot easements, except as provided in subsection (2) of this section or where open space is protected on the lot by an easement, or where public access easements are provided. The areas in the open space easement shall be in addition to the minimum lot size in table 106-1526.

(5) Surface drainage patterns shall be protected by easements or open space.

(6) If streets are intended to be dedicated to SCDOT or the county, all SCDOT or county standards must be met, respectively.

(7) Where roads or lots are built in areas of natural resources, all utilities, if safe, shall be placed within the street right-of-way and under the street in order avoid additional destruction of natural resources. Drainage easements shall be designed to use natural channels or sheet flow to the maximum extent practical.

(Ord. No. 99-12, § 1 (13.334), 4-26-1999)

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Sec. 106-2631. Open spaces.

Open spaces in traditional neighborhood design subdivisions shall be designed and laid out to achieve the following:

(1) Open space requirements of buffering, resource protection, recreation, stormwater management, and preservation of community character shall be achieved.

(2) Visual access to open space shall be encouraged from both lots and streets. Views to water, wetlands, mature forest stands, or specimen trees shall be encouraged.

(3) Open space shall be designed to provide greenways along stream corridors. Such open areas shall be designed to accommodate wildlife wherever possible. Trails shall provide access along the greenway and to the residents of the development.

(4) Open spaces should be integrated into the development design to bring significant open space to the maximum number of properties. Small odd leftover open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.

(5) More formal open spaces shall be designed to provide areas of focus to the development. The landscaping and public space furniture should be installed to enhance this effect.

(6) Open spaces must be designated as "open space easement" on all plats, and conveyed to a property owners' association. When a mutual agreement exists, the open space may be conveyed to the county subject to acceptance by the county. The county may dedicate the open space for public use.

(Ord. No. 99-12, § 1 (13.335), 4-26-1999)

Sec. 106-2632. Streets.

In traditional neighborhood design subdivisions, all new streets not intended to be private in nature and widened portions of all existing dedicated public rights-of-way shall be dedicated to public use, subject to final inspection and acceptance by the county engineer. Layout of streets in traditional neighborhood design subdivisions shall comply with the following standards:

(1) There shall be a clear hierarchy of streets, arterials, collectors, and local access streets, both residential and commercial subdivisions.

(2) Lots are not intended to have direct access to arterial or collector streets. Only where the access serves large, high traffic volume uses or large parcels shall such direct access be provided. Access from arterial or collector streets to individual house lots should be prohibited unless there is no other option for serving the lot.

(3) Where traffic volumes become too high, even on local streets, individual, single-family access should be prohibited.

(4) Street design shall reflect the desired community character objectives of the county. This means that, wherever possible, collectors and arterials should have extensive

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landscaping as either boulevards or parkway type designs. Where practical, the center of the boulevards should run on the development property line so no individual developer has to provide the entire road.

(5) Where small lots are used that would generate extensive on-street parking and lot widths result in a limit of the area available for on-street parking, alleys should be used.

(6) Special consideration shall be given to street design to enable natural areas to be protected or minimally disturbed.

(7) Streets shall connect with adjoining developments to the maximum degree possible. This is critical to the creation of real neighborhoods. Only occasional connections shall be considered inadequate, unless there is a physical feature that renders connection difficult or very expensive. Where private gated communities are proposed, they may be permitted; however, the county shall require adequate access for community service, traffic movement, and access to water or other areas of public use.

(Ord. No. 99-12, § 1 (13.336), 4-26-1999)

Secs. 106-2633—106-2660. Reserved.

Subdivision IV. Nontraditional Neighborhood Design Subdivisions

Sec. 106-2661. Scope.

Design standards for blocks in nontraditional neighborhood design subdivisions shall be as provided in this subdivision.

(Ord. No. 99-12, § 1 (13.340), 4-26-1999)

Sec. 106-2662. Lots.

Design standards for lots in nontraditional neighborhood design subdivisions shall be as follows:

(1) Every lot shall have frontage along the right-of-way lines of a street.

(2) Double-frontage lots are lots where the front and rear property lines border a street. Double-frontage lots shall only be permitted where it shall be found necessary to separate a development from major thoroughfares, or to overcome specific disadvantages of topography and orientation.

(3) Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.

(4) In rural areas, lotting along existing roads should generally be such so as to preserve the future developmental viability of interior lands by providing adequate road right-of-way access to the interior of properties. All homes should take access from new roads, rather than from existing roads.

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(5) The arrangement of lots must reflect sensitivity to the natural features of the property. Alternative development options, such as open space subdivision, single-family clustering or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into wetlands, floodplains, and other natural resources.

(6) Commercial and industrial lots should be designed to prevent any visually unattractive facility, such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas, from facing major streets or residential neighborhoods. Alley access or screening walls should be utilized to shield visually unattractive facilities.

(Ord. No. 99-12, § 1 (13.341), 4-26-1999)

Sec. 106-2663. Usable lot area.

(a) Each lot in a nontraditional neighborhood design subdivision shall have a minimum usable lot area equal to or greater than 50 percent of the gross lot area. This is calculated by subtracting the area of wetlands and wetlands setbacks from the gross area.

(b) As an alternative to disallowing any lot that does not meet the minimum usable lot area as defined in subsection (a) of this section, if the professional engineer can clearly demonstrate that the lot can sustain a single-family residence, an access driveway, a septic tank and drainfield as may be required, and potable water service, the county engineer may approve such a lot for development. The accepted method for demonstrating that the substandard lot is suitable for development will be that the design engineer will provide a site/drainage plan for the lot which locates the house, the driveway, the septic drainfield as required, and the potable water service. The site/drainage plan will also include existing and finished topography elevations.

(Ord. No. 99-12, § 1 (13.342), 4-26-1999)

Sec. 106-2664. Lot width and frontage.

In nontraditional neighborhood design subdivisions, lot width and frontage requirements shall reflect the subdivision or land development conditions. These standards are intended to provide a reasonable building envelope and adequate access to each lot. The following guidelines shall govern lot configuration:

(1) Where a grid street system exists, the lots should be as close to rectangular as feasible.

(2) In curvilinear street patterns, irregular lot shapes will result. The construction envelope is where the minimum lot width must be maintained; therefore, the lot width may not be narrower than the minimum at any point within the envelope. The developer may define building envelopes more restrictively than minimum yard setbacks on the final plat. The building pads should permit houses that are part of the developer's product mix.

(3) Where topography, natural resources, or property shape make normal lotting difficult, common drives, flag lots, or shared easements shall be considered.

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(4) Each lot shall have frontage on a public or private street. Unless otherwise required by table 106-1526, the minimum street frontage shall be 50 feet, except on culs-de-sac which shall have a minimum of 30 feet, and 50 feet at the building line.

(Ord. No. 99-12, § 1 (13.343), 4-26-1999)

Sec. 106-2665. Lot lines.

Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Excessive lot depth in relation to lot width shall be avoided. The depth of residential lots shall not be less than one nor more than five times their width.

(Ord. No. 99-12, § 1 (13.344), 4-26-1999)

Sec. 106-2666. Minimum lot elevation and drainage.

In nontraditional neighborhood design subdivisions, lots shall be provided with adequate drainage and shall be graded, so as to drain surface water away from the building. The minimum elevation of the lot shall be a level that will prevent ponding or flooding as a result of heavy rain, or during abnormally high tides. The entire lot shall be properly drained at a minimum slope of one-eighth inch per foot toward roadside and/or lot swales.

(Ord. No. 99-12, § 1 (13.345), 4-26-1999)

Sec. 106-2667. Easements.

Where required in nontraditional neighborhood design subdivisions, all lots shall provide easements for sewer, water, drainage, gas, telephone, or cable TV necessary to serve the subdivision. Such easements shall be located in either street rights-of-way, alleys, side or rear yards. The following standards shall apply to easements:

(1) The utility easements shall be a minimum of ten feet wide. Easements which fall on shared side or rear lot lines shall be divided equally, requiring five feet from each lot.

(2) Where attached housing types or patio lots are involved and yards are enclosed or very narrow, easements shall be placed in open space areas where maintenance will not disturb the enclosures.

(3) Drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or in open spaces.

(4) The minimum lot size may include ten-foot easements, except as provided in subsection (2) of this section or where open space is protected on the lot by an easement, or where public access easements are provided. The areas in the open space easement shall be in addition to the minimum lot size in table 106-1526.

(5) Surface drainage patterns shall be protected by easements or open space.

(6) If streets are intended to be dedicated to SCDOT or the county, all SCDOT or county standards must be met, respectively.

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(7) Where roads or lots are built in areas of natural resources, all utilities, if safe, shall be placed within the street right-of-way and under the street in order avoid additional destruction of natural resources. Drainage easements shall be designed to use natural channels or sheet flow to the maximum extent practical.

(Ord. No. 99-12, § 1 (13.346), 4-26-1999)

Sec. 106-2668. Open spaces.

Open spaces in nontraditional neighborhood design subdivisions shall be designed and laid out to achieve the following:

(1) Open space requirements of buffering, resource protection, recreation, stormwater management, and preservation of community character shall be achieved.

(2) Visual access to open space shall be encouraged from both lots and streets. Views to water, wetlands, mature forest stands, or specimen trees shall be encouraged.

(3) Open space shall be designed to provide greenways along stream corridors. Such open areas shall be designed to accommodate wildlife wherever possible. Trails shall provide access along the greenway and to the residents of the development.

(4) Open spaces should be integrated into the development design to bring significant open space to the maximum number of properties. Small odd leftover open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.

(5) More formal open spaces shall be designed to provide areas of focus to the development. The landscaping and public space furniture should be installed to enhance this effect.

(6) Any remnants of land not meeting all the requirements of this chapter shall be incorporated into either existing or proposed lots, or shall be legally deeded to the homeowners' association. Open spaces must either be conveyed to a property owners' association, or placed under an open space easement. When a mutual agreement exists, the open space may be conveyed to the county subject to acceptance by the county. The county may dedicate the open space for public use.

(Ord. No. 99-12, § 1 (13.347), 4-26-1999)

Sec. 106-2669. Streets.

In nontraditional neighborhood design subdivisions, all new streets not intended to be private in nature and widened portions of all existing dedicated public rights-of-way shall be dedicated to public use, subject to final inspection and acceptance by the county engineer. Layout of streets in nontraditional neighborhood design subdivisions shall comply with the following standards:

(1) There shall be a clear hierarchy of streets, arterials, collectors, and local access streets, both residential and commercial subdivisions.

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(2) Lots are not intended to have direct access to arterial streets. Access from arterial streets to individual house lots should be prohibited unless there is no other option for serving the lot.

(3) Where traffic volumes become too high, even on local streets, individual, single-family access should be prohibited.

(4) Street design shall reflect the desired community character objectives of the county. This means that, wherever possible, collectors and arterials should have extensive landscaping as either boulevards or parkway type designs. Where practical, the center of the boulevards should run on the development property line so no individual developer has to provide the entire road.

(5) In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas and in order to help prevent traffic congestion and traffic hazards, the length between intersecting streets hereafter shall not exceed 1,800 feet.

(6) Special consideration shall be given to street design to enable natural areas to be protected or minimally disturbed.

(7) Streets shall connect with adjoining developments to the maximum degree possible. This is critical to the creation of real neighborhoods. Only occasional connections shall be considered inadequate, unless there is a physical feature that renders connection difficult or very expensive. Where private gated communities are proposed, they may be permitted; however, the county shall require adequate access for community service, traffic movement, and access to water or other areas of public use.

(Ord. No. 99-12, § 1 (13.348), 4-26-1999)

Secs. 106-2670—106-2695. Reserved.

DIVISION 5. COVENANTS AND DEEDS

Sec. 106-2696. Private restrictions.

(a) Private restrictions shall require review and approval by the DRT. The provisions of this division are not intended to replace any deed restriction, covenant, easement, or any other private agreement on the use of land. All such restrictions shall be enforced by parties to the restriction. The county shall not enforce or become involved in the enforcement of private restrictions. The county shall only enforce provisions that are required by this article or other sections of this chapter.

(b) If a provision of any county ordinance is more restrictive than the private restriction, the county regulations shall prevail.

(c) Any provision that violates the laws of the United States, the state or the county is deemed to be unenforceable by the property owners. Where found by the county in its review, it shall be deleted.

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(d) No private restriction shall render a development lot unbuildable if it were buildable under this chapter either by restricting the use or altering the setback or similar standards of the recorded subdivision.

(e) Private restrictions shall ensure that open space, resource protection, and longterm maintenance of common areas are provided in accordance with this chapter.
(Ord. No. 99-12, § 1 (13.410), 4-26-1999)

Sec. 106-2697. Public easements.

During the planning of a property, the county may require the granting of a variety of easements on private property or lots. These easements may be for any of the following purposes: drainage, utilities, access to public utilities or drainage areas, and open space easements. The county shall have the right to remove any encroachment, structure, landscaping, or any other improvement placed upon such public easements. The county may assess the cost of removing the illegal improvements against the landowner.
(Ord. No. 99-12, § 1 (13.420), 4-26-1999)

Secs. 106-2698—106-2725. Reserved.

DIVISION 6. IMPROVEMENTS

Sec. 106-2726. Standards.

All subdivision improvements shall meet the standards of article XIII of this chapter. To ensure all required improvements are completed, all subdivisions shall be required to provide adequate surety for roads, utilities, drainage, stormwater management facilities, recharge basins, landscaping, open space completion, monuments, and other infrastructures and improvements shown on the final plan or plat. All infrastructure shall be completed within 12 months. Such surety shall be posted prior to the recording of a final plan or plat. See division 7 of article XIII of this chapter.
(Ord. No. 99-12, § 1 (div. 13.500), 4-26-1999)

Secs. 106-2727—106-2765. Reserved.

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ARTICLE XIII. SUBDIVISION AND LAND DEVELOPMENT STANDARDS*

DIVISION 1. GENERALLY

Sec. 106-2766. Applicability.

All proposed land developments and subdivisions shall conform with the standards set forth in this article, unless expressly exempt from obtaining a development permit as specified in this article or elsewhere in this chapter.
(Ord. No. 99-12, § 1 (14.010), 4-26-1999)

Secs. 106-2767—106-2795. Reserved.

DIVISION 2. STREET STANDARDS

Sec. 106-2796. Access.

(a) Access to county, state and federal thoroughfares. In subdivisions, access to county, state, and federal thoroughfares shall be provided as follows:

(1) Street, driveway, or other access separation along county, state, and federal highways shall be in accordance with the SCDOT, "Access and Roadside Management Standards," and county-approved access management plans. In no event, however, shall individual driveways and nonresidential curb cuts be permitted at spacing less than follows:

a. Major arterial road (divided four-lane): 1,500 feet.

b. Arterial road (two-lane): 800 feet.

c. Collector road and all others: 400 feet.

(2) Where existing conditions warrant, individual driveways and nonresidential curb cut spacing described in subsection(a)(1) above may be varied by the Beaufort County Traffic Engineer to provide essential site access where supported by an approved traffic impact analysis.

(3) If a road can be provided for lots (parcels), they shall be required, rather than permitting the stripping of lots (parcels) along the road frontage with individual and direct access to the roadway. The rural subdivision (subdivision II of division 4 of articles XII of this chapter) is specifically designed to eliminate stripping of lots. If a property cannot be provided access through adjoining properties, a temporary access may be permitted as provided in subsection (b) of this section.

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*__Cross references__—Recording of plats and deeds, § 2-616; environment, ch. 38; buildings and building regulations, ch. 74; floods, ch. 78; manufactured homes and trailers, ch. 86; planning, ch. 94.

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(4) Where a new internal road cannot be provided due to the depth and/or configuration of a parcel, lots (parcels) created along public road rights-of-way shall utilize shared access drives to meet the separation standards in subsection (1).

(5) Where lots (parcels) within a major subdivision are created along unpaved public road rights-of-way, the developer shall be required to either pave the portion of the road that fronts the lots per county standards or provide in escrow to the county an amount equal to the paving of that portion of the road.

(b) *Temporary access.* No developer shall be denied a zoning permit or plan approval for the sole reason that a parcel of record, as of the effective date of the ordinance from which this chapter derives, cannot meet the permanent access standards, provided the development plan meets all other requirements of this chapter. A temporary access permit may be granted which shall expire when the permanent access to the property via adjoining parking lots, shared access with adjacent property, parallel access, or reverse frontage roads is achieved. The property owner shall bear the cost of closing the temporary access and connecting to the permanent access.

(c) *Driveway linkage for nonresidential development.* As determined by the DRT, linkages shall be required between adjoining properties to provide for movement from one development to another without requiring a return to the public roadway. This may be accomplished in several ways as follow:

(1) Where feasible, a continuous frontage or reverse frontage shall be provided either immediately behind the bufferyard or, if outlots are to be provided, along the rear property line of the outlots.

(2) Where a uniform setback line is established on a number of properties so that drives at the front of the building can be interconnected, this circulation road may be used as the linkage.

(3) A driveway stubout section can be used when it is adjacent to the vacant land, if that vacant land is located in a nonresidential zoning district, or where the DRT indicates the adjacent property will be developed as a nonresidential use (this requirement shall not apply where a frontage road system is planned or is in place.) All driveways and driving areas, including those through parking lots, designated for such movement shall be paved.

(4) The alignment of such accesses shall be linked in a straight line for as long a distance as is practical. The DRT may, in reviewing development, determine that one of the methods in this subsection is most appropriate and requires that all development provide such connections.

(d) *Legal access.* Legal access shall be provided as follows:

(1) While it is the intent of this chapter that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often such legal right of access may not be clearly established at the time of proposed development

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activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great, except that such proposed development may impact other property across which access to the development depends. It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers. To this end, all applicants for development approval on property not immediately contiguous to deeded public rights-of-way shall submit the following:

a. Copies of recorded deeds, plats and easements clearly documenting access to the development property; or

b. In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent; and

c. Development involving the sale of lots, tracts, or units for which the provisions of subsection (d)(1)a of this section cannot be met must include on the face of recorded plats and surveys and in the body of associated deeds, master deeds, covenants and restrictions the following disclosure statement:

> "It has been determined by Beaufort County that access to all lots or units contained in this development are not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public."

For development not involving the sale of lots or units which cannot meet the provisions of subsection (d)(1)a of this section, the ZDA shall send notice of development intent by certified mail to all affected property owners whose land over which access to the proposed development property is dependent at least 14 days in advance of scheduled project review.

(2) The DRT shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

(3) Upon determination that reasonable access to adjoining property would be seriously affected by a proposed subdivision design, the ZDA will notify the adjacent property owner, by registered mail, of his findings and recommend that he take whatever action deemed necessary based on that finding. This is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.

(e) *Public access.* Accessibility is important for public health and safety and to promote the character of the community that the county finds desirable. If a developer wishes to build a gated community that prohibits general public access, the developer must meet the following standards:

(1) No local residential street shall have a peak hour volume of greater than 240 trips. Such developments shall be designed to ensure this volume cannot be exceeded.

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(2) The county attorney, assisted by other county departments, shall determine if there are any water access areas that are subject to prescriptive right of use. If the county attorney issues an opinion that there is a prescriptive right of access and the applicant

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refuses to acknowledge the prescriptive easement, no permit shall be issued until a final order resolving such question is entered by an appropriate court, or the developer posts a bond which, in the opinion of the court, protects the potential prescriptive users.

(3) Public access to existing cemeteries shall be ensured.

(4) Any roads designated by the DRT for providing adequate transportation to an area pursuant to an overall circulation plan affecting multiple land owners shall be public roads.

(5) All developments proposed for restricted access shall submit, as part of the TIA, an analysis of the potential effects from such restricted access on the future road capacities in the vicinity of the project.

(f) *Access management standards for Robert Smalls Parkway (SC 170).* The following access management standards apply to all properties within Beaufort County's jurisdiction on Robert Smalls Parkway (SC 170) between the intersection of SC 280 (Parris Island Gateway) and the Broad River Bridge.

(1) Signal spacing. The minimum spacing between full signalized access is 3,200 feet. The minimum spacing between directional signalized access is 1,900 feet.

(2) Future signal locations. The specific signalized access locations shall correspond to the Future Signal Locations provided in Map 1 in Appendix I: Robert Smalls Parkway Joint Corridor Plan of the Beaufort County Comprehensive Plan. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

a. The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County traffic engineer.

b. The modified location must provide adequate spacing (as defined in the spacing standards indicated above) from existing traffic signals, programmed traffic signals, and future signalization of primary roadway intersections, including:

SC 170 at SC 280.

SC 170 at W.K. Alston.

SC 170 at Castle Rock Road.

SC 170 at Broad River Road.

SC 170 at SC 802.

c. The modified location shall not have an adverse impact on existing or future LOS based on comparative analysis of conditions with the recommended signal locations indicated in Appendix I: Robert Smalls Parkway Joint Corridor Plan of the Beaufort County Comprehensive Plan above. The developer shall be required

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to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

(3) Driveway spacing. A minimum of one point of access to a property will be allowed. Additional access points above the one permitted may be granted provided the continuous roadway frontage of the property exceeds 500 feet. Single parcel access is strongly discouraged. Joint access driveways are encouraged for small parcels to adhere to the 500-foot spacing. Driveways should be limited to the number needed to provide adequate access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved. Refer to Table 106-2796.

TABLE 106-2796. MAXIMUM NUMBER OF DRIVEWAYS PER FRONTAGE

Length of Frontage	*Maximum Number of Driveways*
500 feet or less	1
500+ to 1,000 feet	2
1,000+ to 1,500 feet	3
1,500+ to 2,000 feet	4
More than 2,000 feet	4 plus 1 per each additional 500 feet of frontage

For parcels with frontage both on Robert Smalls Parkway and a secondary road, a minimum spacing of 500 feet shall be maintained along Robert Smalls Parkway between a driveway and a signalized intersection. Within 500 feet of signalized intersections, access shall be off a secondary road. Driveway spacing shall be measured from the closest edge of pavement to the next closest edge of pavement.

(4) Driveway design. Driveway width and turning radii shall conform to SCDOT's Access and Roadside Management Standards.

(5) Driveway linkages. See section 106-2796 (c).

(6) Deceleration lanes. Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to constitute the potential for disruption as indicated in the traffic impact analysis.

(7) Retrofitting existing driveways. As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be relocated, consolidated, or eliminated if they do not meet the access management standards.

(8) Traffic impact analysis. A traffic impact analysis study shall be provided for proposed developments along the Robert Smalls Parkway corridor anticipated to generate at least 50 peak-hour trips. The procedures and guidelines for a traffic impact analysis as set forth in article XI, division 5, section 106-2450 shall be followed.

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(g) *Access management standards for West Fording Island Road (US 278) and Okatie Highway (SC 170).* The following access management standards apply to all properties within Beaufort County's jurisdiction on Okatie Highway (SC 170) from Old Baileys Road (S-18) to McGarvey's Corner (US 278); and West Fording Island Road (US 278) from the Jasper County line to McGarvey's Corner (SC 170):

(1) *Signal spacing.* The minimum spacing between full signalized access is 3,600 feet. The minimum spacing between directional signalized access is 2,000 feet.

(2) *Future signal locations.* The specific signalized access locations shall correspond to the Future Signal Locations provided in Map 1 in Appendix J: West Fording Island Road (US 278) and Okatie Highway (SC 170) Joint Corridor Plan of the Beaufort County Comprehensive Plan. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

a. The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County Traffic Engineer.

b. The modified location shall provide connectivity to adjacent properties to give the properties access to the signalized intersection.

c. The modified location shall not have an adverse impact on existing or future LOS based on comparative analysis of conditions with the recommended signal locations indicated in Appendix J: West Fording Island Road (US 278) and Okatie Highway (SC 170) Joint Corridor Plan of the Beaufort County Comprehensive Plan. The developer shall be required to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

(3) *Driveway spacing.* A minimum of one point of access to a property will be allowed. Additional access points above the one permitted may be granted provided the continuous roadway frontage of the property exceeds 1,000 feet. Single parcel access is strongly discouraged. Joint access driveways are encouraged for small parcels to adhere to the 1,000-foot spacing. Driveways should be limited to the number needed to provide adequate access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved. Refer to Table 106-2796.

MAXIMUM NUMBER OF DRIVEWAYS PER FRONTAGE

Length of Frontage	*Maximum Number of Driveways*
1,000 feet or less	1
1,000 to 2,000 feet	2

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Length of Frontage	*Maximum Number of Driveways*
More than 2,000 feet	2 plus 1 per each additional 1,000 feet of frontage

For parcels with frontage both on West Fording Island Road or Okatie Highway and a secondary road, a minimum spacing of 1,000 feet shall be maintained along the principal arterial between a driveway and a signalized intersection. Within 1,000 feet of signalized intersections, access shall be off a secondary road. Driveway spacing shall be measured from the closest edge of pavement to the next closest edge of pavement.

(4) *Driveway design.* Driveway width and turning radii shall conform to SCDOT's Access and Roadside Management Standards.

(5) *Driveway linkages.* See section 106-2796(c).

(6) *Deceleration lanes.* Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to constitute the potential for disruption as indicated in the traffic impact analysis.

(7) *Retrofitting existing driveways.* As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be relocated, consolidated, or eliminated if they do not meet the access management standards.

(h) *Access management standards for Buckwalter Parkway.* The following access management standards apply to all properties within Beaufort County's jurisdiction on Buckwalter Parkway between the intersection of US 278 and SC 46 (May River Road).

(1) *Signal spacing.* The recommended spacing between full signalized accesses is 2,000 feet.

(2) *Future signal locations.* The specific signalized access locations shall correspond to the programmed signal locations provided in Figure 5 in Appendix L: Buckwalter Parkway Access Management Plan of the Beaufort County Comprehensive Plan. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

a. The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County traffic engineer.

b. The modified location must provide adequate spacing (as defined in the spacing standards indicated above) from existing traffic signals, programmed traffic signals, and future signalization of primary roadway intersections, including:

Buckwalter Parkway at US 278

Buckwalter Parkway at Cinema South (2,800 feet south of US 278)

Buckwalter Parkway at Sea Turtle South (2,050 feet south of Cinema South)

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Buckwalter Parkway at Buckwalter Town Center South (2,550 feet south of Cinema South)

Buckwalter Parkway at Bluffton Parkway and the Townes of Buckwalter (this signal will be relocated once Phase 5b of the Bluffton Parkway is completed)

Buckwalter Parkway at Bluffton Parkway and Hampton Hall

Buckwalter Parkway at H.E. McCracken Circle and Old Bridge Drive

Buckwalter Parkway at SC 46 (May River Road)

c. The future signalized intersection location shall not have an adverse impact on existing or future LOS based on comparative analysis of conditions with the recommended signal locations indicated in Appendix L: Buckwalter Parkway Access Management Plan of the Beaufort County Comprehensive Plan above. The developer shall be required to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

(3) *Driveway spacing.* Additional access points above the full accesses indicated in subsection 106-2796(h)(2)b. may be granted for right-in/right-out or other controlled movement access with a minimum spacing of 500 feet. Single parcel access is strongly discouraged and connectivity to adjacent parcels should be provided. Joint access driveways are encouraged for small parcels to adhere to the 500-foot spacing. Driveways should be limited to the number needed to provide adequate access to a development. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved. For parcels/developments that have frontage on Buckwalter Parkway and have access to a signalized intersection location recommended in the Buckwalter Parkway Access Management Plan, minimum spacing shall be 800 feet unless specified in Figure 5 of the Buckwalter Parkway Access Management Plan.

(4) *Driveway design.* Driveway width and turning radii shall conform to SCDOT's Access and Roadside Management Standards.

(5) *Driveway linkages.* See subsection 106-2796(c).

(6) *Deceleration lanes.* Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to constitute the potential for disruption as indicated in the traffic impact analysis.

(7) *Retrofitting existing driveways.* As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be relocated, consolidated, or eliminated if they do not meet the access management standards.

(i) *Access management standards for Bluffton Parkway.* The following access management standards apply to all properties within Beaufort County's jurisdiction on Bluffton Parkway between the intersection of SC 170 and US 278.

(1) *Signal spacing.* The recommended spacing between full signalized accesses is 2,640 feet (one-half mile).

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(2) *Future signal locations.* The specific signalized access locations shall correspond to the programmed signal locations provided in Figures 2-A and 2-B in Appendix M: Bluffton Parkway Access Management Plan of the Beaufort County Comprehensive Plan. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

a. The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County traffic engineer.

b. The modified location must provide adequate spacing (as defined in the spacing standards indicated above) from existing traffic signals, programmed traffic signals, and future signalization of primary roadway intersections, including:

Bluffton Parkway and SC 170

Bluffton Parkway and Lawton Station Access (1,750 feet east of SC 170)

Bluffton Parkway and Sandhill Tract (2,100 feet east of Lawton Station intersection)

Bluffton Parkway and Hampton Parkway (2,450 feet east of Sandhill Tract intersection)

Bluffton Parkway and Parcel 10B (2,550 feet east of Hampton Parkway)

Bluffton Parkway and Parcel 12A and 12B (2,600 feet east of Parcel 10B intersection)

Bluffton Parkway and Buckwalter Parkway and the Townes of Buckwalter (this signal will be relocated once Phase 5b of the Bluffton Parkway is completed)

Bluffton Parkway and Buckwalter Parkway and Hampton Hall

Bluffton Parkway and Buck Island Road

Bluffton Parkway and Simmonsville Road

Bluffton Parkway and SC 46 (roundabout)

Bluffton Parkway and Burnt Church Road

Bluffton Parkway and Malphrus Road

Bluffton Parkway and Buckingham Plantation Drive

c. The future signalized intersection location shall not have an adverse impact on existing or future LOS based on comparative analysis of conditions with the recommended signal locations indicated in Appendix M: Bluffton Parkway Access Management Plan of the Beaufort County Comprehensive Plan above. The developer shall be required to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

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(3) *Driveway spacing.* Additional access points above the full accesses indicated in subsection 106-2796(i)(2)b. may be granted for right-in/right-out or other controlled movement access with a minimum spacing of 800 feet. Single parcel access is strongly discouraged and connectivity to adjacent parcels should be provided. Joint access driveways are encouraged for small parcels to adhere to the 800-foot spacing. Driveways should be limited to the number needed to provide adequate access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved. For parcels/developments that have frontage on Bluffton Parkway and have access to a signalized intersection location recommended in the Bluffton Parkway Access Management Plan, minimum spacing shall be 800 feet unless specified in Figures 2-A and 2-B of the Bluffton Parkway Access Management Plan.

(4) *Driveway design.* Driveway width and turning radii shall conform to SCDOT's Access and Roadside Management Standards.

(5) *Driveway linkages.* See subsection 106-2796(c).

(6) *Deceleration lanes.* Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to constitute the potential for disruption as indicated in the traffic impact analysis.

(7) *Retrofitting existing driveways.* As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be relocated, consolidated, or eliminated if they do not meet the access management standards.

(Ord. No. 99-12, § 1 (14.110), 4-26-1999; Ord. No. 2004/26, 8-9-2004; Ord. No. 2005/19, 5-23-2005; Ord. No. 2008/17, 5-5-2008; Ord. No. 2008/19, 5-19-2008; Ord. No. 2013/39, 11-18-2013)

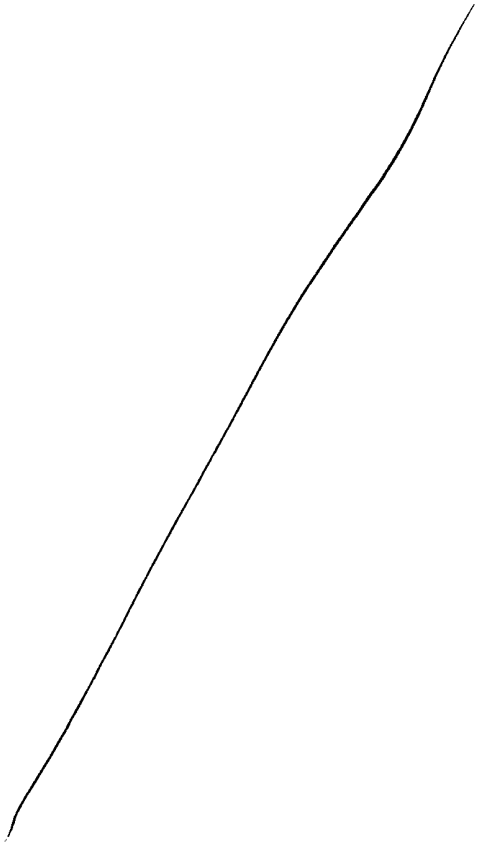
Sec. 106-2797. Street design standards.

(a) *Review.* While it is the intent of this division to provide ample flexibility in the layout of subdivision streets, proposed street systems will be reviewed as to their design, safety, and convenience of users, as well as adjacent property owners, provided such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.

(b) *General requirements.* General requirements for street design are as follow:

(1) *Continuation of existing street pattern.* The location, layout, arrangement, width, and grade of the proposed streets should be coordinated with the adjoining street systems,

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adjoining properties, topography, natural features, and drainage system. Minor residential streets shall be laid out so that their use by through traffic will be discouraged.

(2) *Naming of streets.* Proposed streets, which are obviously in alignment with other existing named streets, shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names, regardless of the use of suffixes such as "street," "avenue," "boulevard," "drive," "place," "court," etc. In no case shall a name be used which will be confused with other existing streets. A house or lot numbering (address) system shall be designed, utilizing an extension of an existing system in the area where one exists, and shall be placed on the final plat (see street naming in subdivision VIII of division 3 of article III of this chapter).

(3) *Street name signs.* Street name signs, constructed to county specifications, shall be installed at all street intersections at the developer's expense. Street names proposed by the developer must first be approved by the E-911 Addressing Center, and then by the DRT.

(4) *Design drawings and certification.* Professional engineers, registered in the state, shall prepare plans, profiles, cross sections, and specifications for all subdivision roads and streets. The engineers shall certify roads/streets are built to their approved plans and specifications. Cross sections shall be developed every 100 feet at intersections and break points in grade. Cross sections shall show travelways; shoulders; ditches or curb and gutter, if applicable; and utility location.

(c) *General design requirements.* General design requirements are as follows:

(1) *Collector streets.* Where a subdivision abuts or contains an existing or proposed collector or through street, the DRT may require marginal access streets, reverse frontage with screen planting, deep lots, or other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) *Visual obstructions.* No fence, wall, tree, terrace, building, sign, shrubbery, hedge, or other planting or structure or object capable of obstructing driver vision will be allowed at intersections.

(3) *Street jogs.* Street jogs or centerline offsets in the horizontal alignment of streets across intersections of less than 150 feet shall be prohibited.

(4) *Intersections.* The centerline of no more than two streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than 60 degrees.

(5) *Minimum curb and street radius.* The lot line radius at intersecting streets shall be not less than 20 feet, unless the developer demonstrates to the county engineer valid reasons to utilize less than 20 feet radii. The centerline radius of all curvilinear streets shall be not less than 100 feet.

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(6) *Dead-end streets and culs-de-sac.* Dead-end streets, designed to be so permanently, shall be no longer than 1,800 feet and shall be provided with a cul-de-sac. The cul-de-sac shall have a right-of-way radius of 50 feet and a solid paved circular area with a radius of 40 feet. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal. Planned developments may utilize landscaping in the center of the cul-de-sac turnaround areas, or as approved by the county engineer.

(7) *Minimum right-of-way and pavement widths.* The standards for street widths varies with the type of traffic anticipated and whether parking on the street is required. Table 106-2797 provides the standards.

(8) *Additional right-of-way.* A proposed subdivision that includes a platted street which does not conform to the minimum right-of-way requirements of this chapter shall provide for the dedication of additional right-of-way along either one or both sides of the street, so that the minimum rights-of-way required by this chapter can be established. If the proposed subdivision abuts only one side of the street, a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision.

TABLE 106-2797 ROAD STANDARDS

Type	*Maximum Peak Hour Volume*	*Parking Lanes*	*Right-of-Way*	*Pavement*
Cul-de-sac, lot frontage more than 120 feet	20	None	50	20
Local residential	240	None	50	22
Local residential	240	1	50	26
Local residential	240	2	60	34
Local nonresidential	1,000	None	50	28
Residential collector	800	None	50	22
Collector	N.A.	None	60	24
Collector	N.A.	2	60	38
Arterial	N.A.	Per state requirements		

(d) *Street construction specifications.* Street construction specifications shall be as follows:

(1) *Reverse curves.* The minimum distance between reverse curves shall be 100 feet.

(2) *Construction of roads and streets.* All new roads intended to become county roads shall be paved to meet the minimum requirements for road construction as follows, in accordance with referenced sections of the South Carolina Highway Department Standard Specifications:

a. *Commercial subdivisions.* In commercial subdivisions state standards are as follows:

1. The wearing surface shall have a minimum thickness of two inches of asphalt pavement, as specified in section 400 titled, "Bituminous Pavements," and section 403 titled, "Hot Laid Asphalt Concrete Surface Course," type I.

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2. Base course shall be a minimum thickness of eight inches and shall comply with section 306, titled "Stabilized Aggregate Base Course." Prime coat shall meet the requirements of sections 304.14 and 401.22.

b. *Residential subdivisions.* In residential subdivisions state standards are as follows:

1. The wearing surface shall have a minimum thickness of 1½ inches of asphalt pavement, as specified in section 400 titled, "Bituminous Pavements," and section 403 titled, "Hot Laid Asphalt Concrete Surface Course," type I.

2. Base course will be a minimum thickness of six inches of stone and shall comply with section 306 titled, "Stabilized Aggregate Base Course." Prime coat shall meet the requirements of sections 304.14 and 401.22.

(3) *Shoulder slope.* Maximum slope of shoulders shall be one inch per foot. Minimum slope of shoulders shall be one-half inch per foot.

(e) *Minimum construction specifications for, and County acceptance of, unpaved roads.* For the purposes of this article, unpaved road shall not mean dirt road, per se, but shall be referred to as "stabilized aggregate" road. Unpaved roads are to be utilized for residential, low volume traffic usage only. All minor subdivisions of land, as long as no more than four lots are served by the proposed road, may utilize a stabilized aggregate road, per county standards as follows: six inches of crushed granite or equal as approved by the county engineer. All major subdivisions shall require paved roads, per county standards. Unpaved roads shall remain private roads and not be accepted by the county for maintenance or ownership unless specifically approved by county council for an affordable housing development as defined in Subsection 106-2081(3)(a). Construction specifications for unpaved roads are as follows:

(1) Normal crown cross section transverse slopes shall be a two-percent minimum.

(2) Longitudinal slopes shall be a one-percent minimum.

(3) A soil report and analysis shall be performed by a qualified soil professional to determine if the soil is suitable for unpaved roads. The water table elevation shall also be determined.

(4) The road cross section shall consist of the following:

a. Strip and remove all deleterious and organic material from subbase, and compact to a 95 percent of density in six-inch to eight-inch lifts, to a depth that will accommodate the vehicular loadings so structural failure will not occur.

b. Six-inch stabilized aggregate base course, that conforms to the requirements of section 306 of the South Carolina Highway Department Standard Specifications, with prime coat or other suitable approved means of dust control. Other techniques with similar performance may be approved by the county engineers.

(5) Road shall consist of 20-foot roadway with four-foot shoulders and roadside ditches.

(6) All intersections shall be designed to keep stormwater out of intersections.

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(7) All discharges of stormwater in saltwater wetlands shall meet or exceed the water quality control standards of OCRM.

(8) Roads shall be designed so that potential for maintenance is reduced to a minimum (i.e., maintenance plan for roadway).

(9) The engineer shall design so that runoff will not create an erosion problem and damage the structural integrity of the road.

(10) The engineer designing the road will produce a summary on how these criteria are accomplished, including the following: The existing tree root systems within the right-of-way shall be trimmed and cut back to eliminate and reduce intrusion or presence within the road subgrade, including the 24-inch compact subgrade. No existing standing trees which are adversely impacted by the root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a qualified arborist or forester in determining the impact and survivability of individual trees.

(11) All lots in minor subdivisions in rural/rural residential districts shall take access from an access easement having a minimum right-of-way width of 50 feet. The access easement shall be improved with gravel and ditches for drainage. A 40-foot access easement may be permitted with documentation provided to the DRT that emergency vehicles can be accommodated. Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.

(Ord. No. 99-12, § 1 (14.120), 4-26-1999; Ord. No. 2010/4, 3-15-2010)

Secs. 106-2798—106-2825. Reserved.

DIVISION 3. SERVICE STANDARDS

Sec. 106-2826. Minimum service requirements.

All development shall be provided with minimum services in conformance with this division. The property owner or developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services, as a prerequisite for development, does not in any way obligate the county council or its departments or agents to furnish such services. No development shall be undertaken if provision has not been made for the following basic services, where applicable:

(1) Potable water supply of sufficient quantity to satisfy domestic needs;

(2) Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand;

(3) Means for treatment and disposal of domestic sewage and other liquid waste;

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(4) Means for collection and disposal of solid wastes, except for single-family residential subdivisions;

(5) Vehicular access to existing streets or highways;

(6) All driveways shall be paved, from the property line to the edge of the roadway pavement, except for private dirt roads;

(7) Power supply, normally electricity; and

(8) Water supply for fire protection (see subsection 106-2828(b)).

(Ord. No. 99-12, § 1 (14.210), 4-26-1999)

Sec. 106-2827. Sewer standards.

(a) All public sewers in subdivisions shall be installed to the specifications of the water and sewer agency providing that service. The plans for such service shall be approved in writing to the county prior to final plan approval. A letter accepting the facilities as properly installed shall be submitted to the county prior to the release of surety or the issuance of occupancy permits.

(b) All on-site systems shall be properly installed and shall meet the standards of DHEC.

(Ord. No. 99-12, § 1 (14.220), 4-26-1999)

Sec. 106-2828. Water standards.

(a) *Water supply for public use.* All public water systems in subdivisions shall be installed to the specifications of the water and sewer agency providing that service. The plans for such service shall be approved in writing to the county prior to final plan approval. A letter from the water and sewer agency accepting the facilities as properly installed shall be submitted to the county prior to the release of surety or the issuance of occupancy permits.

(b) *Water supply for fire protection.* All new development serviced by a public or quasipublic water system and approved by the state DHEC shall provide firefighting capability through the provision and placement of fire hydrants and adequate flow pressure. The location and spacing of hydrants shall be as follows:

(1) *Subdivisions.* Fire hydrants shall be required for all subdivision of property except single-family subdivisions of four lots or less. Hydrants shall be placed along streets and roads at intervals not to exceed 1,000 feet. In no case shall the nearest property line of a subdivided lot exceed 500 feet from a fire hydrant.

(2) *Buildings.* All properties where buildings or portions of buildings, other than one or two-family dwellings, are located more than 150 feet from a public or quasipublic water main shall be provided with approved fire hydrants connected to a water system capable of supplying the required fire flow, unless the fire district has approved an alternate fire protection plan. The location and number of such on-site hydrants shall

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be as designed by the fire official with the minimum arrangement being so as to have a hydrant available within 300 feet of the building, and allow for distribution of hose to any portion of any building on the property at distances not exceeding 500 feet.

(3) *Exemption.* Commercial buildings existing prior to the effective date of the ordinance from which this chapter derives shall not be required to meet fire safety standards for approved changes which do not involve or affect the structures. Refer to section 106-9 pertaining to nonconformities for other requirements.

(4) *Private water systems.* Private water systems shall be designed to handle fire flow in that subdivision by water mains or an approved alternative system, per fire safety standards. The required fire flow shall be established according to the 2006 International Fire Code Table B105.1.

(5) *Fire protection options.* In providing fire protection for the development, the developer shall have one of the following three options:

a. Tying into an existing public or quasipublic water system capable of providing required fire flow;

b. Installing an approved alternate system, as listed in the National Fire Prevention Code, and installed according to code; or

c. Presenting an approved engineering system designed to meet the required fire flow.

(c) *Alternative water supply.* An alternative method of water supply for fire protection can be utilized if first approved by the local fire official. The alternative method shall provide a degree of fire protection that is at least equivalent to that required by the adopted codes. In rural areas that have no suitable public or quasipublic water system available, water supply for fire protection shall be provided that complies with National Fire Protection Association 1142 as a viable alternative method of providing the required fire flow.

(d) *Other conditions for water supply.* If required water supply will not be contrary to the public interest and where, owing to conditions peculiar to the property and not resulting from any action on the part of the property owners, an enforcement of this standard would result in an unusual and undue hardship, the local fire official may approve alternate protection systems.

(Ord. No. 99-12, § 1 (14.230), 4-26-1999; Ord. No. 2008/36, 9-22-2008)

Sec. 106-2829. Fire safety standards.

(a) *Compliance with other laws and codes.* The fire safety standards prescribed in this section shall be in accordance with county Ordinance No. 89-5, as amended; with other life, fire, building and safety codes that are adopted by the county and the state; and shall apply to all development activity. The local fire official having jurisdiction shall review all new development for compliance with fire and life safety standards of the county.

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(b) *Development plan review.* All proposed development site plans shall be reviewed by the local fire official having jurisdiction as they relate to fire and life safety standards contained in this article. Prior to the final plan approval, the local fire official shall make written recommendations to the DRT indicating approval of the design as submitted or delineating needed design changes consistent with fire and life safety standards and practices.

(c) *Inspection.* The local fire official shall inspect the completed development site for compliance with the approved plans and submit his findings to the ZDA prior to issuance of a certificate of compliance.

(d) *Building height restriction.* All occupancies, excluding one- or two-family dwellings, that exceed 35 feet in height or exceed a total fire flow demand of 3,500 gallons per minute (gpm) as referenced in the insurance service organization (ISO) requirements for specialized equipment must have adjustments to plans approved by the fire district fire chief and the county building official and, as necessary, reach financial arrangements acceptable to the fire district and the county council which provide assistance in purchasing the appropriate firefighting apparatus or equipment. This standard shall be applied to the fire management plan as defined for each fire district.

(e) *Emergency vehicular access.* No development shall be constructed in any manner so as to obstruct emergency vehicular access to the development property or associated buildings and structures. To ensure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping, alleys and maintenance of roads. Where buildings are over 20,000 square feet in area, a wall is more than 300 feet from a fire hydrant, or over 35 feet in height, special all-weather fire access may be required to meet the local fire official's approval.

(f) *Combustibles.* For all subdivisions and land developments of property, except single-family subdivisions of four lots or less, prior to bringing any combustibles to a site the landowner shall get a determination as to whether they are in quantities deemed hazardous by the local fire official. The local fire official shall notify the county if they require a temporary or permanent water supply prior to the start of construction, and adequate access, as approved by the local fire official.

(g) *Gate access.* The installation of gates across fire apparatus access roads must be approved by the DRT. All developments that utilize electronic vehicular access gates shall install an emergency gate opener approved by the applicable fire chief. The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of this system. All electronic vehicular access gates legally existing prior to the adoption of this amendment [Ord. No. 2009/37] and serving more than one residential lot or a commercial development shall have 12 months from the effective date of this amendment to comply with this subsection.

(Ord. No. 99-12, § 1 (14.240), 4-26-1999; Ord. No. 2009/37, 10-12-2009)

Cross reference—Fire prevention and protection, ch. 42.

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Sec. 106-2830. General utility standards.

(a) *Compliance required.* All proposed development shall conform with all applicable standards, regulations, specifications, and permitting procedures established by any duly authorized governmental body or its authorized agents, for the purpose of regulating utilities and services. It shall be the responsibility of the developer to show that the development is in conformance with all standards, regulations, specifications, and permitting procedures.

(b) *Utility easements.* All proposed development shall provide adequate easements to accommodate all required or planned utilities and drainage. The developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.

(c) *Installation.* All electrical, cable, telephone, and gas utility lines in a development shall be installed according to plans and specifications approved by the respective utility companies providing such service. In addition, all such utility lines shall be installed underground, unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of construction, undue and unreasonable hardship, or other conditions to the development. Request and justification must be presented to the DRT by the respective utility company prior to final plan approval.
(Ord. No. 99-12, § 1 (14.250), 4-26-1999)

Secs. 106-2831—106-2855. Reserved.

DIVISION 4. STORMWATER MANAGEMENT STANDARDS

Sec. 106-2856. Purpose.

(a) All development and redevelopment, including highways, shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume and duration of flow.

(b) All development and redevelopment shall provide adequate drainage, peak rate, volume and stormwater pollution control in conformance with this division.

(c) All development and redevelopment shall provide adequate stormwater runoff water treatment and volume control in accordance with the latest version of the county's manual for stormwater Best Management Practices (BMPs).

(d) To the maximum extent technically feasible, no development or redevelopment shall cause postdevelopment stormwater rates, quality or volume to increase above predevelopment levels or to cause an adverse increase in the surface runoff reaching adjacent or surrounding property or receiving waters. Surface runoff rate and volume shall be dissipated by detention or retention on the development parcel, percolation into the soil, evaporation, transpiration, reuse or by transport by natural or manmade drainageway or conduit (protected by legal easement) to a county-approved point of discharge.

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(e) Where private drainage systems and easements have been previously approved as private facilities, prior to the effective date of the ordinance from which this chapter derives, as well as all new development and redevelopment, and have not been accepted by the county, such facilities shall not become county responsibility, and are to be so noted on any plat of subdivision or land development plan, as well as in the respective covenants and agreements which control or follow the property.

(f) Additionally, the county has the right to enter, enforce maintenance and/or cause maintenance of any stormwater management facility, either privately or publicly owned.

(g) As the requirements set forth above and elsewhere in Division 4 will require stormwater management to become a vital aspect of all development and redevelopment projects within the county, planning for stormwater management, in accordance with this division, shall commence at the time of initial project inception and presentation to the development review team (DRT). Review of stormwater management for development and redevelopment projects will be undertaken during all phases of the development review process.
(Ord. No. 99-12, § 1 (14.310), 4-26-1999; Ord. No. 2009/40, 10-26-2009)

Sec. 106-2857. Exemptions from site runoff control and drainage planning/design.

(a) Exemptions from site runoff control and drainage planning/design are as follows:

(1) Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the county engineer which does not create adverse environmental or water quality impacts and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;

(2) Developments where adequate drainage exists for four or fewer residential dwelling units that are not part of a phase of a larger development, not involving a main drainage canal, however, homes in these areas will meet on-site requirements under this exemption;

(3) Site work on existing one-acre sites or less where impervious area is increased by less than two percent;

(4) Site work on existing one-acre sites or less where impervious area is increased by less than two percent, and any earthwork that does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage or alter stormwater flow rates or discharge location(s);

(5) Agricultural activity not involving relocation of drainage canals; or

(6) Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of 60 days following the end of the emergency period.

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(b) Golf courses are required to comply with the latest version of the county's manual for stormwater BMPs and all site runoff volume and water quality control and drainage planning and design requirements; however, both golf courses and private lagoons shall be exempt from the flood control requirements of section 106-2859 subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year/24-hour storm and that all other safety concerns are addressed.
(Ord. No. 99-12, § 1 (14.315), 4-26-1999; Ord. No. 2009/40, 10-26-2009; Ord. No. 2011/17, 6-13-2011)

Sec. 106-2858. Drainage easements.

(a) *Purpose; required.* Drainage easements are utilized to provide for the protection and legal maintenance of drainage systems not within a right-of-way. Drainage easements shall be required in subdivisions over any portion of a drainage system not within a right-of-way and necessary for the functioning of the system. Drainage easements for all facilities must be shown on construction drawings and approved by the county engineer. The easements shall be designated prior to issuance of a development permit and recorded in public records. The minimum allowable width of drainage easements shall be as follows:

TABLE 106-2858. DRAINAGE EASEMENTS

Drainage Systems	*Minimum Easement Width*
Closed drainage systems	(diameter + 4 feet + 2D)*
Open drainage systems	
Bottom width 20 feet or less	15 feet + BW + 2SD (30 feet minimum)**
Bottom width 20 feet to 40 feet	30 feet + BW + 2SD**
Bottom width greater than 40 feet	40 feet + BW + 2SD**
*Where: D = Depth from grade to pipe invert (20-foot minimum) **Where: BW = Bottom width S = Side slope D = Depth of opening Note: The minimum required width of drainage easements may be increased if deemed necessary by the county engineer, only for justifiable reasons.	

(b) *Location of drainage easements.* Location of drainage easements shall be as follows:

(1) *Platted subdivisions (greater than ten acres).* Drainage easements which are required within a platted subdivision shall be clearly identified on the face of the plat and included in the dedication of rights-of-way and easements. Retention/detention ponds within platted subdivisions shall be protected and platted as a separate tract of land dedicated to the entity responsible for its maintenance. If it is desired to place all or a portion of a detention/retention pond on a buildable lot, not more than 50 percent of the buildable lot can be used for this purpose, and the detention/retention pond shall be

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clearly marked on the recordable survey or plat of the lot indicating the location of the 25-year and 100-year storm. Additionally detention/retention ponds may be placed within the open space as permitted by this chapter. Public drainage facilities, which are located within a private subdivision, shall be granted a drainage easement by conveyance recorded in the official record books of the county.

(2) *Unplatted land.* Developments may contain drainage systems which traverse property not included in the plat. These may be adjacent lands which were not platted, future phases of the development to be platted at a later date, or may be part of an overall master plan. The drainage systems must be provided with an easement granted by conveyance recorded in the official record books of the county.

(3) *Off-site.* Developments may require off-site drainage improvements in order to ensure the proper functioning of the on-site system. Such off-site improvements shall be provided with a drainage easement granted by conveyance and recorded in the official record books of the county.

(Ord. No. 99-12, § 1 (14.320), 4-26-1999)

Sec. 106-2859. Flood control design criteria.

(a) *Minimum standards.* The minimum standard for the design of stormwater facilities shall be as follows:

TABLE 106-2859. FLOOD CONTROL DESIGN STORM FACILITIES (MINIMUM)

Facility	*Design Storm*
Retention/detention ponds (with positive outfall)	25-year/24-hour
Retention/detention ponds (landlocked, w/o positive outfall)	100-year/24-hour total retention
Collector, local streets and closed drainage systems	25-year/24-hour hydraulic gradient line 1.0 feet below gutter line
Roadside swales	25-year/24-hour
Canals, major ditches	25-year/24-hour
Bridges	100-year

As an alternative to providing for the 100-year/24-hour storm, if the design engineer can clearly demonstrate that the 100-year/24-hour storm causes no flooding that is damaging within the subdivision upstream and/or downstream of the subdivision, the county engineer, at his discretion, may approve such a drainage system if it meets the intent of this chapter.

(b) *Hydrologic models.* The two accepted hydrological methods for computing surface runoff are the rational method and USDA SCS TR-55. Other methods approved by the county engineer are allowable. The rational method may only be utilized for developments up to 50 acres. TR-55 or other approved method can be used to model developments of any size. Proposed development design shall consider the hydrological features within the total watershed including the development site, upstream and downstream areas.

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(c) Compliance with this section does not supersede compliance with section 106-2860, general planning and design requirements.

(Ord. No. 99-12, § 1 (14.330), 4-26-1999; Ord. No. 2009/40, 10-26-2009)

Cross reference—Floods, ch. 78.

Sec. 106-2860. General planning and design requirements.

(a) *Standards.* General planning and design requirements for stormwater management are as follows:

(1) Stormwater discharges from development including streets, parking areas, rooftops, and lawn surfaces may adversely impact water quality in county streams, lakes and tidal water bodies. Therefore, all proposed development and redevelopment shall comply with the stormwater volume and pollution control requirements in the latest version of the county's manual for stormwater BMPs.

(2) Priority wetlands or other significant wetlands identified on the official county conservation district maps, or the federal National Wetlands Inventory, U.S. Department of Commerce, should not be adversely impacted by the construction of detention ponds in or near them, which deprives them of required runoff or lowers their normal water table elevations. Adjacent detention ponds that benefit retention of normal wetland water table elevations are acceptable. If the retention or detention pond's proposed location is near a priority wetland, the applicant must provide data showing that impacts will not be detrimental to the wetland hydrology.

(3) Detention and retention ponds shall be designed with relatively flat side slopes along the shoreline, and with meandering shorelines where possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.

(4) Detention and retention ponds shall be designed to provide at a minimum one foot of vertical detention storage volume for runoff above the proposed design elevation. Major drainage canals shall not be used for storage where this may impact the storm hydrology upstream and downstream. Use of rectangular weir outlets will be allowed only where this weir will provide better outlet control needed for a given situation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures, such as pipe/culvert combinations, perforated riser pipe, or special graduated opening outlet control boxes, is encouraged as ways of reproducing predevelopment runoff conditions. Initial concepts for the design of the stormwater management system (including methods for stormwater retention) shall be submitted with the first submittal of a project to the DRT. Subsequent more detailed design data for storage volume and detention outlet and retention requirements shall be submitted and approved by the county engineer prior to final plan approval, with the design of the stormwater pollution control components to be based on the latest version of the county's manual for stormwater BMPs.

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(5) Where cleared site conditions exist around detention or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for final approval.

(b) *Direct stormwater discharge.* Planning and design requirements for direct stormwater discharge are as follows:

(1) Channeling runoff directly into natural water bodies from swales, pipes, curbs, lined channels, hoses, impervious surfaces, rooftops or similar methods shall not be approved for new development or redevelopment unless the county engineer has approved a stormwater pollution control plan which does not allow stormwater runoff to exceed predevelopment levels and complies with the latest version of the county's manual for stormwater BMPs.

(2) Where specific site hardships require a modification to allow direct discharge into tidal areas without adequate stormwater pollution controls, prior approval by OCRM, DHEC, county engineer, corps of engineers (COE) and water resources commission approval is required. Granting of a modification by the county engineer will be based upon unique site hardships and the use of best available technology to reduce the water quality impacts of stormwater discharges.

(3) Dredging, clearing, deepening, widening, straightening, stabilizing or otherwise altering natural water bodies or canals may be permitted by the county engineer only when a positive benefit can be demonstrated. Such approval by the county does not obviate the need for state or federal agency approvals where applicable.

(4) Vegetative strips shall be retained or created along the banks or edges of all freshwater wetlands as part of the required setback distance. The following minimum setbacks shall be established (unless already established by OCRM Charleston, S.C. District, whichever is greater) for construction from the edge of all wetlands:

a. Single-family residential: 20 feet.

b. Multifamily residential: 50 feet.

c. Commercial or industrial: 50 feet.

d. Impervious parking areas: 30 feet.

Vegetative strips are areas completely pervious to the ground in nature and are intended to prevent polluted runoff from entering fragile wetland systems. For this purpose, they shall be a minimum of 15 feet in width and contain living plant material including but not limited to trees, shrubs, vines, ferns, mosses, flowers, grasses, herbs and ground cover. Slatted lawn furniture, accessories and decks are permitted in the vegetative strips.

A modification may be granted by the county engineer if the specific project design provides for the drainage or channeling of runoff away from natural watercourses, marshes, wetlands or tidal areas and if such runoff is filtered through a vegetated

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strip. Vegetative strips shall be retained or created in a natural vegetated or grassed condition to allow for periodic flooding, provide drainage access to the water body, and to act as filter to trap sediment and other stormwater pollution.

(5) No new stormwater discharge shall be permitted onto any beaches/shorelines.

(6) Final landscape designs and plantings shall not adversely impact the stormwater runoff, volume and quality controls and drainage concepts approved as part of the development permit approval process. Landscape design and plantings should enhance opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff. Irrigation systems must first make use of all available surface runoff or other retained or detained stormwater as the water supply source. No groundwater wells or use of potable water for irrigation of any kind will be permitted in developments or redevelopments unless it can be demonstrated that alternative sources of irrigation water will not exceed predevelopment conditions and must be approved by the County Engineer. In addition, no irrigation system shall be placed within 50 feet of a natural creek, marsh or estuary where soils and/or grade will allow such irrigation water to flow or migrate to such a natural creek, marsh or estuary.

(7) The developer shall provide adequate outfall ditches, pipes and easements downstream from his proposed discharge if adequate public or private drainage facilities do not exist to carry the proposed discharge. If the outfall ditches, pipes and easements required for adequate drainage are larger than those needed to carry the additional proposed discharge from the development sought by the applicant, the county may bear those incremental costs which are greater than those properly allocable to the development. The county shall have the authority, however, to condition use of such expanded system by subsequent users on contributions by such users for allocable portions of the cost borne by the county.

(c) *Water surface elevations.* Planning and design requirements for water surface elevations are as follows:

(1) No developer will be permitted to construct, establish, maintain or alter the surface water elevation of any water body or wetland in such a way as to adversely affect the natural drainage from any upstream or to any downstream areas of the drainage basin on a permanent basis.

(2) The county engineer shall review and approve any water surface elevations proposed for lagoons or water bodies. The developer will submit sufficient groundwater and topographic elevation data around the proposed water body site to assist in establishing the water surface elevations and seasonal groundwater levels.

(3) It may be required as a condition of drainage plan approval that adjustments be made to existing or approved water surface elevations if upstream or downstream areas require such adjustments to provide required drainage flows. The county may assist the developer in negotiating with the affected parties on an equitable distribution of

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cost under such conditions and, if necessary, initiate condemnation proceedings if the county council so deems appropriate and the developer pays all costs associated with any condemnation proceedings.

(Ord. No. 99-12, § 1 (14.340), 4-26-1999; Ord. No. 2009/40, 10-26-2009)

Sec. 106-2861. Retention/detention facilities.

(a) *Design criteria for developments.* Retention/detention facility design criteria for developments are as follows:

(1) *Peak attenuation.* The peak discharge as computed from the design storm for postdevelopment shall not exceed the peak discharge for the design storm for predevelopment or existing conditions.

(2) *Total retention.* Developments which are unable to secure a positive outfall for discharge shall retain all runoff resulting from the design storm as computed for the developed condition. As an alternate, the design engineer can comply with section 106-2859.

(3) *Water quality control.* All proposed development and redevelopment shall comply with the latest version of the county's manual for stormwater BMPs.

(4) *Total volume control.* Facility design criteria will control and retain total volume by retention and other methods so stormwater runoff levels will not exceed predevelopment levels. On-site volume controls, where applicable, will be applied as stated in section 106-2865.

(b) *Design criteria for redeveloped sites.* Redevelopment which has no increase or a net decrease in impervious area yet lacks evidence of a functioning retention/detention facility will be required by the county engineer to retrofit the site to current county standards for peak attenuation and stormwater volume and water quality controls.

(c) *Design based on soils.* Design based on soils is as follows:

(1) The design of stormwater management facilities should be based upon soil conditions. In areas where soils have been classified under the Soil Conservation Service (SCS) Hydrologic Soil Classification System as type A or B (pervious), the overall stormwater management strategy should be that of on-site retention and infiltration into the ground or other BMPs as outlined in the BMP Manual. Information documenting the permeability of these soils as well as the groundwater table elevations shall be provided as part of the design of the stormwater management system.

(2) In areas where the soils have been classified under the SCS Hydrologic Soils Classification as types C and D (impervious) or A/D, B/D, and C/D (high groundwater table areas), the overall stormwater management system shall make use of retention/detention basins or other BMPs as outlined in the BMP Manual to attenuate peak and retain excess volume from the contributory drainage area and to settle solids washed

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off or eroded therefrom. Information documenting the permeability of these soils as well as the groundwater table elevations shall be provided as part of the design of the stormwater management system.

(3) Other standards are as follows:

a. Detention ponds shall be designed to attenuate peak outflows to predevelopment rates and to comply with the water quality control requirements in the latest version of the county's manual for stormwater BMPs.

b. Retention ponds are intended to attenuate postdevelopment stormwater volume and shall be designed to provide retention of runoff volume over and above the runoff volume which existed prior to development. Stored stormwater will be used in reuse systems and other volume reduction measures, and will comply with the water quantity and quality control requirements in the latest version of the county's manual for stormwater BMPs.

c. Exfiltration systems intended to attenuate postdevelopment peak outflows shall be designed to store and exfiltrate over the duration of the storm the difference in runoff volume between predevelopment and postdevelopment. Exfiltration systems shall be designed with a safety factor 1.5 (design using 75 percent of the permeability rate or 75 percent of the time for drawdown), and to comply with the water quality control requirements in the latest version of the county's manual for stormwater BMPs.

(d) *Outfall.* Unless otherwise approved by the county engineer, outfall structures shall be as simple as possible and shall employ fixed control elevations (i.e., no valves, removable weirs, etc.). Design criteria are as follows:

(1) Detention ponds shall be required to have an outfall structure to limit peak off-site discharges to predevelopment rates. To achieve water quality control, the location of the structure and the shape of the pond shall be designed to comply with the water quality control requirements in the latest version of the county's manual for stormwater BMPs.

(2) Retention ponds may be required to provide outfall structures where deemed necessary by the county engineer and as may be needed to prevent flooding during storm events above the design standard. In all cases retention ponds shall be designed considering the event of a possible overflow. A path for such overflow shall be determined, and no structures in the development can be situated such that flood damage can occur either on site or off site.

(3) Exfiltration systems may be required to connect to an outfall system as deemed necessary by the county engineer. In all cases, exfiltration systems shall be designed considering the event of a system surcharge. A pathway for excess runoff shall be determined and structures in the development shall be situated such that no flood damage shall occur either on-site or off-site.

(Ord. No. 99-12, § 1 (14.350), 4-26-1999; Ord. No. 2009/40, 10-26-2009; Ord. No. 2011/17, 6-13-2011)

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Sec. 106-2862. Open drainage systems ditches and ponds.

(a) *Access easement.* An access easement shall be provided to all drainage ponds and ditches.

(b) *Maintenance access.* Maintenance access shall be built and protected by drainage easements, as follows:

TABLE 106-2862(b). DITCH AND CANAL MINIMUM ACCESS

Ditch or Canal Width	*Minimum Unobstructed Access*
20 feet or less	15 feet, one side
20 to 40 feet	15 feet, both sides
Greater than 40 feet	20 feet, both sides
Ponds, with fencing	20 feet around pond
Ponds, without fencing	15 feet around pond
The cross slopes of maintenance berms shall be 15:1	

(c) *Grading.* Areas adjacent to open drainageways and ponds shall be graded to preclude the entrance of stormwater except at planned locations.

(d) *Side slopes without fencing.* Maximum side slopes permitted without fencing shall be allowed as follows:

TABLE 106-2862(d) MAXIMUM SIDE SLOPES WITHOUT FENCING

Open Drainageways	*Side Slopes*
Swale, ditch, or canal	3:1
Ponds (normally dry)	3:1
Ponds (normally wet)	4:1 (to 3 feet below the normal water level) 2:1 (from 3 feet to pond bottom)
Minimum bottom width for ditches or canals shall be two feet.	

(e) *Slope protection.* The disturbed areas in and around the ponds and ditches shall be revegetated as follows:

(1) Side slopes and berms: sod or hydroseed with maintenance bond.

(2) Bottom (dry ponds): grass seeded.

(f) *Fencing requirements if necessary for safety.* The following fencing recommendations are not required; however, the design engineer shall carefully take into account the following fencing criteria and determine or render a professional opinion as to the necessity of fencing as discussed:

(1) Canals will not be approved which, along easements or rights-of-way, do not meet the provisions of subsection (d) of this section.

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(2) Ponds, which present a hazard, should have a six-foot chainlink fence or other accessproof fence to prevent entry to the facilities. Fences will be required for retention/detention areas where one or more of the following conditions exist:

a. Rapid stage changes that would make escape practically impossible for small children.

b. Dry bottom ponds where side slopes are steeper than 4:1 and the design high water elevation exceeds two feet.

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c. Wet bottom ponds where the side slopes are steeper than 4:1 (to three feet below the normal water level and 2:1 to pond bottom).

(g) *Freeboard.* Open drainageways and ponds shall have a one-foot minimum freeboard above design high water elevation except retention ponds with positive outfall depending upon the design of the outfall structure.

(h) *Berms constructed on fill.* Where fill berms are proposed, calculations supporting the stability of the fill berms are to be submitted by the design engineer. Where excess seepage may be expected through the berm, a clay core may be required.
(Ord. No. 99-12, § 1 (14.360), 4-26-1999)

Sec. 106-2863. Roadway drainage planning and design standards.

Good roadway drainage design consists of the proper selection of grades, cross slopes, curb types, inlet location, etc., to remove the design storm rainfall from the pavement in a cost effective manner while preserving the safety, traffic capacity and integrity of the highway and street system. These factors are generally considered to be satisfied, provided that excessive spreads of the water are removed from the vehicular traveled way and that siltation at pavement low points is not allowed to occur. All proposed development shall comply with the following standards:

(1) *Roadway grade.* The minimum allowable centerline grade for all streets shall be 0.5 percent, unless otherwise approved by the county engineer only under extenuating circumstances.

(2) *Minimum centerline elevation.* Minimum centerline elevation shall be 7.5 feet NGVD. (NGVD is very close to MSL; however it is a more accurate measurement.)

(3) *Minimum cross slope.* Minimum cross slope for all streets shall be one-quarter inch per foot. All streets shall drain from the road centerline to curb and gutter or drainage ditches. Inverted crown roads shall not be permitted for roads intended for county acceptance and/or maintenance.

(4) *Drainage structures.* All drainage structures, unless specifically detailed in these guidelines, shall conform to the latest edition of the SCDOT standards or designed in conformance with good engineering practices and shall require approval by the county engineer.

(5) *Design criteria for underdrains.* All new streets shall be designed to provide a minimum clearance of one foot between the bottom of the base and the estimated seasonal high water table, or the artificial water table induced by an underdrain system. The following requirements and limitations apply to the design of underdrains:

a. The underdrain trench bottom should not be placed below the seasonal low water table elevation.

b. The distance between the bottom of the underdrain trench and the bottom of the roadway base shall not be less than 24 inches.

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c. The bottom of the base course of underdrains shall be placed more than 24 inches below the seasonal high water table elevation.

d. The developer's design engineer shall provide the following design certification: This is to certify that the underdrain design for _____ road, extending from station _____ to station _____ has been designed such that the separation between the bottom of the base and the artificially induced wet season water table is no less than one foot for the entire width of pavement.

e. The installation shall be inspected by the project design engineer who shall then certify that the underdrain installation procedures and materials are in accordance with the approved plans.

f. The stormwater facilities shall be designed to accommodate expected flow contributed by the underdrain system.

g. The county shall inspect the underdrain system for compliance prior to the issuance of final approval.

(6) *Roadside swales.* Swale drainage will be permitted only when the wet season water table is a minimum of one foot below the invert of the swale. Where roadside swales are required, a positive outfall for the drainage may be required depending on the soil classification and topography. Roadside swales used for water quality control shall comply with the latest version of the county's manual for stormwater BMPs.

(7) *Curbs and gutters.* All roadway drainage not considered suitable for swale and/or ditch type drainage shall be designed as one of the following:

a. Mountable curb and gutter section: maximum 600 feet run between inlets.

b. Standard curb and gutter section: maximum 1,200 feet run between inlets.

c. Any modification to the runs in subsection (7)a or b of this section must be substantiated with calculations.

d. The width of curb and gutter shall be a minimum of 18 inches and shall be either standard or mountable (subdivisions only) curb and gutter, depending upon flow to be handled.

e. There shall be stabilized subgrade beneath all curbs and gutter for one foot beyond the back of curb.

f. No new water valve boxes, meters, portions of manholes, or other appurtenances of any kind relating to any underground utilities shall be located in any portion of a curb and gutter section.

g. The minimum allowable flow line grade of curbs and gutter shall be 0.5 percent, except in intersections where flatter grades shall be allowable. The tolerance for ponded water in curb construction is one-fourth inch maximum; if exceeded, the section of curb shall be removed and reconstructed to grade.

h. Plastering shall not be permitted on the face of the curb. Joints shall be sawed, unless an alternate method is used, at intervals of ten feet, except where shorter intervals are required for closures, but in no case less than four feet.

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i. After concrete has set sufficiently, but in no case later than three days after construction, the curbs shall be backfilled.

j. All cross-street valley gutters shall be constructed of concrete.

(8) *Runoff determination.* The peak rates of runoff for which the pavement drainage system must be designed shall be determined by the rational method. The time of concentration, individual drainage areas and rainfall intensity amount shall be submitted as part of the drainage plans. A separate rational runoff coefficient (C) shall be determined for the specific contributing area to each inlet/catchbasin within the proposed storm sewer system. A composite C value shall be computed for each contributing area based on an individual C value of 0.9 for the estimated impervious portion of the actual area and an individual C value of 0.2 for the remaining pervious (grassed) portion of the actual area.

(9) *Stormwater spread into traveled lane.* Inlets shall be spaced at all low points, intersections and along continuous grades so as to prevent the spread of water from exceeding tolerable limits. The acceptable tolerable limits for collector roadways is defined as approximately one-half the traveled lane width. Acceptable tolerable limits for interior subdivision roadway are defined as a maximum of one inch above the crown of the road.

(10) *Low point inlets.* All inlets at low points (sumps) shall be designed to intercept 100 percent of the design flow without exceeding the allowable spread of water onto the traveled lanes as defined in subsection (9) of this section. On collector roadways, in order to prevent siltation and to provide for a safety factor against clogging of single inlet in a sump location, it is required to consider constructing multiple inlets at all sump locations or provide for other safety factors against clogging. Preferably two inlets should be constructed on each side of the roadway. Open bottom inlets are encourage in effective recharge areas.

(Ord. No. 99-12, § 1 (14.370), 4-26-1999)

Sec. 106-2864. Storm sewer design standards.

(a) *Generally.* Storm sewer design standards shall be as follows:

(1) *Design discharge.* Storm sewer system design is to be based upon a 25-year frequency event. The system shall be designed to handle the flows from the contributory area within the proposed subdivision. Then, the system shall be analyzed a second time to ensure that any off-site flows can also be accommodated. This second analysis shall consider the relative timing of the on-site and off-site flows in determining the adequacy of the designed system.

(2) *Minimum pipe size.* The minimum size of pipe to be used in storm sewer systems is 15 inches or equivalent elliptical. Unless otherwise approved by the county engineer, designs shall be based upon six-inch increments in sizes above 18 inches.

(3) *Pipe grade.* All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 fps when flowing full, unless site conditions do not allow. No storm sewer system or portion thereof will be designed to produce velocities in excess of ten fps.

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(4) *Pipe clearance.* Unless otherwise authorized by the county engineer, the minimum clearance for all storm pipes shall be as follows:

a. From bottom of roadway base to outside crown of pipe: 1.0 foot.

b. Utility crossing, outside edge to outside edge: 0.5 foot.

(5) *Roadway cross pipes.* All pipes crossing arterials and collectors shall be reinforced concrete pipe.

(6) *Interference manholes.* Interference manholes shall be used only when there is no reasonable alternative design. Where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet or junction box, the utility shall be ductile iron or another suitable material. A minimum of one foot vertical clearance shall be required between the bottom of the manhole and face of utility pipe. Interference manholes shall be oversized to accommodate the decreased maneuverability inside the structure and flow retardant.

(7) *Maximum lengths of pipe.* The following maximum runs of pipe shall be used when spacing access structures of any types:

TABLE 106-2864(a)(7) PIPE SIZE AND RUN

Pipe Size (inches)	*Maximum Run of Pipe (feet)*
15	300
18	300
24 to 36	400
42 and larger	500

(8) *Design tailwater.* All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility. When the detention pond is the receiving facility, the design tailwater level can be estimated from the information generated by routing through the pond the hydrograph resulting from a 25-year frequency storm of duration equal to that used in designing the pond. Then the design tailwater level can be assumed to be the 25-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year design high water elevation for the pond and the pond bottom elevation for dry bottom ponds or the normal water elevation for wet bottom ponds.

(9) *Hydraulic gradient line computations.* The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes/catchbasins/junctions with the system. The energy losses associated with the turbulence in the individual manholes are minor for an open channel or gravity storm sewer system and can typically be overcome by adjusting (increasing) the upstream pipe invert elevations in

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a manhole by a small amount. However, manholes can be significant for a pressure or surcharged storm sewer system and must be accounted for in establishing a reasonable hydraulic gradient line. Acceptable head loss coefficients (K) for various types of surcharged manholes/catch basins/junctions shall be used.

(b) *Culvert design.* Culvert design standards are as follows:

(1) *Minimum size.* Minimum size shall be as follows:

a. *Pipe.* The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be 12 inches or equivalent elliptical.

b. *Box.* Unless otherwise approved by the county engineer, box culverts shall be three feet by three feet minimum. Unless otherwise approved by the county engineer, increments of one foot in height or width should be used above this minimum.

(2) *Maximum pipe grade.* The maximum slope allowable shall be a slope that produces ten fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

(3) *Maximum lengths of structure.* The maximum length of a culvert conveyance structure without access shall be as allowed in table 106-2864(a)(7). Note: For box culverts use 500 feet maximum.

(4) *Design tailwater.* All culvert installation shall be designed taking into consideration the tailwater of the receiving facility.

(5) *Allowable headwater.* The allowable headwater of a culvert installation should be set by the designer for an economical installation. When endwalls are used, the headwater should not exceed the top of the endwall at the entrance. If the top of the endwall is inundated, special protection of the roadway embankment and/or ditch slope may be necessary for erosion protection.

(6) *Design procedure.* The determination of the required size of a culvert installation can be accomplished by mathematical analysis or by the use of design nomographs.

(c) *Material specifications.* Material specifications for storm sewers are as follow:

(1) *Pipe.* Reinforced concrete pipe shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. Corrugated aluminum pipe shall conform to AASHTO M-196, M-197, and federal spec. WW 442-C. Corrugated polyethylene pipe shall conform to AASHTO M-252, M-294, type S. All pipe shall have a minimum cover so as not to pose structural damage to pipe and as per the manufacturer's technical specifications and recommendation.

(2) *Inlets, manholes and junction boxes.* All materials used in the construction of inlets, manholes and junction boxes shall conform to the latest editions of the SCDOT Standard Specifications for Highway Construction.

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(3) *Underdrains / exfiltration systems.* All materials used in the construction of underdrains shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. The following is a list of underdrain materials acceptable for use in the county:

a. *Perforated corrugated tubing.* Corrugated, polyethylene tubing perforated throughout and meeting the requirements of AASHTO M-252 or M-294.

b. *Perforated PVC pipe.* Polyvinyl chloride pipe conforming to the requirements of ASTM D-3033. The perforations shall meet the requirements of ASTM C-508.

c. *Exfiltration pipe.* The following is a list of pipe materials acceptable for use in exfiltration systems:

1. Aluminum pipe perforated 360°, meeting the requirements of AASHTO M-196.

2. Perforated class III reinforced concrete pipe with perforations meeting the requirements of ASTM C-444.

3. Polyvinyl chloride pipe perforated 360°, meeting the requirements of ASTM D-3033.

d. *Coarse aggregate.* Clean stone containing no friable materials and a gradation equivalent to size number 56 or 57.

(4) *Drainage structures.* All materials used in the construction of drainage structures shall conform to the latest editions of the SCDOT Standard Specifications for Highway Construction. Riprap is not an acceptable material for drainage structure, but can be used for erosion control.

(5) *Fencing.* Unless otherwise approved by the county engineer, all fencing shall be six-foot chainlink or accessproof fence with a minimum 15-foot-wide double gate opening conforming to the SCDOT specifications.

(6) *Sod, seed, hydroseed and mulch.* All sod, seed, hydroseed and mulch materials and installation shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. See article VI of this chapter.

(7) *Modification of specifications.* The materials specifications can be modified by the county engineer based on new and/or proven technology.

(Ord. No. 99-12, § 1 (14.380), 4-26-1999)

Sec. 106-2865. On-site single-family lot, best management practices (BMP).

(a) Where stormwater runoff is not addressed in an approved community runoff volume control system, construction of new or single-family homes that are renovated in excess of 50 percent of their taxable appraised value, will need to employ and utilize on-site stormwater runoff volume control BMPs.

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(b) The actual BMPs to be utilized can be either determined from stormwater utility's on-lot volume program (attachment in BMP manual and Web-based program) or other volume practices as described in Beaufort County Best Management Practice Manual. Both manual and Web-based program will be available on the county's Web site.

(c) Required practices will be sized based on impervious surface on the property and can be reduced by employing practices that reduce impervious surface like:

(1) Pervious driveways.

(2) Pervious walkways.

(3) Smaller roof surface.

(d) In no case will the imposition of stormwater volume controls for lots of record result in the lots becoming unbuildable. The zoning administration shall be empowered to make this determination at his or her discretion without recourse to the zoning board of appeals for hardship.
(Ord. No. 2011/17, 6-13-2011)

Secs. 106-2866—106-2890. Reserved.

DIVISION 5. PARKING AND LOADING STANDARDS*

Sec. 106-2891. Applicability.

The standards and requirements contained in this division shall apply to all proposed vehicle parking areas.
(Ord. No. 99-12, § 1 (14.410), 4-26-1999)

*__Cross reference__—Parking, § 70-26 et seq.

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Sec. 106-2892. Parking spaces required.

(a) *Determine base number of spaces.* Table 106-2892(a) lists the base number of parking spaces according to use that is allowable under this chapter. The following guidelines shall be adhered to when calculating the total number of parking spaces for all new development:

(1) The base parking space requirement may be reduced by up to 20 percent if a lower requirement is documented and certified by a transportation engineer and the request is approved by the DRT and the county transportation planner.

(2) The base parking space requirement may be increased by up to 20 percent if the additional area has a pervious surface.

TABLE 106-2892(a). OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES

Uses	*Base Spaces Permitted*		
	Per 1,000 Sq. Ft. of Floor Area	*Per Dwelling Unit*	*Other Standard*
AGRICULTURAL			
Agriculture	—	—	—
Forestry	—	—	—
Clearcutting	—	—	—
Farmstead	—	4.0	—
Agricultural support service	2.5	—	—
RESIDENTIAL			
Single-family detached	—	3.0	—
Single-family cluster	—	3.0	—
Family compound	—	1.25	—
Planned	—	2.5	—
Multifamily (two or less bedrooms)	—	2.0	—
Multifamily (three or more bedrooms)	—	2.5	—
Commercial apartment	—	1.0	—
Community - small scale	—	—	Per individual use type and articles VI and XI
Community - medium scale	—	—	1 per bedroom
Community - large scale	—	—	
Group home	—	—	
Manufactured home community	—	2.25	—
Small single-family - affordable	—	1.25	—
HOME USES			
Day care, family	—	3.0	Plus 1 in driveway
Home occupation	—	3.0	—
Home business	—	5.0	—
Cottage industry	—	7.0	—

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Uses	*Base Spaces Permitted*		
	Per 1,000 Sq. Ft. of Floor Area	*Per Dwelling Unit*	*Other Standard*
INSTITUTIONAL			
Auditorium, public	—	—	1 per 3 seats
Church	—	—	1 per 3 seats or per six feet of pews, whichever is greater
Clubs and associations (no food service)	8.0	—	—
Day care, commercial	—	—	1 per staff, 1 per 8 students and 1 vehicle
Fire station	—	—	4 per vehicle bay
Library or museum	3.5	—	Plus bus spaces, calculate auditorium separately at 0.75 rate
Local utility	1.0	—	—
Nursing home	—	—	0.33 per room
School: college and professional	—	—	1 per student plus 1 per teacher
School, neighborhood: elementary and middle	—	—	2 per classroom
School, community: senior high	—	—	0.25 per individual
Trade school	—	—	1.1 per student
Institutional residential, monastery, convent	—	—	1 per bedroom
Roominghouse and boardinghouse	—	—	1.5 per lodger
Police station	4.0	—	—
Post office	—	—	6 per 1,000 sq. ft. service area and 1 per vehicle
Public service	3.5	—	—
COMMERCIAL USES: OFFICE			
General	3.5	—	—
Government office	4.0	—	—
Medical	4.5	—	—
Bank/financial	4.5	—	—
COMMERCIAL USES: COMMERCIAL RETAIL			
General	4.0	—	—
Shopping center	4.0	—	—
Retail, freestanding	4.0	—	—
Furniture, carpet store	2.5	—	—
Hardware, paint and home improvement	4.0	—	—
Flea market	—	—	As required by ZDA
COMMERCIAL USES: VEHICULAR SALES, RENTAL, SERVICE			
Auto sales	15.0	—	—
General	1.5	—	Or 4 per bay, whichever is greater
Carwash (single car, automatic bay)	2.0	—	Plus 6 stacking spaces per bay and 1 drying
Carwash (multiple car, automatic bay)	4.0	—	Plus 12 stacking spaces per bay and 2 drying

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Uses	Maximum Spaces Permitted		
	Per 1,000 Sq. Ft. of Floor Area	*Per Dwelling Unit*	*Other Standard*
Carwash (self-wash bay)	—	—	3 per bay
Gas station	—	—	1 per vehicular fueling position
Vehicle repair/service	1.0	—	5 per bay
COMMERCIAL USES: SERVICES			
Adult use	5.0	—	Or 1 per seat, whichever is greater
Barbershop	4.0	—	—
Beauty shop	5.0	—	—
Commercial laundry and dry cleaner	3.0	—	—
Funeral home	6.0	—	—
Laundromat	—	—	0.8 space per washer/dryer
Restaurant	12.0	—	—
All others	2.5	—	Plus 1 per employee and 1 for each company vehicle
COMMERCIAL USES: DRIVE-IN FACILITY			
Restaurant w/drive-in window	14.0	—	Plus 5 stacking spaces per window
Banking facility w/drive-in window	4.5	—	Plus 5 stacking spaces per window
Other w/drive-in window	5.0	—	Plus 3 stacking spaces per window
COMMERCIAL USES: COMMERCIAL LODGING			
Conference center w/lodging	—	—	1.2 per lodging room; if meeting space provided, 10 spaces/1,000 sq. ft.
Hotel, motel, inn, suite, w/o conference center	—	—	1 per guestroom
Bed and breakfast	—	—	1 per room including management spaces
Campground	—	—	1 per each tent, RV and trailer space
Resort	—	—	1 per room
COMMERCIAL USES: HEAVY RETAIL/SERVICE			
General	4.0	—	—
Building materials	2.0	—	—
RECREATION AND AMUSEMENT USES: OUTDOOR RECREATIONAL			
Camp, day or youth	—	—	1 per employee, plus bus
Golf course	—	—	3 per hole
Miniature golf course	—	—	2 per hole
Golf driving range or rifle range	—	—	1.25 per station
Park, playground	—	—	1 per 4,000 sq. ft. of area
Stable, commercial, equestrian facility	—	—	1 per 4 stalls, plus 1 per 2,000 sq. ft. of riding area
Swimming pool	—	—	1 per 400 sq. ft. pool surface area
Tennis court	—	—	3 per court
Athletic field	—	—	1 per 4 feet of bleacher area or 30 per field, whichever is greater
All other active recreation facilities	—	—	1 per 10,000 sq. ft.
All other passive recreation facilities	—	—	1 per acre; areas more than 50 acres: 1 per 3 acres over 50

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Uses	Maximum Spaces Permitted		
	Per 1,000 Sq. Ft. of Floor Area	*Per Dwelling Unit*	*Other Standard*
RECREATION AND AMUSEMENT USES: INDOOR RECREATIONAL			
Swimming pool	—	—	2 per 200 sq. ft. pool, plus 1 per employee
Tennis/racquetball/handball	1.0	—	—
Community center	4.0	—	—
All others	4.5	—	—
RECREATION AND AMUSEMENT USES: OUTDOOR COMMERCIAL AMUSEMENT			
General	—	—	1 per 3 seats or 1.25 per playing station, whichever is greater
Outdoor arena	—	—	1 per 3 seats or per 6 ft. of bench length
RECREATION AND AMUSEMENT USES: INDOOR COMMERCIAL AMUSEMENT			
General	6.0	—	—
Amusement park	—	—	Special study
Bowling alley/pool room	—	—	5 per lane, 2 per pool/billiard table
Indoor arena	—	—	1 per 3 seats, or 1 per 30 sq. ft. of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Skating rink	—	—	1 per 100 ft. surface
Theater	—	—	1 per 3 seats
INDUSTRIAL USES			
Airport	—	—	15 per daily airport movement
Commercial communication tower	—	—	3 spaces
Heavy industry	1.5	—	Plus 1 per vehicle
Light industry	2.0	—	—
Mining/resource extraction	—	—	1 per employee and 1 per vehicle
High technology industry	3.5	—	—
Regional utilities	—	—	1 per employee
Trucking (no loading or warehousing)	3.0	—	Plus 1 per vehicle operated from site
Warehousing/distribution	0.75	—	—
Waste transfer station	—	—	1 per employee and 1 per vehicle
Recycling/salvage	—	—	1 per 2,000 sq. ft. storage plus 1 per vehicle
TEMPORARY USES			
Christmas tree sales	—	—	1 per 500 sq. ft. display area
Construction staging or plant	—	—	1 per employee and 1 per vehicle
Contractor's office	4.0	—	—
Roadside stand	—	—	1 per 100 sq. ft. product area
Model home sales office	—	—	4 per unit and 1 per employee
Temporary sales	—	—	As required by ZDA
Public interest/special event	—	—	As required by ZDA

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(b) *Existing nonconforming parking.* When an existing nonconforming parking lot is to incorporate additional spaces, either within the confines of the existing parking lot or through construction of new parking spaces, the parking shall be brought into conformance with this chapter.

(c) *Employee parking allowance.* When an applicant for development can demonstrate that the parking standards do not provide for sufficient employee parking, the applicant may submit a list of employees for each shift, which shall be evaluated by the DRT. The DRT may allow up to one additional parking space per each two employees not to exceed 50 percent of the total required parking spaces according to table 106-2892(a).

(d) *Shared and mixed use development parking.* The purpose of this subsection is to permit a reduction in the total number of parking spaces which would otherwise be required when any land and/or building is used or occupied by two or more uses which typically do not experience peak parking demands at the same time. Notwithstanding table 106-2892(a) pertaining to off-street parking requirements for specific uses, when any land or building is used for two or more distinguishable purposes listed in table 106-2892(d), the minimum total number of required parking spaces for land or building shall be determined by the following procedure:

(1) Multiply the minimum parking requirement for each individual use as set forth in table 106-2892(a) by the appropriate percentage as set forth in table 106-2892(d) for each of the five designated time periods.

(2) Add the resulting sums for each of the five vertical columns in the table.

(3) The minimum parking requirement is the highest sum among the five columns resulting from the calculation in subsection (d)(2) of this section.

TABLE 106-2892(d) SHARED PARKING FACTORS

	Weekday Daytime: 6:00 a.m. to 6:00 p.m. (%)	*Weekday Evening: 6:00 p.m. to midnight (%)*	*Weekend Daytime: 6:00 a.m. to 6:00 p.m. (%)*	*Weekend Evening: 6:00 p.m. to midnight (%)*	*Nighttime: Midnight to 6:00 a.m. (%)*
Residential	60	90	80	90	100
Office/industrial	100	10	10	5	5
Retail	60	90	100	70	5
Hotel, motel, inn	75	100	75	100	75
Restaurant	50	100	100	100	10
Entertainment/ recreational	40	100	80	100	10
Church	10	30	100	30	5
School	100	30	30	10	5
All other uses	100	100	100	100	100

(4) Mixed use development. The following conditions shall apply to any parking lot for mixed use development:

a. The mixed use property and shared parking lot must be located within 600 feet walking distance of the entrance to the establishment to be served.

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b. The DRT shall determine, at the time of parking plan approval, concept plan approval or preliminary plan approval, whichever is applicable, that shared parking is possible and appropriate at the location proposed. Particular attention is needed to ensure that sufficient and convenient shortterm parking will be available to the commercial establishments during the weekday-daytime period. The shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.

c. A subsequent change in use requires a new certificate of use and/or occupancy and proof that sufficient parking will be available.

d. Cross-access easements shall be established and noted on the parking plan.

e. The plat of subdivision or land development plan shall contain additional open areas in amounts equivalent to that needed to accommodate the total number of parking spaces required without applying the reductions permitted by this section.

(Ord. No. 99-12, § 1 (14.420), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-14, 3-13-2000)

Sec. 106-2893. Parking lot design standards.

(a) *Surfacing.* The DRT shall encourage the use of pervious surfaces in parking lots wherever possible. Pervious surfaces may be required as part of the water quality plan for developments in the river quality overlay district. Alternative means of surfacing materials may also be authorized by the DRT in remote areas of large parking lots serving places of public assembly. Parking spaces, aisleways and access/egress lanes shall be paved and permanently maintained with asphalt, concrete or any other all-weather surface approved by the DRT.

(b) *Striping.* All parking spaces provided in conjunction with every use, with the exception of residential units with parking in garages and driveways, shall be appropriately striped and terminated with curbs, bumper blocks, or other approved marking.

(c) *Arrangements and markings.* All off-street parking areas shall be arranged and marked so as to provide for orderly and safe loading, unloading, parking and storage of vehicles, where necessary. Incidental parking spaces, aisleways, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and pavement lines and markings to properly direct traffic. Each space or area for specialized parking (i.e., handicapped, employee, loading/unloading) or movement (fire lanes) shall be clearly marked or signed to indicate the intended use and shall be designed in accordance with the appropriate regulations. Dead-end parking aisles shall not be permitted unless there are no alternatives.

(d) *Curbs and wheel stops.* The location and placement of curbs and wheel stops shall take into consideration the need to manage stormwater and site drainage.

(1) *Curbs.* A continuous, minimum six-inch-high concrete curb or permanent border shall be installed around the entire parking lot. The function of such curb shall be to:

a. Serve as a wheel stop to prevent parked vehicles from extending beyond edges of parking lots;

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b. Serve as edging for planting areas and islands;

c. Protect walls, buildings, and other structures;

d. Clearly define the limits of vehicular areas;

e. Physically delineate entrances and exits; and

f. Functionally separate vehicular ways from pedestrian ways.

(2) *Wheel stops.* Wheel stops shall be installed within individual parking spaces, where landscaped median or islands exist to protect landscaped areas, but shall not be used in lieu of required curbs or to delineate required interior islands.

(e) *Parking spaces in driveways.* Garages may be considered as required off-street parking spaces for all detached housing types. For attached dwellings, required parking shall be provided on driveways.

(f) *Backing movements.* With the exception of single-family or single-family attached dwellings on local streets, all required parking spaces shall be designed to prohibit backing directly onto a street right-of-way or sidewalk from the parking space.

(g) *Vehicular circulation and access.* Parking areas shall be designed to safely, conveniently and efficiently accommodate the maneuvering of all vehicles including delivery, emergency and public transit vehicles, where appropriate. For parking lots with 50 or more spaces, a minimum 40-foot deep channeled entrance/exit driveway free of turning movements shall be provided as measured from property lines.

(h) *Location of parking spaces.* Location of parking spaces shall be as follows:

(1) All parking shall be located on land zoned for the use which the parking is intended to serve. Required parking spaces shall be located not more than 600 feet from the building or use to which they are assigned. However, with the approval of the DRT, a maximum of ten percent of the spaces may be located beyond 600 feet. Valet parking may also be located over 600 feet away with DRT approval.

(2) Improved parking design and aesthetics shall be strongly encouraged through distribution of all or a percentage of parking spaces toward the rear and side areas of the proposed development.

(i) *Shared parking.* The parking spaces for separate buildings or uses may be combined in a single parking lot, provided that the number of parking spaces in the lot shall be equal to or greater than the sum of the parking spaces required for each building and use (see subsection (d) of this section).
(Ord. No. 99-12, § 1 (14.430), 4-26-1999)

Sec. 106-2894. Parking stall dimensions.

(a) *Dimensions.* The size of a typical parking space for one vehicle shall consist of a rectangular area, having dimensions of not less than nine feet by 20 feet, or according to table 106-2894, plus adequate area for ingress and egress. Parking accessibility standards for people

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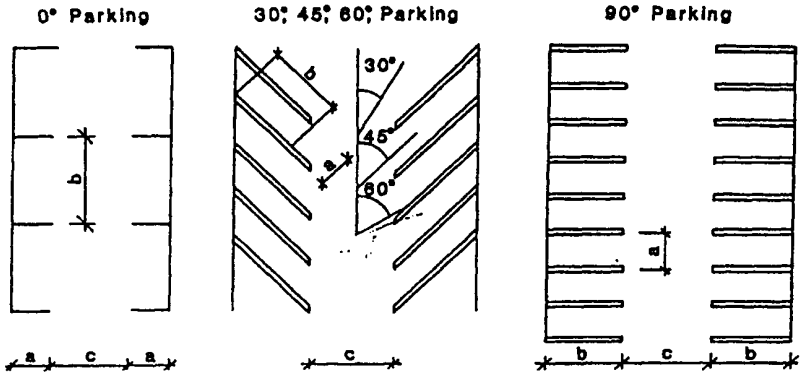
with disabilities are set forth in the Standard Building Code, 1997, table 1104.3, or as subsequently amended. Figure 106-2894 and table 106-2894 specify the minimum dimensions for standard parking rows and aisles.

(b) *Vertical clearance.* Parking spaces located within a parking structure shall have a vertical clearance of at least seven feet.

TABLE 106-2894 PARKING SPACE DIMENSIONS

Dimension from figure 106-2894	*0° Parallel (in feet)*	*30° Angle (in feet)*	*45° Angle (in feet)*	*60° Angle (in feet)*	*90° Perpendicular (in feet)*
a	8	9	9	9	9
b	21	18	18	18	18
c - one-way	12	14	16	18	22
c - two-way	22	22	22	22	22

Figure 106-2894 PARKING SPACE DIMENSIONS



(Ord. No. 99-12, § 1 (14.440), 4-26-1999)

Sec. 106-2895. Handicap parking.

(a) All uses, other than residential served by on-lot parking, shall provide parking spaces for motor vehicles which transport disabled persons in accordance with this section's standards and the Americans with Disabilities Act of 1990 (ADA), or as may be amended, whichever is more restrictive.

(b) Handicap parking spaces shall be a minimum of eight feet wide by 18 feet long with an adjacent parallel access aisle five feet wide. The adjacent parallel access aisle may be shared by two accessible parking spaces. One in every eight accessible spaces shall have an access aisle a minimum of eight feet wide (rather than five feet) and shall be signed "van accessible."

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(c) Handicap parking spaces shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance. Where feasible, this means locations where there is no need to cross vehicular access lanes or aisles. Ramps shall be provided at curbs.

(d) Handicap parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

TABLE 106-2895 REQUIRED NUMBER OF OFF-STREET HANDICAP PARKING SPACES

Number of Parking Spaces Provided	*Number of Handicap Spaces Required*
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2%
1,001 or more	20 spaces + 1% of spaces over 1,000

(e) Residential units designed for occupancy by disabled persons shall provide one handicap parking space for each dwelling unit designed for such occupancy.

(f) Off-street parking spaces required for the disabled by this article shall count toward fulfilling this article's total off-street parking requirements.

(g) Other code guidelines for handicap accessibility to public facilities shall be in accordance with regulations issued by federal agencies, including the United States Department of Justice, under the Americans with Disabilities Act of 1990. More specifically, these regulations include 28 CFR 36 "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Final Rule."
(Ord. No. 99-12, § 1 (14.450), 4-26-1999)

Sec. 106-2896. Loading.

(a) *Number of areas.* The number of loading areas shall be governed by table 106-2896.

(b) *Site plans.* Site plans involving uses which require loading facilities must be designed to ensure the functional separation between loading spaces/truck turnaround areas, and between vehicular/pedestrian areas.

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(c) *Internal site circulation lanes.* Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

(d) *Outdoor loading bay area standards.* Outdoor loading bay area standards are as follows:

(1) *Dimensions.* Each outdoor loading bay area's minimum dimensions shall be 12 feet wide and 60 feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading bay area shall be 14 feet.

(2) *Maneuvering space.* Adequate off-street truck maneuvering space shall be provided on the lot and not within any public street right-of-way or other public lands.

(3) *Location.* All loading areas are required to be located on the same lot as the building or lot served by the loading area.

(4) *Obstructions.* All loading spaces and maneuvering spaces shall be accessible at all times.

(5) *Fire exit or emergency access.* Off-street loading facilities shall be designed to not interfere with any fire exits or emergency access facilities to either a building or site.

TABLE 106-2896 LOADING STANDARDS FOR SPECIFIC USES

Uses	*Loading Area Requirement*
AGRICULTURAL	
Agricultural support service	1 per 10,000 sq. ft.
HOME USES	
Cottage industry	1 space
INSTITUTIONAL	
Assembly	As required by ZDA
Schools, all	As required by ZDA
Protective care	As required by ZDA
Local utilities	1 space
Public services	As required by ZDA
Government office	As required by ZDA
Recreational institutional	As required by ZDA
COMMERCIAL USES: COMMERCIAL RETAIL	
Convenience store (no gas)	As required by ZDA
Paint, glass, wallpaper, hardware	1 per 25,000 sq. ft.
General merchandise	1 per 25,000 sq. ft.
Food	1 per 15,000 sq. ft.
Apparel and accessory	1 per 25,000 sq. ft.
Home furnishings	1 per 25,000 sq. ft.
Consumer electronics	1 per 15,000 sq. ft.

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Uses	*Loading Area Requirement*
Miscellaneous retail	1 per 20,000 sq. ft.
Art	1 per 25,000 sq. ft.
Gifts	1 per 25,000 sq. ft.
Sporting goods	1 per 25,000 sq. ft.
Drug	1 per 25,000 sq. ft.
Liquor	1 per 5,000 sq. ft.
Books	1 per 25,000 sq. ft.
Toys	1 per 25,000 sq. ft.
Camera	None
Garden center	1 per 25,000 sq. ft.
Video rental	None
Movie theater	None
COMMERCIAL USES: OTHER COMMERCIAL	
Adult uses	As required by ZDA
Commercial lodging (hotel and motel)	1 per 10,000 sq. ft.
Conference center	1 per 60,000 sq. ft.
Convenience store with gas	As required by ZDA
Drive-through restaurant	1 per 25,000 sq. ft.
Government office	1 per 60,000 sq. ft.
Office	2 per 40,000 sq. ft.
Restaurant	1 may be in parking
Vehicular sales, rental and service	1.5 per bay
RECREATION AND AMUSEMENT	
Campground	1
Commercial amusement, outdoor	1
Indoor recreation	1
Outdoor recreation	1
Resort	1
Miniature golf course	1 per 33,000 sq. ft.
Stable, commercial/equestrian facility	1 per 40 stalls
INDUSTRIAL USES	
Airport	As required by ZDA
Heavy industry	1 per 15,000 sq. ft.
Light industry	1 per 25,000 sq. ft.
Mining/resource extraction	1 per 15,000 sq. ft. or 1.25 per bay
High technology industry	1 per 25,000 sq. ft.
Recycling/salvage	1 per 10,000 sq. ft.
Regional utility	1.25 per bay
Warehousing/distribution	1.5 per bay
Waste transfer station	1 per 20,000 sq. ft. or 1 per bay

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Uses	*Loading Area Requirement*
TEMPORARY USES	
Model home sales office	1 per vehicle
Temporary sales	1 per vehicle

(Ord. No. 99-12, § 1 (14.470), 4-26-1999)

Secs. 106-2897—106-2925. Reserved.

DIVISION 6. SURVEY AND ENGINEERING REQUIREMENTS

Sec. 106-2926. Certificate of compliance.

All subdivision plats and land development plans shall include a certificate of compliance, signed by the county engineer, setting forth that the development complies with the standards set forth in this chapter and the specifications as approved by the DRT.
(Ord. No. 99-12, § 1 (14.500), 4-26-1999)

Sec. 106-2927. Survey requirements.

(a) *Generally.* Survey requirements for subdivisions specified in this chapter are only for control survey connections between geodetic survey monuments and land parcels. Boundary surveys shall be performed, in accordance with the state minimum standards published by the state board of registration for professional engineers and land surveyors unless more stringent requirements are specified. Insofar as possible, control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic monument. County specifications for horizontal control are as provided in this section.

(b) *Survey ties to geodetic control monuments.* All subdivision and land development exceeding ten acres shall tie control of the survey to geodetic control monuments, as follows:

(1) State plane coordinates will be shown on the plan/plat, for at least two property corners. The geodetic monuments used for control will be shown on the plan/plat, with the grid distance and azimuth to the coordinated property corners shown.

(2) Horizontal ground distances (not grid distances) will be shown on the plan/plat for all segments of the boundary survey. A combined state plane coordinated, sea level reduction factor will be noted on the plan/plat. Area will be based on horizontal ground distances.

(3) All bearings will be referenced to state plan coordinate grid north.

(4) It is considered very desirable for surveyors to tie all surveys, whenever possible, to the state plane coordinate system. With the exception of closing/loan or mortgage surveys in existing subdivisions, all surveys not tied to geodetic control shall have two locator ties. A locator tie is defined as: a bearing and distance tie from a property corner to the nearest tie point; intersections of a street or right-of-way; and/or property corners on adjoining properties used in the establishment or verification of property corners.

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(5) All locator tie points must be described on the plan/plat, with data given to show their location and type. The tie line shall be shown between the locator tie point and the property corner, with its bearing and distance, to an accuracy consistent with the class of survey.

(c) *Terrestrial surveys.* Standards for terrestrial surveys are as follow:

(1) If control is extended no more than one-half mile from control monument to property boundary, third-order class I (1/10,000) specifications shall be followed.

(2) If control is extended more than one-half mile from the control monument to the property boundary, second-order class II (1/20,000) specifications shall be followed.

(d) *Global positioning system (GPS) surveys.* If GPS is used, procedures shall be followed to ensure compatibility with the nearest geodetic control monuments to the accuracy specified under subsections (b)(1) and (2) of this section or two-tenths foot, whichever is the most stringent.

(e) *Electronic copy.* All subdivisions shall be required to submit a final copy of the land development plan or subdivision plat in an electronic file copy.

(f) *Monuments and markers.* Standards for monuments and markers are as follows:

(1) All property corners shall be identified with a concrete or iron rod monument. For horizontal control and to reestablish lost monuments, concrete control monuments shall be placed on each corner of the property boundary.

(2) To establish vertical control for use with setting finished floor elevations, construction of drainage systems, and benchmark monuments referenced to NGVD 1929, shall be located a minimum of one every four acres, and reference elevations shall be placed on the plan or plat.

(Ord. No. 99-12, § 1 (14.510), 4-26-1999)

Sec. 106-2928. Mapping criteria for natural or manmade features.

For subdivisions and land developments, mapping criteria for natural or manmade features are as follows:

(1) Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.

(2) Initial identification of the watercourses/water bodies shall be made using the U.S. Geological Survey quadrangle maps or more accurate information, as available. Field survey verification to determine evidence and location of channelized flow is required for preliminary subdivision plats and land development plans. Vegetation shall be measured by the canopy line for the determination of areas of forest, woodlands, or trees. Other vegetation types shall be measured from the middle of the vegetation transition. Wetlands shall be measured by the U.S. Army Corps of Engineers criteria.

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(3) Measurements for the boundary are to be made horizontally, perpendicular from or radial from any feature or point.

(4) Boundaries that are dependent on elevation shall be based on site elevations and shall not be interpolated.

(5) Topographic lines shall be at one-foot intervals. Where slopes exceed 25 percent, two-foot contour intervals are permitted. Five-foot intervals are permitted for slopes in excess of 50 percent.

(6) The width of existing impervious area such as roadways, parking lots, structures, sidewalks, etc., shall not count towards the area of any natural resource.

(Ord. No. 99-12, § 1 (14.520), 4-26-1999)

Sec. 106-2929. Drainage plan requirements.

(a) *General plan information.* A master drainage for a subdivision or land development plan showing all existing and proposed features shall be included in the construction plans. The plan is to be prepared preferably on a standard 24-inch by 36-inch sheet, at a scale not to exceed one inch equals 200 feet. When the drainage area will not fit on the sheet, and with the approval of the county engineer, a larger scale may be used. The following features are to be included on the drainage plan:

(1) Drainage bounds, including all off-site areas draining to the proposed development.

(2) Sufficient topographical information with elevations to verify the location of all ridges, streams, etc., at one-foot contour intervals.

(3) High water data on existing structures upstream and downstream from the development.

(4) Notes indicating sources of high water data.

(5) Notes pertaining to existing standing water, areas of heavy seepage, or springs.

(6) Existing drainage features (ditches, roadways, ponds, etc.), are to be shown a minimum of 1,000 feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.

(7) Drainage features, including location of inlets, swales, ponding areas, etc.

(8) Delineation of drainage subareas.

(9) Include water quality control facilities, including ingress/egress areas, supplemental BMPs (e.g., swales), dedicated natural open space boundaries and other information required to comply with the latest version of the county's manual for stormwater BMPs.

(10) General type of soils according to the latest soil survey of the county.

(11) Flood hazard classification.

(12) Description of current ground cover and/or land use.

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(13) Cross sections and/or profiles of retention/detention facilities, typical swales, ditches or canals.

(14) All driveway pipe size and inverts will be shown on the site plan and installed at time of and as part of the building and driveway construction. Minimum driveway pipe shall be 12-inch RCP with all pipe having flared ends or similar as approved by the county engineer.

(15) Drainage rights-of-way, or easements.

(16) Typical fencing detail.

(17) Note on the drainage plans that an erosion control plan will be submitted to the ZDA or DRT. The erosion control plan shall be in accordance with state and/or federal laws concerning erosion control, and shall require county engineer approval prior to any construction and permitting.

(b) *Final plat.* The overall drainage plan shall be placed on the final plat, showing proposed finished contour elevations for the entire subdivision and proposed minimum first floor elevations of all proposed structures. This overall drainage plan shall be prepared by a professional engineer and shall require approval by the county engineer.

(c) *Subsoil investigation.* A subsoil report by a professional engineer may be required by the county engineer. A minimum of two locations per retention/detention area shall be delineated in order to determine the location of groundwater elevation and/or soil conditions.

(d) *Stormwater calculations.* Stormwater calculations for retention/detention areas, including design high water elevations for the 25-year and/or 100-year storm events, shall include but not be limited to the following storm sewer tabulations:

(1) Locations and types of structures.

(2) Types and lengths of line.

(3) Drainage subarea tributary to each structure.

(4) Runoff coefficient per subarea.

(5) Time of concentration to structure.

(6) Hydraulic gradient for the 25-year frequency storm event.

(7) Estimated receiving water (tailwater) elevation with sources of information, if available.

(8) Diameters of pipe.

(9) Outlet and other pipe velocities.

(10) Calculation worksheet which demonstrates that the proposed water quality controls comply with the latest version of the county's manual for stormwater BMPs.

(e) *Off-site improvements.* Cross sections showing all existing and proposed topographic features within a right-of-way shall be plotted at 50-foot intervals or as approved by the county engineer, and at all locations where the roadway features change significantly. Plotted centerline profile of the existing and proposed roadways shall also be required.

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(f) *Planning and design certification.* Planning and design certification is as follows:

(1) Professional engineers, registered in the state, shall prepare a detailed drainage report and design plan and certify all subdivision grading, drainage, roads, parking lots, and water and sewer systems. Tier B land surveyors, registered in the state, may design and certify drainage systems as limited by state regulations. An as-built field survey shall be submitted to the county engineer showing controlling stormwater invert elevations and spillways and outlet structures of commercial and industrial developments and residential developments requiring drainage systems.

(2) Landscape architects, registered in the state, shall certify drainage features pertinent to their landscape design drawings. Design engineers or landscape architects may perform, design and/or certify their plans in accordance with state rules and regulations governing their professions.

(Ord. No. 99-12, § 1 (14.530), 4-26-1999)

Secs. 106-2930—106-2955. Reserved.

DIVISION 7. PERFORMANCE GUARANTEES

Sec. 106-2956. Applicability.

All improvements required by this chapter for roads, water, sewer, drainage, and detention, as well as other improvements such as lighting, landscaping, and bufferyards, shall be installed prior to obtaining a certificate of occupancy or recording the plat. A developer may also submit surety.

(Ord. No. 99-12, § 1 (14.610), 4-26-1999)

Sec. 106-2957. Cost estimates and surety.

If surety is offered pursuant to this chapter, the developer's engineer shall submit a cost estimate for road, water, sewer, storm drainage, detention, lighting, and any off-site improvements. The designers of the landscaping, buffers, and/or other improvements shall submit cost estimates. Valid bids from contractors may be substituted for cost estimates. The DRT shall review all bids, checking for consistency with similar bids or public bids, to ensure they are reasonable. A surety shall be required in the amount of 125 percent of the cost estimates. Surety shall be valid until released by the ZDA and/or county engineer.

(Ord. No. 99-12, § 1 (14.620), 4-26-1999)

Sec. 106-2958. Form of surety.

Surety required under this chapter shall be cash, an irrevocable letter of credit approved by the county attorney, or other such equivalent surety.

(Ord. No. 99-12, § 1 (14.630), 4-26-1999)

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Sec. 106-2959. Release of surety.

Upon completing all or part of required improvements under this chapter, the developer may request a reduction or closure of the surety. The DRT shall then have the development inspected by the ZDA and/or county engineer or designees. Any deficiencies shall be identified and the developer notified in writing of the deficiencies. If all work is complete and a maintenance bond provided, the surety shall be closed. If 25 percent of the work has been completed or is in stages identified in the original cost estimates, the surety shall be reduced.
(Ord. No. 99-12, § 1 (14.640), 4-26-1999)

Sec. 106-2960. Calling surety.

Under normal circumstances pursuant to this chapter, the developer should finish construction of improvements well before the surety expiration date and will, on his own initiative, request inspection and reduction or closure of the surety. If construction has not been completed at least 60 calendar days prior to the surety expiration date, the DRT shall inspect and send a report to the developer indicating items to be completed by 30 calendar days prior to the expiration date. Should the developer want additional time, a new surety covering the time (minimum six months) shall be submitted to the DRT. If all work is not completed or an extended surety has not been presented at least 30 days prior to expiration, the ZDA or county engineer shall notify the county attorney to call the surety so the work can be completed.
(Ord. No. 99-12, § 1 (14.650), 4-26-1999)

Sec. 106-2961. Maintenance guarantee.

Upon completing the improvements required under this chapter, the surety will be reduced or eliminated. A maintenance guarantee of ten percent of the actual construction cost for road and drainage facilities shall be deposited with the county for anticipated maintenance for a period of two years after the completion of all improvements.
(Ord. No. 99-12, § 1 (14.660), 4-26-1999)

Secs. 106-2962—106-3000. Reserved.

ARTICLE XIV. MODULATION OF STANDARDS

DIVISION 1. GENERALLY

Sec. 106-3001. Purpose.

This chapter uses established industry standards in many of the sections contained in this chapter. In other cases, uncommon situations that cannot meet the standards have been anticipated and logical modifications of the standards provided. Specific standards are

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identified in this article that may be modulated pursuant to the standards in this article to provide greater flexibility in creating quality communities on all sites and provide architects and designers greater flexibility.
(Ord. No. 99-12, § 1 (div. 15.000), 4-26-1999)

Sec. 106-3002. Approval; general review.

The DRT shall review all requests for modulation of standards of this chapter against this article. A note indicating the modulation approval shall be placed on file and indicated by a note on the final plan.
(Ord. No. 99-12, § 1 (15.110), 4-26-1999)

Secs. 106-3003—106-3030. Reserved.

DIVISION 2. MODULATION OF ZONING STANDARDS

Sec. 106-3031. Scope of division.

The sections in this division address specific zoning standards that can be modulated by the DRT without the necessity of seeking a variance.
(Ord. No. 99-12, § 1 (15.200), 4-26-1999)

Sec. 106-3032. Construction envelopes.

(a) The net density and site capacity calculations in article VI and article VII of this chapter assume all of a residential lot will be disturbed during development. This section provides the rules by which resource protection is permitted to occur on a lot within the minimum lot area. Only large lots, those having a minimum lot size (table 106-1526) with sewer that exceed 20,000 square feet, or where lots with drain fields exceed two acres shall be eligible for this modulation. All eligible lots shall conserve the resource area in question, restricting the use of that land to open space uses and prohibiting fencing and the clearing, cutting, or disturbing of vegetation. All development within the construction envelope shall follow this section's standards.

(b) The site capacity analysis (division 2 of article VII of this chapter) shall be used to determine the amount of open space required. Where that level of protection required of resources and total open space is achieved by a plan that does not exceed the maximum gross density (step 4, table 106-1815(1)), the maximum site yield may be ignored since it does not account for on-lot preservation. The actual yield will be based on the site plan.

(c) The construction envelope may occupy no more than 75 percent of the total area of the lot.

(d) All lot construction and clearing shall be confined to the construction envelope including buildings, decks or patios, driveways, lawns, pools, tennis courts, septic tanks and tile fields, and utility access. The construction envelope shall be extended 15 feet from the foundation and

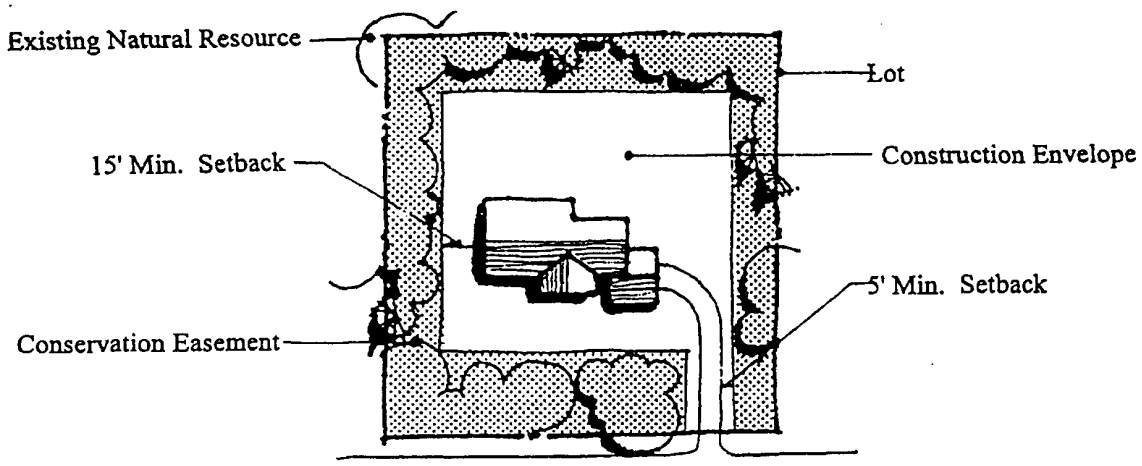
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five feet from any other area to be developed or disturbed to provide for machinery and earth movement. The construction envelope shall be temporarily fenced prior to construction or grading to prevent equipment from intruding into the conservation areas. Figure 106-3032 shows the relationship between the lot, construction envelope, and conservation areas on a lot.

(e) Where the resource being preserved is forest land, all trees over 16 inches in the lots shall be surveyed indicating size, species, and condition. In drawing the boundaries of the preservation area, no surveyed tree where more than 30 percent of the canopy will be in the disturbed area shall be counted as preserved. The entire canopy area of such tree shall then be considered as a disturbed area (see figure 106-3032).

(f) The DRT shall require that a mitigation bond be posted for $2,500.00. The DRT shall inspect for damaged trees in the preservation area before occupancy and shall require mitigation for those trees damaged.

Figure 106-3032 LOT WITH CONSTRUCTION ENVELOPE



Sec. 106-3033. Bufferyards.

On existing properties, it may be impossible to achieve the desired buffer, thus rendering the property nonconforming with respect to the bufferyard standards of this chapter. Severely constrained properties are those where the required buffers would use more than 25 percent of the site. In these cases, the DRT may approve a maximum feasible buffer based on the following standards:

(1) The land reasonably available for bufferyards shall be evaluated based on quality of site design, land characteristics, and effort of the developer to accommodate them. On

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developed properties, the DRT shall evaluate the current parking, existing vegetation, and relationship of the site plan to adjoining uses to be protected. No more than 25 percent of a vacant site should be in bufferyards.

(2) The DRT shall designate an area to be used for the bufferyard that accomplishes what is required without undue hardship on the landowner. The use of landscape materials, berms, or walls shall be evaluated to determine the degree of protection that can be provided.

(3) Landscape materials may be required in excess of normal planting rates to make up for limited buffer area. Walls or berms may be used as a substitute for landscape materials in areas where limited land is available and screening is more effectively established by structural methods. Similarly, hedges that are to be maintained at a minimum height may also be required.

(4) Where desirable to achieve a better design, the DRT may require an increase in open space, landscaped area, or another bufferyard on the site to offset a reduced bufferyard.

(Ord. No. 99-12, § 1 (15.220), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 106-3034. Street yard setbacks.

(a) *Generally.* Under this chapter, the street yard is normally intended to ensure a safe setback from roads, but often results in all buildings being lined up in a row; however, landscaping that screens the buildings from the street or variations in setback can, in some conditions, reduce the need for the rigid setback. In other cases, building form may dictate a different type of setback.

(b) *Single-family and lot line.* A combination of landscaping and facades that are articulated or staggered to give the sense that setbacks are varied can provide an enhanced environment. The setback may be reduced where the following are met:

(1) When individual building construction envelopes, with varying setbacks, are described for each lot on the record plan to provide a streetscape with varied building locations. At the edges of such developments, the setbacks shall be feathered to match outside developments on the same street face.

(2) Where the setback in table 106-1526 is greater than 35 feet, the average setback maybe reduced by up to ten percent on any block face. No single lot setback reduction shall be greater than 30 percent.

(3) Where the setbacks in table 106-1526 are 35 feet or less, the development's setbacks shall average the setback listed in table 106-1526. No single lot setback reduction shall be greater than 20 percent.

(4) In addition to the street tree requirements (table 106-1617), the DRT may require additional landscaping to be placed in the right-of-way or first ten feet of the lot.

(5) All front loading garages shall be set back the minimum distance to provide for adequate off-street parking.

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(6) This subsection shall only be used along the development's internal streets, not where single-family homes face homes in another subdivision across a street.

(c) *Adjoining nonconforming lots.* In older parts of the county, setbacks may not conform or may vary from lot to lot. In these areas, the DRT may approve unique setbacks under the following conditions:

(1) Where 40 percent of the lots on a block face are nonconforming, the unit may be set back at so as to blend in with the average distance of existing nearby structures.

(2) Where existing block faces are all nonconforming, the DRT, upon evaluating the local conditions, shall determine a setback.

(d) *Side-loading garages.* Side-loading attached garages located in front of the house shall be permitted on single-family detached house lots listed as less than 15,000 square feet in table 106-1526. The setback for such garages may be reduced, provided the following are met:

(1) Side-load garage setbacks shall be a minimum of 15 feet.

(2) Additional landscaping, as required by the DRT, shall be installed for each side-load garage in the area between the garage and the right-of-way.

(3) Within a development, no more than 40 percent of the total lots may be side-load garages. No more than three adjacent lots may contain side-load garages. The orientation shall be broken up so that garages do not all face the same direction.

(Ord. No. 99-12, § 1 (15.230), 4-26-1999)

Sec. 106-3035. Patio and atrium dwelling units.

The wall enclosing patio and atrium dwelling unit lots may be eliminated or reduced in height or opacity where the unit faces open space. The street yard should be varied to avoid monotony. The following rules govern wall modulation:

(1) Where the wall abuts open space within the development, it may be reduced in height, length, or opacity in accordance with table 106-3035.

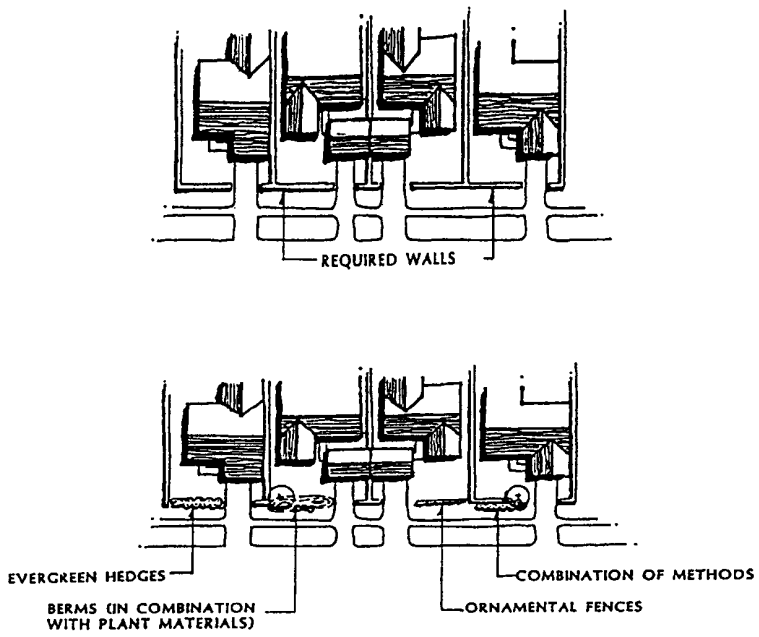
(2) A patio or atrium dwelling unit's street face, where applicable, may be articulated to avoid monotony. The wall requirement shall be eliminated in favor of some combination of the wall and one or more of the techniques shown in figure 106-3035.

TABLE 106-3035 PERCENT REDUCTION IN TOTAL AREA OF WALL

	Width of Open Space			
Type of Cover	*30—40 ft.**	*41—60 ft.**	*61—100 ft.*	*101 ft. +*
Lawn	10%	15%	30%	40%
Old field	30%	40%	60%	80%
Young forest	50%	70%	90%	100%
Mature forest	60%	80%	100%	100%
* If a trail or walk is present, add ten feet to width.				

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Figure 106-3035 TECHNIQUES FOR ARTICULATING PATIO AND ATRIUM STREET FACE WALLS



(Ord. No. 99-12, § 1 (15.240), 4-26-1999)

Sec. 106-3036. Windowless wall.

In atrium and patio units, windows are prohibited from looking into the neighboring yards. Windows shall be permitted in walls designated as windowless, provided that any of the following conditions are met:

(1) The adjoining land is a public right-of-way.

(2) The adjoining land is open space having a minimum width of 15 feet, where the unit on the opposite side of the open space is walled.

(3) The adjoining land is open space having a minimum width of 30 feet.

(4) The windows face a closed courtyard, or the windows are located at a height that prevents a view into the adjoining property.

(Ord. No. 99-12, § 1 (15.250), 4-26-1999)

Sec. 106-3037. Building separation for attached units.

This section sets forth the residential building spacing regulations and standards. Various attached dwelling unit types have no side yard lines since the individual dwelling units are attached. However, blocks of attached units are regulated by building spacing. A variety of

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situations can modify the basic standards. The normal separation assumes the building walls are generally parallel, but that need not be the case. This circumstance also changes the separation requirements needed to provide light, air and fire access. The following standards permit modulation of building spacing under the specified conditions:

(1) *Irregular facing walls.* Where facing building planes are not a straight line, the average distance between the adjoining walls shall be used, provided no portion of the building is closer than 80 percent of the minimum building spacing.

(2) *Nonparallel building alignment.* Where building walls are not parallel, the minimum building separation may be reduced. The average separation must be equal to the requirements of table 106-2406, and the minimum shall be no less than 80 percent of that requirement.

(3) *Building code.* The building code may establish increased requirements for fire-rated construction where building setbacks are reduced, thus increasing costs, or require stricter standards.

(Ord. No. 99-12, § 1 (15.260), 4-26-1999)

Sec. 106-3038. Very large light industrial structures.

The maximum size of a light industrial building has been set at 200,000 square feet to prevent too large a building or structure from altering the general character of the zoning district. Larger buildings can be permitted under several types of conditions, as follows:

(1) In large business parks where there is a central area of the park that is at least two lots from any boundary, larger buildings may be permitted, provided:

a. The mass of the larger building will be mostly screened by the surrounding buildings. The DRT may require more than the minimum two-lot distance from the edge of the business park;

b. The site topography is such that the large buildings are not going to stand up above surrounding structures;

c. The building itself has articulations in the facade and roofline to reduce the apparent size of the building; or

d. Additional on-lot landscaping and berming has been provided to screen and break up the mass of the building. This may also include berms that are located on the building foundation.

(2) The design of the business park is such that a variety of techniques are used to ensure that the public neighboring property owners or drivers on adjoining roads are not aware of the mass. Several of the following techniques may be required by the DRT to achieve that result:

a. The whole business park has a common architectural design, facade materials, window treatment, rooflines, etc.

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b. The building is designed to reduce its apparent mass by having building wings, articulated facade, a reduced height by setting the ground floor partially below grade, or locating the building topographically so that it is better screened by surrounding buildings.

c. The massing of buildings on the periphery of the development to screen the larger building to the rear.

d. The bufferyards, street trees, and on-lot landscaping is upgraded to mask the development.

e. The site plan shall be designed so that the actual view of the larger building located down the street is such that the scale of the larger building is not apparent.

(3) Screening or special design treatment shall not be required on boundaries with industrial or heavy industrial land unless an arterial or collector road is the boundary.

(Ord. No. 99-12, § 1 (15.270), 4-26-1999)

Sec. 106-3039. Alternative dwelling unit types.

Under this chapter, the DRT shall review and may approve proposed alternative dwelling unit types, provided:

(1) They represent a significantly different housing style, not just a smaller lot;

(2) The housing type addresses issues of privacy, usable yard space, and adequate light and air;

(3) The parking is such that the unit does not create a situation where garages and drives dominate the front facades; and

(4) There is a valid reason for the unit type, such as but not limited to the following:

a. The unit is designed for specific topographic conditions or hazard conditions.

b. The unit is designed to respond to specific traditional architectural patterns to better integrate the new development with the county's historic character.

c. The unit type is particularly suited to increasing affordable housing and can be mixed into the overall fabric of the community without creating an obvious unit type; for example, a unit type that makes a single-family home a two-unit building either with a granny flat or with a second unit in a townhouse or village house situation.

(Ord. No. 99-12, § 1 (15.280), 4-26-1999)

Secs. 106-3040—106-3065. Reserved.

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DIVISION 3. MODULATION OF SUBDIVISION STANDARDS

Sec. 106-3066. Scope.

During plat or plan review under this chapter, the DRT may approve minor deviations from the standards of this chapter when common sense dictates. No deviations from density requirements or other standards in this chapter are permitted. Minor deviations shall only include deviations that benefit the county or citizenry in general and include:

(1) Minor setback flexibility to preserve trees or the environment.

(2) Minor changes in road design to preserve trees or the environment.

(3) Any other minor change in design that the DRT unanimously agrees will improve overall project design and environmental protection, whereby strict adherence to the requirements of this chapter would limit such improvements, protection or preservation.

(Ord. No. 99-12, § 1 (15.300), 4-26-1999)

Sec. 106-3067. No road frontage.

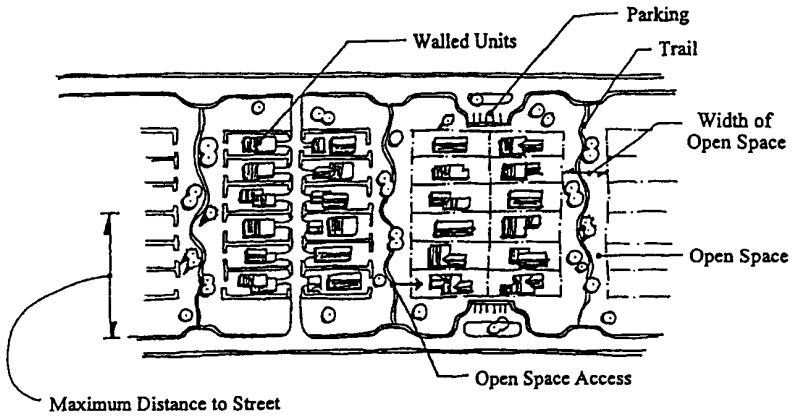
Under certain circumstances, atrium, patio, village houses, and townhouses of all types do not have to front a street. All such units shall front an open space that meets the standards in table 106-3067. The maximum distance that such a unit may be away from a street depends on whether the lot has direct access to both the open space and an alley, which provides the lots with on-site parking and emergency access, or whether access is solely via the open space. For example, the distance in table 106-3067 is doubled if a road or emergency access alley is available at both ends of the open space. Figure 106-3067 illustrates the various conditions.

TABLE 106-3067 STANDARDS FOR SPECIFIC RESIDENTIAL UNITS WITH NO ROAD FRONTAGE

Width of Open Space (feet)	*Walled Unit*	*Maximum Distance from Street (feet)*	
		Open Space Access	*Alley and Open Space Access*
8	Yes	60	100
12	Yes	75	150
20	No	100	180
30	No	120	200

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Figure 106-3067 RESIDENTIAL UNITS WITH NO ROAD FRONTAGE



(Ord. No. 99-12, § 1 (15.310), 4-26-1999)

Sec. 106-3068. Flag lots.

Flag lots are generally prohibited because they have often been used to avoid building a street to serve a subdivision, and their use increases the number of curb cuts on arterial or collector roads. However, conditions exist where flag lots are reasonable and can even enhance the community's character. These conditions are as follows and are illustrated in figure 106-3068:

(1) If the property to be subdivided has very irregular boundaries and a narrow street and cul-de-sac are not feasible, a flag lot may be used to serve a single lot where lots are one acre or larger.

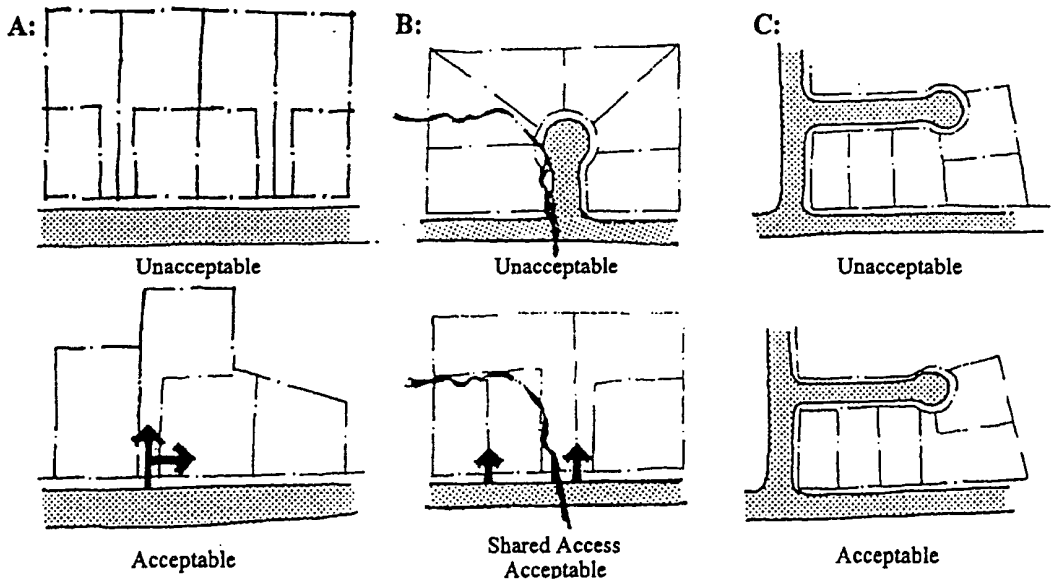
(2) In a resource protection area, a flag lot may be used to reduce resource destruction which would have occurred by extending the cul-de-sac further into the sensitive area where lots are one acre or larger.

(3) A flag lot shall be used to avoid lots taking access to arterial or collector streets, as long as the flag lot does not take access from the arterial or collector.

(4) A combined curb cut for the flag lot and one or more lots may be required where the DRT determines such design will improve safety.

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Figure 106-3068 FLAG LOT CONDITIONS



(Ord. No. 99-12, § 1 (15.320), 4-26-1999)

Sec. 106-3069. Lot shapes.

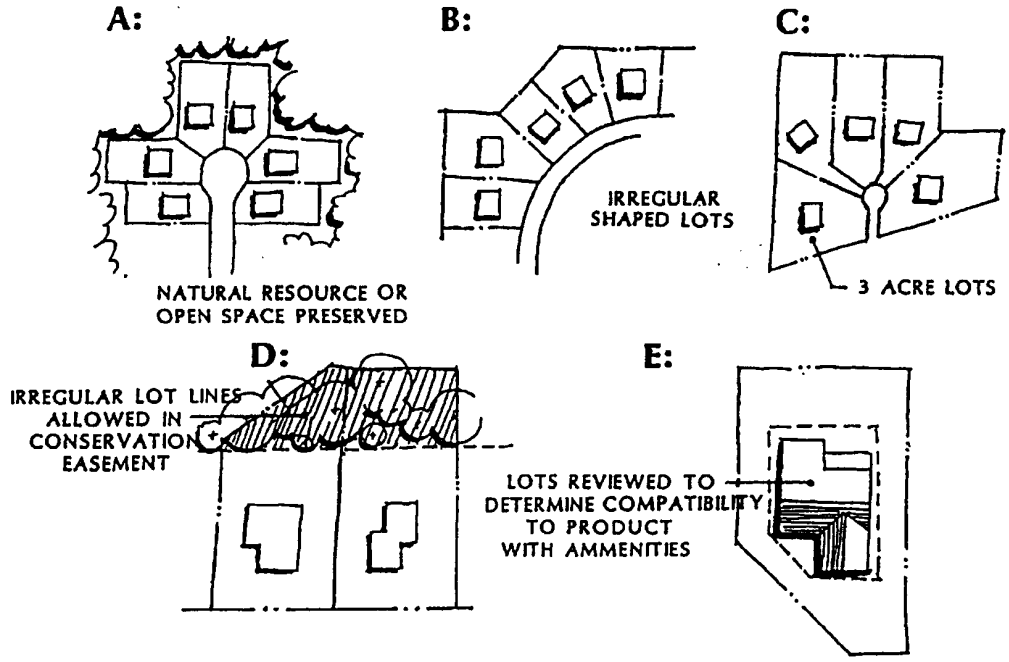
Normally, lot shapes are rectangular or pie-shaped and work well in some cases. Rectangular lots are important when lots are rather small since they provide a maximum buildable area, whereas pie-shaped lots can be very inefficient. The most important element is that the lot contains a building construction envelope adequate for conventional house design. Lot shapes may be irregular under the following circumstances (figure 106-3069):

(1) Where lots are surrounded by open space, lots of approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce road length.

(2) Where the property has a shape that makes it difficult to create lots efficiently, the developer should be able to use irregular lot shapes, rather than waste land.

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Figure 106-3069 IRREGULAR SHAPED LOTS



(3) Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used.

(4) Portions of lots in a conservation easement may have irregular shapes since they cannot be used for construction.

(5) All lot sizes and shapes shall be reviewed to determine if houses similar to those normally built in the district can be constructed with normal patios or decks within the building envelope.

(Ord. No. 99-12, § 1 (15.330), 4-26-1999)

Sec. 106-3070. Cul-de-sac or block length.

(a) Under this chapter, cul-de-sac length is generally set to avoid unduly long roads where only one means of access exists. Maximum block lengths provide for good circulation. However, instances may arise where a longer block length or cul-de-sac length is justified.

(b) A cul-de-sac's maximum length may be extended to serve 24 lots, provided:

(1) No stub street is possible on any cul-de-sac whose length would exceed 18 lots; and

(2) The average number of lots served by culs-de-sac in the development is 16 or less.

(c) Up to 28 lots per block length may be permitted where:

(1) Unique topography, shape, or physical features make it difficult to connect to another street without building structures that are well above normal improvement costs; or

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(2) The connection would result in undesirable intrusions into natural resources; and

(3) Adjoining developments provided no connections which, if linked to the subject property, would reduce the need for the modulation; or no stubs are possible to adjoining vacant land.

(Ord. No. 99-12, § 1 (15.340), 4-26-1999)

Sec. 106-3071. Intersections.

Under this chapter, intersections may be permitted closer than the 300 foot centerline distances where:

(1) The depth of a block is less than these distances. An exception shall be granted unless a reasonable alternative street configuration exists which will provide the needed separation;

(2) Topographic, natural resource, or ownership problems make providing the separation impractical or undesirable; or

(3) A narrower distance may be permitted when the DRT determines the shorter distance results in safer conditions based on site distances.

(Ord. No. 99-12, § 1 (15.350), 4-26-1999)

Sec. 106-3072. Parking areas.

(a) *Generally.* The parking and loading standards in article V of this chapter may be too stringent for certain use applications.

(b) *Parking space reduction.* The DRT may reduce the number of parking and/or loading spaces required to protect specimen trees, to reduce impervious surfaces, where required spaces are not logical for the proposed use, and where a unique situation is proposed or exists which will not generate the need for as many parking spaces as required by this article. When the DRT does not approve of a reduction in parking, the applicant may petition the DRT to authorize a reduction based on studies and findings from a parking demand and needs analysis (PDNA) as described in this subsection. The DRT may approve such a reduction where the PDNA indicates that the required parking would exceed the minimum necessary to conveniently serve the customers, clients, visitors and employees. The components of a PDNA must include at least the following:

(1) A narrative discussion of the type of use, and an explanation of why such use is unique from a parking needs standpoint.

(2) Basic traffic generation data, such as numbers of anticipated vehicles entering and exiting the site at peak hours.

(3) Proposed means of parking/traffic mitigation measures, such as carpools/vanpools, varied work shifts, company-operated buses or shuttles and employee incentives for utilizing alternate modes of transportation.

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(4) The nonutilized parking area must still be shown on the site plan, with no permanent facilities or structures, as reserved parking to accommodate any future change of use which may render the reduction substandard.

(c) *Parking impact mitigation.* The DRT may increase the parking area landscaping standards by no more than 15 percent, where a development adversely impacts residential uses, natural or open space areas, and village centers.

(d) *Stall width reduction.* Subject to DRT approval, stall width may be reduced to 8½ feet in parking lots for office and industrial/manufacturing type uses, provided that the parking area with the reduced widths is for the exclusive use of the on-site employees. Parking spaces available for the general public shall be clearly identified for public use and must be clearly separated from employee parking spaces with reduced widths.
(Ord. No. 99-12, § 1 (15.360), 4-26-1999)

Cross reference—Parking, § 70-26 et seq.

Secs. 106-3073—106-3100. Reserved.

DIVISION 4. MODULATION OF ENVIRONMENTAL STANDARDS

Sec. 106-3101. Environmental constraints.

Where environmental constraints exist that make strict adherence to setback lines of this chapter unreasonable, the DRT may permit the developer to submit a plan showing building pads that define the permitted setback locations versus alternate locations. If it is determined by the DRT that the permitted setback locations are unreasonable given existing environmental conditions that were not apparent or in place at the time of plan approval and the alternative proposal benefits the county and improves design, the front and side yard setbacks may be reduced to maximize the various types of environmental protection. The DRT may require additional landscaping to compensate for the closer setbacks.
(Ord. No. 99-12, § 1 (div. 15.400(A)), 4-26-1999)

Sec. 106-3102. OCRM critical line.

Modulation of OCRM critical line setback requirements is not permitted through this article. Refer to section 106-1845, which provides specific standards for complying with this requirement.
(Ord. No. 99-12, § 1 (div. 15.400(B)), 4-26-1999)

Secs. 106-3103—106-3140. Reserved.

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ARTICLE XV. SIGNS*

DIVISION 1. GENERALLY

Sec. 106-3141. Purpose.

The purpose of this article is to enhance the built environment through appropriately designed signage that safely provides information while protecting the public welfare, such as follows:

(1) *Safety.* Promote the safety of persons and property by providing that signs do not create:

a. Traffic hazards by distracting or confusing motorists, or impairing motorists' abilities to see pedestrians, other vehicles, and obstacles or to read traffic signs; and

b. A hazard due to collapse, fire, collision, decay or abandonment.

(2) *Information.* Promote the efficient transfer of general public and commercial information through the use of signs.

(3) *Public welfare.* Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes the county while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new industries and cultural facilities.

(Ord. No. 99-12, § 1 (div. 16.000), 4-26-1999)

Sec. 106-3142. Permit required.

No sign shall be erected, replaced, relocated or altered without first obtaining a sign permit, except as provided in section 106-3144. Prohibited signs are listed in section 106-3143.
(Ord. No. 99-12, § 1 (div. 16.100), 4-26-1999)

Sec. 106-3143. Prohibited signs.

The following signs are prohibited when visible from a publicly maintained street, road or highway, whether county, state or federal:

(1) Commercial billboard signs and pole signs;

(2) Flashing signs;

(3) Neon signs;

(4) Internally illuminated signs;

***Cross references**—Placement of no parking and loading zone signs, § 70-29; buildings and building regulations, ch. 74; posting of signs for use of alcoholic beverages on county recreation facilities, § 90-91 et seq.; planning, ch. 94.

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(5) Moving signs or signs having moving parts;

(6) Signs using the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead, confuse or distract a vehicle driver;

(7) Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way;

(8) Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on or projected from the roofs of buildings visible from any public thoroughfares;

(9) No sign of any kind shall be erected or displayed in any salt marsh areas or any land subject to periodic inundation by tidal saltwater;

(10) Portable commercial signs or vehicle movable commercial signs except business identification painted on or magnetically attached to business cars and trucks;

(11) Abandoned or dilapidated signs; and

(12) All signs and supporting structures in conjunction with a business or use which is no longer in business or operation unless a new permit for the sign has been obtained.

(Ord. No. 99-12, § 1 (16.110), 4-26-1999)

Sec. 106-3144. Signs exempt from sign permit.

The following signs are exempt from obtaining a sign permit. Similar signs that are larger or otherwise violate this section shall be required to have a permit:

(1) One nonilluminated for sale, for rent, or for lease sign not exceeding six square feet in area.

(2) One nonilluminated home occupation sign not exceeding four square feet in area and mounted flat against the wall of the principal building for each profession or occupation carried on therein.

(3) Official notices issued by any court, public agency or similar official body.

(4) Traffic directional, warning or information signs authorized by any public agency.

(5) Private street or road name signs.

(6) The changing of characters on any moveable copy sign.

(7) Signs prohibiting hunting, fishing, loitering, trespassing and similar signs not exceeding one square foot in area.

(8) One temporary, in-season, agricultural products sales sign not exceeding ten square feet in total area.

(Ord. No. 99-12, § 1 (16.120), 4-26-1999)

Secs. 106-3145—106-3170. Reserved.

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DIVISION 2. STANDARDS

Sec. 106-3171. General sign requirements.

The following shall apply to all signs:

(1) *Visibility.* The area around the sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.

(2) *Finish.* Reverse sides of signs must be properly finished with no exposed electrical wires or protrusions and shall be of one color.

(3) *Glare.* Signs shall not be illuminated so as to impair driver vision.

(4) *Location.* No sign shall be located so as to obstruct or impair driver vision at business ingress-egress points as at intersections.

(5) *Design.* Sign shapes shall be composed of standard geometric shapes and/or letters of the alphabet only and shall not be in the shape of a sponsor motif (bottles, hamburgers, human or animal figures, etc.). All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign. Outcrops on signs are prohibited.

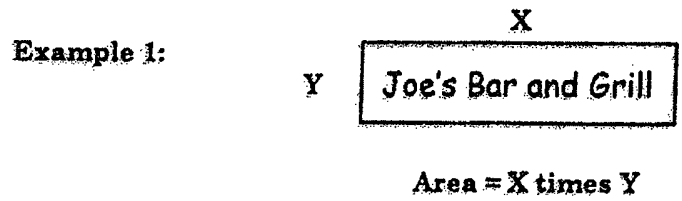
(Ord. No. 99-12, § 1 (16.210), 4-26-1999)

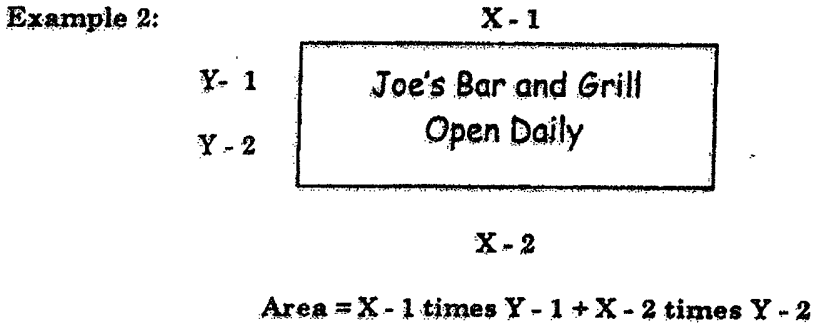
Sec. 106-3172. On-premises signs.

(a) All businesses or other uses located in the county may choose to utilize any two types of the following types of on-premises signs. In no case shall individual types exceed the limitations prescribed in this section, and in no case shall the combined area of any two types chosen exceed 160 square feet, except for a business fronting on two highways. In this instance, 240 square feet shall be the maximum allowed.

(1) *Wall sign.* The maximum sign area shall be the lesser of 15 percent of the area of the wall or 80 square feet. The area of letters only signs shall be computed as the area of an imaginary rectangle enclosing the lettering.

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(2) *Projecting sign.* One projecting sign per business frontage perpendicular to the wall of a building and consisting of an area not exceeding 32 square feet. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than 8½ feet.

(3) *Ground sign (freestanding).* One per each highway frontage, not exceeding ten feet in overall height, 15 feet in width, with a maximum allowable area of 80 square feet.

(b) On-premises signs shall be erected so as not to obstruct or impair driver vision at business or other use's ingress-egress points and intersections.

(c) When necessary to facilitate traffic movement, such on-premises signs stating "enter," "exit," "drive-in," "service entrance," "no parking," etc., without any other advertising words or phrases, may be installed without a permit fee after proper notification to the inspection department. The maximum area of each sign shall not exceed six square feet.
(Ord. No. 99-12, § 1 (16.220), 4-26-1999)

Sec. 106-3173. Shopping centers, commercial subdivisions or multiple-tenant buildings.

(a) *Identification sign.* Shopping centers, commercial subdivisions, malls and multiple-tenant buildings may erect either one 80-square-foot freestanding ground sign, which may be used as an identification sign, directory listing, or combination thereof, on each street or highway frontage except where the frontage exceeds 500 feet. An additional sign may be allowed provided it does not exceed 80 square feet in area, and the total area of all freestanding signs do not exceed the maximum allowable area as specified in subsection (b) of this section.

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(b) *Total maximum allowable area.* The total maximum allowable area shall be as follows:

(1) For shopping centers, commercial subdivisions, and/or multiple-tenant buildings fronting on one street or highway, the maximum total freestanding area is 160 square feet.

(2) For shopping centers, commercial subdivisions, and/or multiple-tenant buildings fronting on two streets or highways, the maximum total freestanding area is 240 square feet.

(3) Individual businesses within a shopping center, commercial subdivision and/or multiple-tenant building may erect wall and/or projecting signs consistent with section 106-3172.

(4) Individual businesses within a complex and individual lots within a commercial subdivision (excluding outparcels) shall not be allowed to have separate freestanding signs.

(Ord. No. 99-12, § 1 (16.230), 4-26-1999; Ord. No. 2013/39, 11-18-2013)

Sec. 106-3174. Off-premises signs.

(a) *Generally.* Standards for off-premises signs are as follows:

(1) Except for commercial subdivisions subject to the provisions of section 106-3173, and except as provided for in subsections (a)(7) and (8) of this section, all commercial, off-premises signs are banned in the areas of the county to which this chapter applies.

(2) Noncommercial, off-premises signs shall be limited to the location and design standards set forth in this section; provided, however, that noncommercial off-premises signs and noncommercial on-premises signs may be placed on any premises where on the placement of commercial on-premises signs is allowed, and such noncommercial off-premises signs and noncommercial on-premises signs shall be subject to the size standards set forth in section 106-3173.

(3) Subject to subsections (a)(1) and (2) of this section, the following shall apply to all noncommercial off-premises signs:

a. Off-premises signs may be located only within 600 feet of a commercial business or industrial operation measured from the centerline of the commercial or industrial structure and only on the same side of the highway as the commercial use.

b. Commercial business or industrial operation does not include the following:

1. Such activities not visible from the main-traveled thoroughfare;

2. Transient or temporary activities;

3. Outdoor advertising structures;

4. Agricultural, forestry, ranching, grazing or farming activities;

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5. Activities conducted in a building used principally as a residence; i.e., home occupations;
6. Activities more than 160 feet from the nearest edge of right-of-way;
7. Railroad tracks and sidings; and
8. Public buildings or activities.

(4) No portion of any noncommercial off-premises sign shall be located nearer than 300 feet to any portion of the following:

a. Any other off-premises sign on same side of the street or highway;

b. Church;

c. Cemetery;

d. Public building or facility;

e. Historic district or site;

f. Residence (single-family or multifamily); and

g. Intersection of two or more streets (does not include driveways) other than directional signs of a uniform design pursuant to regulations for intersection directional signs as may be adopted from time to time by the county council.

(5) The maximum permitted area of an off-premises sign shall be 40 square feet.

(6) The maximum permitted height of any noncommercial off-premises sign shall not exceed ten feet measured from the highest part of any sign and its supporting structure and the elevation of existing grade.

(7) Back-to-back signs and V-sign structures shall be considered as one sign for purposes of spacing requirements.

(8) In order to provide information and directional aid to the general public, directional signs may be erected upon approval of the county only within 300 feet of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on the major traveled thoroughfare.

(9) Directory listing signs may be placed at strategic locations in major highways in order to provide pertinent county area information to tourists and visitors. Such listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like.

(10) The design, location and information character of off-premises directional signs will be consistent with policies adopted by the county council and, in addition, must be in compliance with the state Outdoor Advertising Act.

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(11) Administration of directory listing signs will be in accordance with regulations developed by the county.

(b) *Maintenance standards for off-premises signs.* All off-premises commercial signs must be structurally safe and maintained in a good state of repair, including, but not limited to, the following standards:

(1) The sign face must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

(2) Signs may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when originally permitted. Upon determination by the inspection department and notice to the permittee that a sign has become dilapidated or structurally unsound, such sign shall be removed within 20 days, unless an appeal of such determination has been previously filed with the county council. Such sign shall, thereafter, be removed within 20 days of disposition of such appeal in favor of the council, its agencies, departments, and/or officials. Any structural or other substantive maintenance to a sign shall be deemed an abandonment of the sign, shall render the prior permit void and shall result in removal of the sign without compensation. Costs and expenses of such removal shall be paid by the owner of such sign.

(3) Extension, enlargement, replacement, rebuilding, adding lights to an unilluminated sign, changing the height of the sign above ground, or reerection of the sign are prohibited.

(4) Any signs suffering damage in excess of normal wear cannot be repaired without:

a. Notifying the county inspection department in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, including the estimated cost of repair; and

b. Receiving written notice from the county inspection department authorizing the repair work as described in this subsection. If the work authorization is granted, it shall be mailed to the applicant within 30 days of receipt of the information described in subsection (b)(4)a of this section. Any such sign which is repaired without the department of inspections' authorization shall be removed by the department of inspections, and the costs and expenses of such removal shall be paid by that person or entity making the unauthorized repairs.

(5) If a sign is partially destroyed by wind or other natural forces, the ZDA must determine whether to allow the sign to be rebuilt. If the ZDA determines that the damage of the sign was greater than 50 percent of its replacement cost as of the time of the damage, the sign must be consistent with all current requirements of this chapter.

(Ord. No. 99-12, § 1 (16.240), 4-26-1999; Ord. No. 2013/39, 11-18-2013)

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Sec. 106-3175. Illumination.

(a) *Shielding.* Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences, sleeping accommodations, or in the eyes of vehicle drivers.

(b) *Intensity of unshielded lights.* Signs incorporating steady, unshielded lightbulbs shall utilize bulbs not in excess of 75 watts' intensity.

(c) *Electrical requirements.* Electrical requirements pertaining to signs shall be as prescribed under the adopted National Electrical Code for the county.
(Ord. No. 99-12, § 1 (16.250), 4-26-1999)

Sec. 106-3176. Signage requirements for corridor overlay district.

The following standards for signage for the corridor overlay district are in addition to those prescribed in this article and shall be reviewed and require approval by the ZDA:

(1) *Sign placement.* Any freestanding sign must be no closer than ten feet from the highway right-of-way.

(2) *Sign design and materials.* Sign design and materials shall be as follows:

a. Signage, including overall design, materials, colors and illumination must be compatible with the overall design of the main building. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.

b. An integrated sign system shall be required for all new commercial and residential subdivisions and land developments. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and establishment of unity of design for the proposed development. In addition, the following standards shall apply:

1. Pole signs are permitted; however, no pole shall be higher than four feet from the ground to the base of the sign. The overall height of any pole sign shall not exceed ten feet, measured from the ground.

2. Political and temporary signs are exempt from this article and shall subscribe to the requirements of this article.

3. Any graphic accent color (i.e., black, dark blue, grays and other dark or strong colors) may be used for graphic accents only. Corporate logos shall be reviewed on a case-by-case basis.

4. Changeable copy signs that are permitted must be displayed on a single sign.

Not permitted are changeable copy signs, except for school signs, house of worship signs, gasoline price signs, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a regular basis. These items shall be included in the overall maximum allowed square footage of the sign.

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(3) *Sign illumination.* Standards for illumination of signs are as follows:

a. If a sign is to be illuminated, a stationary light directed solely at the sign shall be used. No more than two stationary lights may be used for any one sign face. Illuminated signs shall not have a light reflecting background, but may use reflected lettering.

b. Lighting for signs shall be of a moderate intensity and designed and arranged to minimize glare and reflection. Light sources shall be concealed.

Not permitted are (i) internally illuminated signs (except halo-lit) and neon signs and (ii) internally illuminated interior signs visible from the highway.

(Ord. No. 99-12, § 1 (16.260), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2009/7, 2-9-2009; Ord. No. 2010/5, 4-12-2010)

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Secs. 106-3177—106-3205. Reserved.

DIVISION 3. TEMPORARY SIGNS

Sec. 106-3206. Types.

The following types of signs are classified as temporary signs:

(1) Special event signs which are in the nature of noncommercial advertising.

(2) Grand opening, going out of business and sale signs of businesses and services.

(3) Signs for work under construction.

(4) Land subdivision or development signs.

(5) Signs advertising the sale or lease of property upon which they are located.

(6) Political signs.

(Ord. No. 99-12, § 1 (16.310), 4-26-1999)

Sec. 106-3207. Area, height, location.

(a) *Area.* The total area of temporary signs shall not exceed 80 square feet.

(b) *Height.* The maximum height of temporary signs shall not exceed ten feet measured from the highest part of any sign or supporting structure and existing ground level except special event promotional banners.

(c) *Location.* No off-premises temporary sign, except those identified in subsections 106-3206(4) and (5), shall be located nearer than 100 feet to any church, cemetery, public building, historic site or district and intersection of two or more public streets or highways.

(Ord. No. 99-12, § 1 (16.320), 4-26-1999)

Sec. 106-3208. Time limits on erection.

(a) *Special event signs.* Special event signs may be erected no sooner than 30 days preceding a special event, and shall be removed within 48 hours following the special event.

(b) *Grand opening signs.* Grand opening signs shall be erected for a period not to exceed 30 days.

(c) *Going out of business and sale signs.* Going out of business and sale signs shall be erected for a period not to exceed 30 days.

(d) *Work under construction signs.* Work under construction signs pertaining to owners, architects, engineers, contractors, development agencies, financial institutions and the like may be erected on the construction site during construction and shall be removed within 30 days following completion of the project.

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(e) *Announcement of subdivision of land.* Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when 75 percent of the lots are conveyed or after two years, whichever comes first.
(Ord. No. 99-12, § 1 (16.330), 4-26-1999)

Sec. 106-3209. Permits.

Unless exempted in section 106-3144 of this chapter, temporary signs must be permitted in the same manner as permanent signs.
(Ord. No. 99-12, § 1 (16.340), 4-26-1999)

Secs. 106-3210—106-3235. Reserved.

DIVISION 4. ADMINISTRATION*

Sec. 106-3236. Display of permit.

All signs for which a permit has been issued shall be in compliance with the following:

(1) *Display of permit tag.* All permit tags issued for the erection of a sign shall be displayed on the sign and shall be readily visible.

(2) *Relocation of permit tag.* Under no circumstances may the permit tag be removed from one sign to another, nor may the sign to which it is attached be relocated to another location.

(3) *Return of permit tag.* If a sign is dismantled, removed or the ownership transferred, the permit tag shall be removed, returned to the inspection department and a new application made as appropriate.

(4) *Lost or illegible permit tag.* If a permit tag is lost, defaced, destroyed or otherwise becomes illegible through normal wear or an act of vandalism, a new application shall be made to the inspection department.

(Ord. No. 99-12, § 1 (16.410), 4-26-1999)

Sec. 106-3237. Impoundment of signs.

(a) *Signs subject to removal without notice.* The inspection department shall have the authority to remove, without notice to the owners thereof, and impound for a period of ten days signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephone and utility poles, or other natural features; and signs erected without a permit.

(b) *Impoundment of signs erected without permit, but otherwise in compliance.* When a sign requiring a permit under the terms of this article is erected without a sign permit, the inspection department shall use the following procedure:

(1) *Violation sticker.* The inspection department shall attach a highly visible sticker reading "violation" to the face of the sign. The sticker shall include the date that it was attached to the sign with instructions to call the inspection department immediately.

*Cross reference—Administration, ch. 2.

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(2) *Failure to obtain permit.* If, within ten working days, the owner of the sign fails to contact the inspection department, bring the sign into conformance with this article and get a permit for the sign, the inspection department shall have the sign removed and impounded without any further notice.

(Ord. No. 99-12, § 1 (16.510), 4-26-1999)

Sec. 106-3238. Recovery and disposal of impounded signs.

The owner of a sign impounded may recover the sign upon the payment of $1.00 for each square foot of such impounded sign, prior to the expiration of the ten-day impoundment period. If it is not claimed within ten days, the inspection department shall have authority to either discard or sell the sign.

(Ord. No. 99-12, § 1 (16.520), 4-26-1999)

Sec. 106-3239. Scenic areas and highways.

The county council recognizes that county citizens may desire more comprehensive sign regulations than those contained in this article in various sections of the county and along these public highways. Therefore, the county council reserves the right to establish scenic areas in which additional sign controls and regulations may be enacted and enforced under this article.

(Ord. No. 99-12, § 1 (16.530), 4-26-1999)

Secs. 106-3240—106-3260. Reserved.

ARTICLE XVI. RURAL AND CRITICAL LANDS PRESERVATION*

DIVISION 1. GENERALLY

Sec. 106-3261. Title.

This article shall be known as the Rural and Critical Lands Preservation Ordinance.

(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3262. Declaration of purpose.

It is the purpose of this article to:

(1) Provide a means by which rural and critical lands may be protected and enhanced as economic and environmental resources of major importance;

(2) Encourage landowners to make a voluntary longterm commitment to rural and critical land protection by offering landowners financial incentives and security of land use;

(3) Preserve open space and protect critical and natural resources;

*__Editor's note__—See editor's note to Chapter 94, article III.

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(4) Leverage state, federal, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements;

(5) Provide a means whereby rural landowners can maintain and preserve the rural character of their land through land conservation;

(6) Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property;

(7) Reduce and defer the need for major urban infrastructure improvements in the rural areas of the county and the expenditure of public funds for such improvements through land conservation;

(8) Provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of the natural resources, historic and cultural significance, regional or local passive recreation potential, viewscapes or lands suitable for public use; and

(9) Provide for purchase of fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, stormwater runoff, water quality or other conservation objectives.

(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3263. Findings.

For the purposes of this article, the county council finds as follows:

(1) Rural and critical lands in many parts of the county are under significant development pressure from expanding urban areas;

(2) This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation;

(3) Many of the rural and critical lands in the county are in jeopardy of being lost due to these activities;

(4) These rural and critical lands constitute unique and irreplaceable land resources of countywide importance;

(5) There are additional critical lands which are also valued natural and ecological resources which provide open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of cultural resources;

(6) It is the declared policy of the county to provide a voluntary program to acquire or otherwise permanently protect rural lands and other lands containing critical natural, cultural and historic resources;

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(7) It is the policy of the county that rural and critical lands are valued natural and ecological resources which provide certain needed open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of historic and cultural resources; and

(8) It is the policy of the county to provide opportunities, through acquisition of development rights or conservation easements, to offer opportunities to landowners to protect agricultural lands so that they may continue to farm the land, as well as to acquire such rights to protect other parcels where the landowner wishes to retain an ownership interest.

(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3264. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conservation easement means a nonpossessory interest in land, the terms of which restrict or prevent development or improvement of the land.

Critical lands means any lots, tracts, parcels or areas within the county that possess unique, significant, or important characteristics as may be identified by the Beaufort Council Rural and Critical Lands Preservation Board and subject to final approval by the county council. Unique, significant, or important characteristics include but are not limited to protection of cultural and historic resources and sites, the potential for medium to high density development, the ability to use the land for walking or cycling trails, the ability to use the land for public access to waterways, the ability of the land to be used for the preservation of public views of waterways or other scenic vistas, the quality of the land for purposes of a wildlife sanctuary, or such other and further characteristics which may be used to further the goals of the council.

Development right means the right to legally develop or subdivide property under current county codes and ordinances. The term includes but is not limited to the right to develop property for any commercial, industrial or residential use except as expressly permitted by this article and as further defined by article VIII of chapter 106 pertaining to zoning and development standards, as adopted and amended by the county council.

Landowner means the record owner(s) of the land or the authorized contract purchaser of the land.

Rural land means those areas that are zoned for agricultural or farming uses, or which are being used, or which have the ability to be used, for such purposes.

(Ord. No. 2006/2, 1-9-2006)

Cross reference—Definitions generally, § 1-2.

Secs. 106-3265—106-3290. Reserved.

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DIVISION 2. COUNTY RURAL AND CRITICAL LANDS PRESERVATION BOARD*

Sec. 106-3291. Appointment.

An 11-member county rural and critical lands preservation board shall be appointed by the county council. One member shall be appointed from each of the 11 county council districts.
(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3292. Officers.

The county rural and critical lands preservation board shall elect annually one member of the board to serve as chairman and one member to serve as vice chairman.
(Ord. No. 2006/2, 1-9-2006)

Cross reference—Officers and employees, § 2-56 et seq.

Sec. 106-3293. Terms.

The terms of the initial appointees to the county rural and critical lands preservation board shall coincide with the expiration of the term of the county council district representative who serves the district which the appointee has been selected to represent. Thereafter, all members shall be appointed for four-year terms. A vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment. The membership is subject to division 1 of article V of chapter 2 of this Code regulating boards and commissions and appointments thereto as well as the county template ordinance.
(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3294. Compensation.

Members of the county rural and critical lands preservation board shall serve without salary, but the county council shall entitle each member to reimbursement for his actual and necessary mileage expenses incurred in the performance of his official duties.
(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3295. Conflicts of interest.

No member of the county rural and critical lands preservation board shall be disqualified by reason of his membership from selling any parcel or the development rights of any parcel in which he has a financial interest, but any member with a direct or indirect financial interest in such parcel shall recuse himself from any board vote, discussion, or decision regarding such parcel.
(Ord. No. 2006/2, 1-9-2006)

*__Cross reference__—Boards and commissions, § 2-191 et seq.

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Sec. 106-3296. Rules of procedure.

The county rural and critical lands preservation board shall promulgate procedures necessary to promote the efficient, uniform, and countywide administration of this article.
(Ord. No. 2006/2, 1-9-2006)

Sec. 106-3297. Powers and duties.

The county rural and critical lands preservation board shall have, but is not limited to, the following powers and duties:

(1) Develop and recommend to county council, for adoption by resolution, a set of Beaufort County Rural and Critical Lands Preservation Program Policies and Guidelines to guide the identification, prioritization, and management of parcels to be acquired through the county rural and critical [lands] preservation program. The board may make recommendations to county council for amendments to the policies and guidelines as the need arises;

(2) Identify, prioritize and recommend to county council rural and critical lands to be acquired through purchase of development rights, the option to purchase development rights, the fee simple purchase of property, or the exchange and transfer of title to parcels, as provided for in the county council's adopted Beaufort County Rural and Critical Lands Preservation Program Policies and Guidelines;

(3) Promote, educate and encourage landowners to participate in the county rural and critical lands preservation program; and

(4) Perform such other duties as may be assigned by county council.

(Ord. No. 2006/2, 1-9-2006)

Cross reference—Administration, ch. 2.

ARTICLE XVII. TRANSFER OF DEVELOPMENT RIGHTS

Sec. 106-3298. Purpose.

The purpose of the transfer of development rights (TDR) program is to support county efforts to reduce development potential near the Marine Corps Air Station Beaufort (MCAS—Beaufort) and to redirect development potential to locations further from the air station, consistent with the Beaufort County Comprehensive Plan. This preferred development pattern is intended to reduce hazards associated with aircraft operations near MCAS—Beaufort in a way that respects the rights of property owners and utilizes a free-market system to achieve planning objectives. The TDR program is also intended to work in concert with other regional, county, and local programs that promote good land use planning and to facilitate interjurisdictional cooperation between Beaufort County, the Lowcountry Council of Governments (LOCG), the City of Beaufort, and the Town of Port Royal.
(Ord. No. 2011/16, 6-13-2011)

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Sec. 106-3299. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing units means dwelling units that comply with article IX (affordable housing incentives) of the zoning and development standards ordinance.

Air installations compatible use zone (AICUZ) means the area surrounding MCAS—Beaufort as identified in Appendix A1 (Airport Overlay District/MCAS—Beaufort).

AICUZ buffer means the quarter-mile area surrounding the AICUZ for MCAS—Beaufort.

Baseline density means the maximum density allowed on a receiving area property under baseline zoning and applicable overlay districts without participation in the TDR program.

Baseline zoning means the zoning in effect on a receiving area property as of the adoption of this article June 13, 2011.

Cash in-lieu means the fee rate identified by Beaufort County that can be paid for increased density above baseline zoning.

TDR bank means an intermediary authorized by Beaufort County to act on its behalf in the TDR program.

TDR certificate means the official document issued by the county identifying the number of TDRs owned by the holder of the TDR certificate.

TDR option means the option of a receiving area property owner to increase density above baseline zoning through participation in the TDR program.

TDR program means the rules and requirements of this article for the transfer of development rights from sending areas to receiving areas.

TDR receiving area means properties on which upzonings trigger the establishment of the TDR overlay district.

TDR sending area means areas within unincorporated Beaufort County that are eligible to sell TDRs.

Intermediary means any individual or group, other than a sending area landowner or receiving area developer, which buys and sells TDRs.
(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3300. Voluntary nature of program.

The participation of property owners in the TDR program is voluntary. Nothing in this article shall be interpreted as a requirement for sending area property owners to sell TDRs, for receiving area property owners to purchase TDRs, or for any property owner or county resident to otherwise participate in the TDR program.
(Ord. No. 2011/16, 6-13-2011)

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Sec. 106-3301. Establishment of TDR sending and receiving areas.

(a) *Sending areas.* TDR sending areas shall include all properties within unincorporated Beaufort County that are:

(1) Located within the airport overlay district and AICUZ buffer for MCAS—Beaufort; and

(2) Zoned rural (R), rural residential (RR), rural - transitional overlay (R-TO), rural residential - transitional overlay (RR-TO), or suburban (S).

(b) *Receiving areas.*

(1) TDR receiving areas shall include all properties within unincorporated Beaufort County that are located:

a. Outside of airport overlay district for MCAS—Beaufort and the AICUZ buffer; and

b. Within the boundaries of Port Royal Island.

(2) The cities of Beaufort and Port Royal may also participate in the TDR program by designating TDR receiving areas and submitting a complimentary ordinance and interjurisdictional agreement.

(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3302. TDR bank.

(a) *Purpose.* The county may choose to contract with an outside agency, hereto referred to as a TDR bank, to assist or manage TDR program administration, buying, holding, and selling TDRs as well as performing other functions as directed by the county council. The purpose of the TDR bank is to facilitate a well-functioning TDR market by performing these tasks. The county is ultimately responsible for managing and administering the TDR program and the TDR bank.

(b) *TDR bank description.*

(1) The TDR bank is an intermediary specifically authorized by the county council to perform functions assigned to it by agreement by the TDR bank and the county council. These functions may include the acquisition and sale of TDRs as well as TDR program promotion and facilitation.

(2) The county council is not required to form a TDR bank. The county council may instead elect to use county personnel to perform TDR bank functions.

(3) The establishment of a TDR bank shall not preclude direct buyer-seller transactions of TDRs.

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(c) *TDR purchase priorities.* The TDR bank will prioritize the purchase of TDRs from small landowners over large landowners in the following way:

(1) The TDR bank will purchase TDR certificates from sending area landowners based on the number of TDRs they hold, from smallest to largest. Landowners with one TDR will be bought out first, followed by landowners with two or more TDRs.

(2) The TDR bank will establish a time window during which it will accept letters of interest from sending area landowners. At the close of the time window, the TDR bank will create a rank-order list of sellers whose TDR certificates it will buy.

(3) The TDR bank will purchase TDR certificates starting at the top of the list from landowners who have TDR certificates. For example, if the landowner at the top of the list does not have a TDR certificate, the TDR bank will go down the list until it reaches a landowner with TDR certificates.

(4) Notwithstanding this prioritization, this subsection shall not prevent a specific funding of a purchase outside of this prioritization on a case-by-case basis when requested by a funding entity or organization.

(d) *TDR bank operation.* The duties and operating procedures of the TDR bank, if established, shall be specified in an agreement between the TDR bank and the county council. These procedures shall reflect the TDR program goal of reducing development potential within sending areas.
(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3303. Transfer of development rights (TDR) overlay district.

(a) *Purpose.* The purpose of the transfer of development rights (TDR) overlay district is to allow receiving area properties to exceed baseline density through compliance with TDR program requirements.

(b) *Establishment of TDR overlay districts.* TDR overlay districts shall be established concurrently with the approval of any rezoning that increases residential density or commercial intensity potential within a TDR receiving area. As part of the rezoning, the new zoning designation shall include a TDR overlay district suffix indicating the need to comply with TDR program requirements in the event that the property owners choose to use the TDR option and exceed baseline density.

(c) *Rezoning procedure.*

(1) Establishment of a TDR overlay district shall occur as part of the county's standard rezoning process and shall not require separate application or approval procedures. The approval or denial of a TDR overlay district shall be dependent upon the approval or denial of the requested zoning district.

(2) The TDR overlay district does not affect county procedures for placing conditions on rezoning approvals to implement county plans and policies. The TDR program does not

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affect the authority of the county to initiate amendments to the zoning and development standards ordinance or county procedures for responding to rezoning applications submitted by property owners.

(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3304. TDR certificates.

(a) *General.* A TDR sending area property owner may choose not to participate in the TDR program or, alternatively, may choose to participate by applying for a TDR certificate.

(b) *TDR certification application submittal, review, and issuance.*

(1) To request a TDR certificate, a property owner shall submit to the planning department an application that includes the information and materials required by the county for TDR certificate applications, together with all required application fees.

(2) The property owner shall submit to the planning department proof of clear title of ownership. The application shall include written approval of the TDR certificate application from all holders of liens on the subject property.

(3) TDR certificate applications shall include draft easement language as required by section 106-3306 (sending area easements). At the property owner's option, this easement may preclude one, some, or all of the allowable TDRs not foregone by previous TDR easements or similar deed restrictions.

(4) The planning department shall calculate the number of allowable TDRs for a sending area property using the methodology described in section 106-3305 (calculation of TDRs in sending areas).

(5) Upon recordation of the easement, the planning director shall issue a TDR certificate documenting the number of TDRs generated by the recorded easement, the serial numbers of all TDRs created by the easement, the sending area that generated these TDRs, the identity of the property owner/certificate holder, and any other documentation required by the planning director. For purposes of this program, only TDR certificates issued by the planning director shall be available for sale to a receiving site developer or to any intermediary.

(c) *Sale and tracking of TDRs.*

(1) Once a sending area property owner receives a TDR certificate, the property owner may sell or give one, some, or all of the TDRs documented in that TDR certificate directly to the developer of a receiving site property or to any intermediary.

(2) In accordance with procedures approved by the planning director, upon the sale or gift of any or all TDRs, the holder of a TDR certificate shall notify the planning director, who will void the original TDR certificate and issue one or more new TDR certificates documenting the new owners of the TDRs.

(3) The planning director shall maintain a TDR registry, publicly accessible via the internet, documenting current TDR certificate holders and the serial numbers of the

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TDRs contained within all TDR certificates. The planning director shall develop and implement procedures to ensure that the transfer process is accurate and transparent.

(4) The property owner holding a TDR certificate may sell his property reflecting the reduced development potential resulting from the participation in the TDR program; or may turn in the TDR certificate to restore the development potential on the property prior to the sale of the property.

(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3305. Calculation of TDRs in sending areas.

(a) *Methodology.*

(1) The planning department shall calculate the number of allowable TDRs for a TDR sending area property using the methodology for calculating residential use capacity of a parcel as outlined in Table 106-1815(1). The calculation shall be based on the baseline zoning classification, not on the limitations, if any, imposed by the airport overlay district.

(2) When 50 percent or more of a parcel is located within a sending area, the calculation of maximum allowable TDRs shall be based on the entire land area of the parcel.

(3) The maximum number of allowable TDRs shall be the permitted dwelling units minus any reduction in this calculation created by the recordation of previous TDR easements or similar deed restrictions.

(4) The maximum permitted density shall be reduced by one TDR for each existing dwelling unit to remain on the property. The planning director shall develop and implement procedures, if needed, to determine the TDR allocation to reflect existing nonconforming or nonresidential improvements.

(b) *Fractional development rights.* Any fractional development right exceeding 0.5 shall be rounded up to the nearest whole number. Only whole TDRs shall be issued and sold.

(c) *Appeals.* The planning director's calculation of allowable TDRs may be appealed to the ZBOA in a manner consistent with article III, division 6 (appeals).

(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3306. Sending area easements.

(a) *Maximum residential density.* Owners of TDR sending area properties that choose to participate in the TDR program shall record an easement that reduces the permitted residential density by one, some, or all allowable TDRs on the property.

(b) *County review.* The planning department and county attorney shall review and approve easement language as part of its review of a TDR certificate application as specified in section 106-3304.

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(c) *Required language.* At a minimum, easements shall specify the following information:

(1) Serial numbers for all allowable TDRs to be certified by the planning department for the parcel.

(2) Written consent of all lien holders and other parties with an interest of record in the sending parcel.

(3) At the request of the property owner, a reversibility clause can be included to allow for the removal of the easement if the property owner does not sell the associated TDR certificates, chooses to not participate in the TDR program, and returns all TDR certificates to the county planning department within an allotted time period. All TDR certificates issued to a property partially within the TDR sending area as allowed by section 106-3304 (TDR certificates) may only be reversed together at the same time and shall not be unbundled.

(4) A statement that the easement shall be binding on successors in ownership and shall run with the sending parcel in perpetuity.

(d) *Easement monitoring and enforcement.* The county shall be responsible for monitoring of easements or may select any qualified person or organization to maintain the easements on its behalf.
(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3307. Development options within TDR overlay district.

(a) *Baseline development option.* Owners of properties within a TDR overlay district may choose to not participate in the TDR program and to develop the property at or below the baseline density. Properties developed under this option shall be subject to the requirements of the baseline zoning district before the property was upzoned and received the TDR overlay district designation as well as all applicable development standards and procedures specified in the ZDSO.

(b) *TDR development option.* In addition to the requirements imposed by the underlying zoning district, developers who choose to exceed baseline density within a TDR overlay district shall satisfy TDR requirements in the following ways:

(1) One TDR shall be retired for every three dwelling units of residential development in excess of baseline density.

(2) One TDR shall be retired for every 5,000 additional square feet of commercial development beyond the maximum permitted by the baseline zoning.

(3) Developers have the option of paying cash in lieu of each TDR that otherwise would be required in an amount specified in the county fee schedule.
(Ord. No. 2011/16, 6-13-2011)

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Sec. 106-3308. Exceptions to the TDR requirement.

(a) *Affordable housing projects.* Affordable housing units shall not be counted when calculating the extent to which a proposed development project exceeds baseline density.

(b) *Commercial density.* The county may approve an additional 250 square feet of commercial development for each proposed residential unit that is part of a traditional neighborhood development without the use of TDRs. This exception is intended to promote mixed-use, traditional neighborhood developments in a manner consistent with the goals of the TDR program.

(c) *Industrial development.* Industrial development shall be excluded from the TDR requirement. However, in order to be excluded from the TDR requirement, industrial development must be proposed in such a way that its floor area can be easily calculated separately from any other uses.
(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3309. TDR compliance.

(a) *Purchase price.* All TDR certificate purchase prices shall be open to negotiation between the buyer and seller, except that public funds shall not be used to purchase TDRs for an amount greater than their market value. The TDR bank shall publicly post and update the dates and sale prices of all TDR certificate transactions.

(b) *Timing of compliance.* A receiving area property owner shall transmit TDR certificates containing the required number of TDRs, or make a cash payment in lieu of TDRs, before final subdivision plat approval of a project involving land division or prior to final development plan approval for a project that does not involve land division.
(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3310. Development project procedures.

(a) *Identification of TDRs.* Project applicants that propose to exceed baseline density in a TDR overlay district shall acknowledge in all official development applications the number of TDRs that must be retired prior to final project approval.

(b) *Final approval.* The development review team shall grant final approval of a project utilizing TDRs for additional development only after the applicant has transmitted TDR certificates containing the required number of TDRs to the planning department or has made the required cash in-lieu payment. The serial numbers of all TDRs to be retired for receiving area projects shall be recorded on the final plat or the development permit.
(Ord. No. 2011/16, 6-13-2011)

Sec. 106-3311. In-lieu payment option.

(a) *General.* The developer of a property in the TDR overlay district who chooses to exceed baseline density may satisfy TDR requirements through a cash in-lieu payment rather than, or in combination with, the retirement of TDRs.

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(b) *Fee amount.*

(1) The fee amount shall be established by the county council.

(2) The planning director shall submit an annual report on the TDR program to the rural and critical lands board, the Beaufort County Planning Commission, and county council. The annual report shall include recommendations on potential changes to the cash in-lieu amount. This recommendation shall reflect changes in the assessed value of sending area properties, actual TDR sales prices experiences, and general real estate trends.

(c) *Use of revenue.*

(1) Revenue from cash in-lieu payments shall be applied exclusively to the TDR program unless the potential supply of TDRs has been depleted and/or sending area landowners decline to sell their TDRs at full market value. In this event, the county council may choose to expand the TDR program by adopting additional TDR sending areas.

(2) Other than TDR acquisition, revenue from cash in-lieu payments shall only be used for costs incurred in administering the TDR program, including, but not limited to, facilitating TDR transactions, preparing/recording TDR easements, monitoring/enforcing easements, and maintaining records.

(3) The county council may authorize county staff to use cash in-lieu proceeds in accordance with procedures adopted by the council. Alternatively, if the county council chooses to enter into an agreement creating a TDR bank, the council may transmit cash in-lieu proceeds to the TDR bank for the purposes specified by agreement between the council and the TDR bank. This agreement may direct the TDR bank to combine the cash in-lieu proceeds to create a general TDR acquisition fund. All TDRs purchased with such a general TDR acquisition fund shall be offered for sale to receiving area developers.

(4) The TDR program may operate with federal or other land preservation programs.
(Ord. No. 2011/16, 6-13-2011)

APPENDIX A. AIRPORT OVERLAY DISTRICT*

Sec. 4.17. AOD airport overlay district.

Sec. 4.17.1. Airport districts, Beaufort County.

The standards prescribed in this section shall apply to all building or development in the airport overlay district.
(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

*Cross reference—Airports and aircraft, ch. 6.

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Sec. 4.17.2. Applicability.

The regulations on land set forth herein are applicable to all lands lying within delineated airport noise, accident potential and airspaces zones adopted as a part of the Beaufort County Zoning Ordinance in this chapter. In addition to the zoning district regulations set forth in the underlying zoning district, the provisions of this section as they apply to a parcel of land shall also apply.
(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.3. Recommended uses in airport districts.

The following uses, based on noise levels and accident potential, are recommended in airport districts:

(A) Landing and takeoff runways.

(B) Landing strips.

(C) Hangars.

(D) Taxiways and parking ramps.

(E) Airplane repair shops.

(F) Parking as required in this chapter.

(G) Restaurant facilities related to airport operations.

(H) Personnel and ticket offices.

(I) Towers for control, landings and takeoffs.

(J) Industrial uses and storage of nonvolatile materials.

(K) Community parks not in the airport proper.

(L) Farming.

(M) Entertainment assembly not in the airport proper or accident potential zones.

(N) Communication, transportation and utilities.

(O) Motor vehicle transportation.

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(P) Ambulance and fire protection.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.4. Requirements of airport districts.

(A) *Airport overlay districts.*

(1) *General intent of district.* It is the intent of this section to promote the health, safety and general welfare of the inhabitants of the county by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of the airports in the county and the public investment therein and protecting the lives and properties of owners or occupants of lands in the vicinity of airports as well as the users of airports; and to aid and implement the overriding federal interest in the safe operation of airports and the security of land surrounding airports.

(2) *Airports included.* Airports included and applicable to this section are the U.S. Marine Corps Air Station (MCAS), the Beaufort County Airport (Lady's Island), and the Hilton Head Airport.

(3) *Airport environs: accident potential (APZs) and noise zones.* Airport environ zones are designated in accordance with table below:

AIRPORT ENVIRON ZONES

Area	*Characteristics*
A	Accident potential zone A
B	Accident potential zone B
C	Accident potential zone C
B3	Accident potential zone B and noise zone 3
B2	Accident potential zone B and noise zone 2
C3	Accident potential zone C and noise zone 3
C2	Accident potential zone C and noise zone 2
3	Noise zone 3
2	Noise zone 2

(B) *Airport potential hazard area (APHA).* Accident potential zones (APZs) are divided into three types of zones along primary flight paths, which are designated as zone A, zone B, and zone C. Zone A is an area which possesses a high potential for accidents. Zone B is the area normally beyond zone A which possesses a significant potential for accidents. Zone C is an area normally beyond zone B having a measurable potential for accidents.

(C) *Airport noise zone.* The airport noise zones are defined in the table following:

Airport Noise Zone	*Decibel Level of a Day/Night Average*
1	Less than 65

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Airport Noise Zone	*Decibel Level of a Day/Night Average*
2	65—75
3	Greater than 75

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.5. Regulations applicable to designated civilian and military airport environs.

(A) *Allowable land uses.* The uses to which the property contained within the airport district may be put shall be prescribed by the various zoning districts underlying the overlay district as established in this chapter.

(B) *Conditional uses.* The following uses shall be permitted subject to the conditions prescribed herein:

(1) Commercial development in accordance with this chapter shall be permitted but are advised that reception, lounge, and office areas shall be designated with a 30 decibels, A-weighted (dBA), noise level reduction (NLR).

(2) Medical and other health services such as hospitals, nursing homes, clinics, and similar uses shall be designated with a 60 decibels, A-weighted (dBA), noise level reduction (NLR).

(3) Industrial uses, such as warehousing, wholesaling, assembly plants shall be permitted with the advice that reception, lounge, and office area shall be designed with 25, A-weighted (dBA), noise level reduction (NLR).

(4) Public and quasipublic services structures such as churches, government offices, postal services, schools, libraries, museums, art galleries, and similar uses are not be erected in areas where the noise level exceeds 65 or greater decibels.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.6. Regulations applicable to established military and civil airport height zones.

(A) *Airport zones and airspace height limitations.* In order to carry out the provisions of this section, there are hereby created and established certain zones which include all the land lying beneath the approach, transitional, horizontal, and conical surfaces as they apply to a particular airport. The area located in more than one of the described zones is considered to be only one zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) *Public civil airport height zones and limitations.*

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(a) Primary zone is an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for

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the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows: five hundred feet for nonprecision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

(b) Horizontal zone is the area around each civil airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by line tangent to the arcs. The radius of each arc is:

Ten thousand feet for nonprecision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

Ten thousand feet for visual runways having only visual approaches.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.

(c) Conical zone is the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above the airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 300 feet above the airport height at the outer boundary.

(d) Approach zone is an area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designed for each runway based upon the type of approach available or planned for the runway end. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

Five hundred feet for nonprecision instrument runways having visibility minimum greater than three-fourths of a statute mile.

Three thousand five hundred feet for visual runways having only visual approaches. The approach surface extends for a horizontal distance of:

Ten thousand feet for all nonprecision-instrument runways other than utility.

Five hundred feet for visual runways having only visual approaches.

The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

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Permitted height limitation within the approach zone is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Beaufort County Airport Runway 6/24 permitted height increases one foot vertically for every 20 feet of horizontal distance for all utility and visual runways.

Beaufort County Airport Runway 6/24 permitted height increases one foot vertically for every 34 feet of horizontal distance for all nonprecision-instrument runways other than utility.

(e) Transitional zone is the area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 2,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

(f) Other areas. In addition to the height limitations imposed in the aforementioned paragraphs, no structure or obstruction will be permitted within the county that would cause a minimum obstruction clearance altitude, a decision height or a minimum vectoring altitude to be raised.

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Section 16-7-470 (AHZ) Airport Hazard Overlay Zoning District, Applicability and Purpose, through section 16-7-473, Nonconforming Uses or Structures, and Appendix A of the Town of Hilton Head Land Management Ordinance (LMO) shall be a part of this appendix and shall be administered by the Town of Hilton Head Island.

Areas of Beaufort County outside the corporate limits of the Town of Hilton Head Island and above-referenced airport hazard overlay zoning district are deemed necessary for airspace controls due to overflight, approaches, takeoffs, and pilot training areas.

(a) Approach zone. The approach zone for the Hilton Head Island Airport for runways 03 and 21, shall be at a distance of 1.5 miles from the runway end and of width not less than 500 feet of the sides of the primary runway and shall extend into the county as appropriate.

(b) Height limits in approach zone. The height limits for structures in the approach zone shall not exceed 35 feet within 245 feet of the sides of the primary surface of the runway or a distance of 1,190 feet of the ends of the runway. The height limits for structures in the approach zone shall not exceed 75 feet within 525 feet of the sides of the primary surface of the runway or for a distance of 2,550 feet of the

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ends of the runway. The height limits for structures in the approach zone shall not exceed 350 feet within 500 feet of the sides of the primary surface of the runway or for a distance of 1.5 miles of the ends of the runways (03 and 21).

(c) Transitional zone. The transitional zone is the area ending outward from the sides of the primary zones and the approach zones connecting them to a horizontal zone. The transitional zone for runway 03 shall be a distance of 3.5 miles from the end of the primary runway and swing in an arc to meet the transitional zone line from runway 21, or a distance of two miles from the outer limits of the approach zone. The transitional zone for runway 21 shall be a distance of 4.5 miles from the end of the primary runway and swing in an arc to meet the transitional zone line from runway 03 or a distance of three miles from the outer limits of the approach zone.

(d) Height limits in the transitional zone. No structure in the transitional zone shall exceed 350 feet without review by the Beaufort County Aviation Board and approval by the Town of Hilton Head Island and/or the Beaufort County Development Review Team.

(e) County airport corridor. There shall be established a Beaufort County Airport Corridor between the Beaufort County Airport (Lady's Island) and the Hilton Head Island Airport. The airport corridor shall begin at the outer limits of the approach zone to the Beaufort County Airport (Lady's Island) and extend to the outer limits of the approach zone of the Hilton Head Island Airport. The airport corridor shall be three miles in width. No structures in the airport corridor shall exceed 350 feet without the approval of the development review team and shall be clearly marked and lighted as provided for by Federal Aviation Administration's (FAA) Advisory Circular 70/7460-1G, "Obstruction Marking and Lighting," or as provided for in this appendix if deemed that more restrictive measures are deemed necessary for aircraft safety.

(2) *Military airport zones.* The United States Navy (United States Marine Corps) is exempt from the provision of this part for areas under its authority which includes MCAS-Beaufort runways 04, 22, 14, and 32.

(a) Primary zone is an area located on the ground or water, longitudinally centered on each runway and extending 200 feet beyond the runway end. The width of the primary zone in 1,500 feet.

(b) Clear zone is the fan-shaped area adjacent to the landing threshold and expanding to 2,284 feet wide, 3,000 feet from the threshold at an angle of 7 degrees, 58 minutes, 11 seconds commencing 200 feet from the threshold.

(c) Inner horizontal zone is the area encompassing the runways, primary zone and clear zone perimeter formed by swinging arcs of 7,500 feet radius about the centerline at the end of each primary zone and connecting adjacent arcs by lines tangent to these arcs. No structure or obstruction will be permitted in the inner horizontal zone of a greater height than 150 feet above the airport elevation.

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(d) Conical zone is a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to one to a height of 500 feet above the established airfield elevation.

(e) Outer horizontal zone is the area extending outward from the outer periphery of the conical zones for a distance of 30,000 feet. The height limit within the outer horizontal zone is 500 feet above airport elevation.

(f) Approach zone is the area longitudinally centered on each runway centerline, with an inner boundary 200 feet out from the end of the runway and the same width as the primary zone, and extending outward for a distance of 50,000 feet, expanding uniformly in width to 16,000 feet at the outer boundary. Height limits within the approach zone commence at the height of the runway end and increase at the rate of one foot vertically for every 50 feet horizontally for a distance of 25,000 feet, at which point it remains level at 500 feet above the airport elevation to the outer boundary.

(g) Transitional zone is the area with an inner boundary formed by side of the primary zones and the approach zones, then extending outward at a right angle to the runway centerline until the height matches the adjoining inner horizontal zone and increases at the rate of one foot vertically for every seven feet horizontally to the outer boundary of the transitional zone, where it again matches the height of the adjoining outer horizontal zone.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.7. Application review requirement.

All applications for structures exceeding 150 feet in height in Beaufort County submitted to the Beaufort County Building Inspections Department or development review team shall have automatic referral to the Beaufort Aviation Board. The aviation board shall have 21 working days to respond, in writing, on the application.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.8. Miscellaneous use regulations, variances and nonconforming uses.

(A) *Uses which interfere with aircraft.* It shall be unlawful and a violation of this chapter to establish, maintain or control a use within an airport accident potential, noise, or height zone in a manner as to interfere with the operation of airborne aircraft. The following special requirements shall apply to each use lawfully established in the zones:

(1) Lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from an airport or in the vicinity thereof as determined by the airport operator.

(2) No operations of any type shall produce smoke, glare or other visual hazards within three miles of a usable runway of a designated airport.

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(3) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.

(4) No use of land shall be permitted which encourages large concentrations of birds or waterfowl within the vicinity of an airport.

(5) All structures containing guidewires as a means of support shall have an illumination device of all-weather material (plastic, aluminum, etc.), connected to the guidelines at 25-foot intervals. The devices shall be not less than 12 inches in length and not less than four inches in width and shall be able to withstand high winds and inclement weather conditions.

(6) High intensity white obstruction lights shall be placed on all towers which exceed 150 feet in height, at 50-foot intervals.

(B) *Lighting.* Notwithstanding the provisions of this chapter, the owner of a structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration (FAA) Circular 70-7460-1 series and amendments thereto on the structure and an additional provisions covering lighting contained in this chapter. Additionally, high-intensity white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level. The high-intensity white construction lights must be in accordance with the Federal Aviation Administration (FAA) Advisory Circular 70-7460-1E and amendments.

(C) *Hazard marking and lighting.* A permit or variance shall require the owner to mark and light the structure in accordance with Federal Aviation Administration (FAA) Circular 70-7460-1 series. The permit may be conditioned to permit the United States Navy (United States Marine Corps) or the county, at its owner's expense, to install, operate and maintain markers and lights necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

(D) *Variances.* The Beaufort County Construction Board of Adjustments and Appeals shall not act upon a request for a variance from this appendix affecting lands laying within an airport environ or height zone until the construction board of adjustments and appeals has received an advisory opinion from the Beaufort County Aviation Board. When the division of a lot of record existing upon the effective date of the part by an airport environ zone boundary line makes impractical the reasonable use of the lot, the development review team may, when not contrary to the public interest or the spirit and intent of this part, move the boundary line to wholly encompass or exclude the lot from the zone by reclassifying the zone or by utilizing the variance provisions of this chapter.

(E) *Nonconforming uses and structures.* To the extent set forth herein, the restrictions or nonconforming uses and structures contained in the zoning ordinance, article I, section 01.510, are modified or supplemented as follows:

(1) The owners of a nonconforming structure shall allow the installation, operation and maintenance, during hours of darkness, of the markers and lights deemed necessary by the airport's administrative official to indicate to the operators of aircraft in the

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vicinity of the airport the presence of the structures or aircraft hazards. The markers and lights shall be installed, operated and maintained at the expense of the owners of the airport concerned.

(2) The owner of a tree or other natural growth which exceeds the limitations on height as provided in this Code shall allow the owner of this airport at its expense to make lower, remove, or take other action necessary to bring the tree or growth into conformity with the Code.

(3) A use which is nonconforming by virtue of the regulations contained in this part may be structurally altered, reconstructed or replaced provided there is no increase in the floor area or height of a structure.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.9. Helicopter landing sites.

A landing site for helicopters or other vertical takeoff aircraft shall be a permitted use in a commercial, industrial, residential, agricultural, and rural development zoning district; provided, that this use shall not be established in a location other than an airport until a permit therefor shall have been authorized by a resolution adopted by county council, and until FAA airspace has been authorized and until the state licensing requirements have been obtained pursuant to South Carolina Statutes.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.10. Disclosure statement.

All subdivision plats, planned unit development plats, townhouse plats, and/or condominium documents shall contain an approved disclosure statement as follows:

Airport Overlay Disclosure Statement

This property lies in an Airport Overlay District. Purchasers are required to sign a Disclosure Form per Section 4.17.10.1 of the Development Standards Ordinance and file with deed and/or plat at the Beaufort County Register of Deeds Office (RMC Office).

Airport Zone: _____

Accident Potential Zone: _____

Noise Zone: _____

Airport Environs Area: _____

The decibel level of a day/night average ranges from _____ to _____ decibels.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

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Sec. 4.17.10.1. Disclosure statement form.

No person shall sell any property within the airport hazard area unless the prospective buyer has been given the following notice:

To: _____

The property at _____ (address/location) is located within the airport hazard area of _____ airport. Beaufort County has determined that persons on the premises will be exposed to a significant noise level and accident potentials as a result of the airport operations. The County has established certain noise zones and accident potential zones (APZs).

The above property is located in Airport Zone _____ and in Accident Potential Zone _____ and Airport Environs Area _____.

The County has placed certain restrictions on the development and use of property within airport environ areas. Before purchasing the above property, you should consult the Beaufort County Zoning and Development Manager to determine the restrictions which have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in an airport hazard area.

Dated this _____ day of _____, ____.

Witness_____Owner_____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in an airport hazard area, and I have consulted the Beaufort County Zoning and Development Manager to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, ____.

Witness_____Purchaser_____

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

Sec. 4.17.11. Official maps.

In addition to the official zone maps for the County of Beaufort, South Carolina, typical airport maps are hereby made a part of this chapter. The maps show the boundaries of the airports; instrument, noninstrument, VFR transition, horizontal and conical zones; airport reference points and elevations.

(Ord. No. 99-12, § 1 (app. A), 4-26-1999)

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APPENDIX A1. AIRPORT OVERLAY DISTRICT/MCAS—BEAUFORT*

Sec. 1. Purpose.

The AO District shall overlay other zoning classifications that shall be referred to as base zoning. The AO District includes all lands within an established footprint affected by airport operations at the Marine Corps Air Station Beaufort (MCAS—Beaufort). The overlay includes all lands underlying the noise zones of 65 DNL (day-night average sound level) and above, and accident potential zones as designated in the most recent Air Installations Compatible Use Zones (AICUZ) Report for MCAS—Beaufort as authorized for use by the Department of the Navy, and as adopted by the County Council of Beaufort County.

In order to increase public awareness and to ensure the general safety and welfare of persons affected by adverse impacts common to military aircraft operations, section 4 of this appendix requires that property owners within the AO District be properly notified of their location. In addition, section 5 of this appendix sets forth limitations and restrictions that shall apply to certain land uses that have been determined to be incompatible according to federal standards.
(Ord. No. 2006/27, § 1, 12-11-2006)

Sec. 2. Accident potential zones (APZ).

Accident potential zones (APZ's) are divided into three types along primary flight paths. The clear zone (CZ) is an area at either end of a runway which possesses a high potential for accidents. APZ-1 is the area normally beyond the clear zone, which possesses a significant potential for accidents. APZ-2 is an area normally beyond APZ 1, which has a measurable potential for accidents. Accident potential zones are shown on the map in section 9.
(Ord. No. 2006/27, § 2, 12-11-2006)

Sec. 3. Noise zones.

The noise exposure from aircraft operations is measured using the day-night average sound level noise metric (DNL). The DNL averages aircraft sound levels over a 24-hour period with an adjustment for increased sensitivity to nighttime noise. The DNL visually is depicted as a noise contour that connects points of equal value. The area between two noise contours is known as a noise zone. Noise zones are hereby established as follows:

Airport Noise Zone	*DNL Values*
1	Less than 65
2a	65 to 70
2b	70 to 75
3	Greater than 75

*Note—This Appendix supersedes the requirements of the Airport Overlay District in Appendix A with respect to MCAS—Beaufort.

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Noise zones are shown on the map in section 9. Noise zone 1 covers that portion of the county that lies outside of the airport overlay district. Properties within noise zone 1 are exempt from the requirements of this appendix.
(Ord. No. 2006/27, § 3, 12-11-2006)

Sec. 4. Notification.

(a) At all real estate closings involving a property in an accident potential zone or noise zone, the buyer, seller and witnesses shall sign the following form, which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office (RMC Office).

Airport Overlay Disclosure Form

The property at _____ (address/location) is located in proximity to the Marine Corps Air Station Beaufort. Beaufort County has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. The County has established certain noise zones and accident potential zones (APZs) within its Zoning and Development Standards Ordinance (ZDSO).

The above property is located in Noise Zone _____ and in Accident Potential Zone _____.

The County has placed certain restrictions on the development and use of property within these areas. Before purchasing the above property, you should consult the Beaufort County Zoning and Development Administrator to determine the restrictions that have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in an Airport Overlay district.

Dated this _____ day of _____, _____.

Witness_____ Owner_____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in an Airport Overlay district, and I have consulted the Beaufort County Zoning and Development Administrator to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, _____.

Witness_____ Purchaser_____

(b) All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the AO District.

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(c) All subdivision plats, planned unit development plats, townhouse plats and /or condominium documents shall contain the following disclosure statement:

Airport Overlay Disclosure Statement

This property lies within an Airport Overlay District, which applies to property in proximity to the Marine Corps Air Station Beaufort. Beaufort County has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. Purchasers are required to sign a Disclosure Form per Appendix A1 of the Beaufort County Zoning and Development Standards Ordinance and file the form with the deed and/or plat at the Beaufort County Register of Deeds Office. All or a portion of this property lies within:

Accident Potential Zone: _____

Noise Zone: _____ DNL (Day-Night Average Sound Level): _____

(d) In the case of new construction, a signed Airport Overlay Disclosure Statement shall accompany the building permit application.
(Ord. No. 2006/27, § 4, 12-11-2006)

Sec. 5. Use limitations.

Note—Pending the adoption of Appendix D of the Joint Land Use Study, which was approved in October 2004 by Resolution of County Council, and a Transfer of Development Rights Program, the following interim standards shall apply.

(a) The following uses are not permitted within a clear zone, any accident potential zone and/or within noise zone 3 (DNL 75 and above), regardless of size:

1. Hospitals and health clinics.
2. Assembly and worship.
3. Schools.
4. Commercial daycare centers.
5. Commercial lodging.
6. Restaurants.
7. Multifamily housing (including duplexes).
8. Indoor recreation.
9. Commercial amusement (indoor or outdoor).
10. Commercial retail centers (only single, free-standing uses are permitted).
11. Parks with active recreation.
12. Mobile home parks.

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13. Storage of explosive, flammable or toxic materials in outdoor, above-ground storage tanks, except for individual residential use, e.g. heating. (Prohibited in clear zones and APZ's only).
14. Petroleum refining and related industries (NAICS 324) (Prohibited in clear zones and APZ's only).
15. Chemical manufacturing (NAICS 325) (Prohibited in clear zones and APZ's only).
16. Manufacturing of plastic and/or rubber products (NAICS 326) (Prohibited in clear zones and APZ's only).

(b) Residential development within any accident potential zone and/or within noise zone 3 (DNL 75 and above) shall not be permitted at a gross density that exceeds one dwelling unit per three acres. Gross density means the total number of dwelling units (which shall include any building or portion thereof used as a place of residence, such as single-family dwellings, multifamily dwellings, commercial apartments, live/work units, etc.) on a site divided by the base site area. No residential development is permitted within a clear zone.

(c) Residential development within noise zone 2b (DNL 70 to 75) shall not be permitted at a gross density (defined in subsection (b) above) that exceeds one dwelling unit per acre. If the maximum density requirement of the base zoning district is less than one dwelling unit per acre, the more stringent standard shall apply.

(d) Residential development within noise zone 2a (DNL 65 to 70) shall not be permitted at a gross density (defined in subsection (b) above) that exceeds two dwelling units per acre. If the maximum density requirement of the base zoning district is less than two dwelling units per acre, the more stringent standard shall apply.

(e) Residential units may be required by the DRT to be clustered outside of the APZ's and/or noise zones if possible. In those instances, the number of allowable units on the remainder of the property shall be determined by the gross density permitted in the base zoning district calculated for the base site area. The DRT may modulate the minimum lot size requirement to achieve this result.

(f) Family compounds that meet the requirements of section 106-2105 are exempt from this section.
(Ord. No. 2006/27, § 5, 12-11-2006; Ord. No. 2008/19, 5-19-2008; Ord. No. 2009/3, 1-12-2009)

Sec. 6. Noise attenuation.

(a) The following noise level reduction standards shall be required for all new buildings within an airport noise zone:

Additional Construction Standards

DNL 65—70: 25 dB reduction required.

DNL 70—75: 30 dB reduction required.

DNL 75 and above: 35 dB reduction required.

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(b) Because manufactured homes are constructed to federal standards that may not meet the standards listed above for noise attenuation, all permit applications for the placement of manufactured homes within a noise zone shall be accompanied by the following disclosure statement:

Airport Noise Zone Disclosure Statement

I hereby acknowledge and understand that in making this application for the location of a manufactured home within Noise Zone _____, I fully acknowledge that such zone has been determined to be possibly hazardous to health by excessive aircraft noise. I further acknowledge that manufactured homes are constructed to national standards and may not meet Beaufort County standards for noise attenuation consistent with the location of homes within this zone.

Dated this _____ day of _____, _____.

Witness_____ Owner_____

(Ord. No. 2006/27, § 6, 12-11-2006)

Sec. 7. Nonconforming uses and structures.

The standards for nonconforming uses and structures contained in section 106-9 are modified or supplemented as follows:

(a) *Nonresidential uses and structures.*

1. Nonconforming structures with damage greater than 50 percent of their market value shall be replaced by conforming structures.
2. Nonconforming uses and structures shall not be expanded.
3. Nonconforming uses and structures shall not become conforming through the special use permit process.
4. Improvements to a structure that exceed 50 percent of market value shall be required to meet the noise attenuation requirements in section 6. Permits for improvements shall be cumulative for a period of five years.
5. Any nonconforming use or structure shall be considered abandoned if vacant or unused for 90 days, and shall only be replaced with conforming uses and structures.
6. Notwithstanding the above, nonconforming places of assembly and worship shall be permitted to be rebuilt if damaged greater than 50 percent of their market value provided that the noise attenuation requirements of section 6 are met. Nonconforming places of assembly and worship may be expanded by up to 15 percent of the existing floor area provided that the expansion does not increase the occupant load of the building. Only minor expansions to accommodate bathrooms, storage space, kitchens and office space may be permitted.

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(b) *Residential structures.* Improvements to a residential structure that exceed 50 percent of market value shall be required to meet the noise attenuation requirements in section 6. Permits for improvements shall be cumulative for a period of five years.

(Ord. No. 2006/27, § 7, 12-11-2006; Ord. No. 2008/8, 2-25-2008)

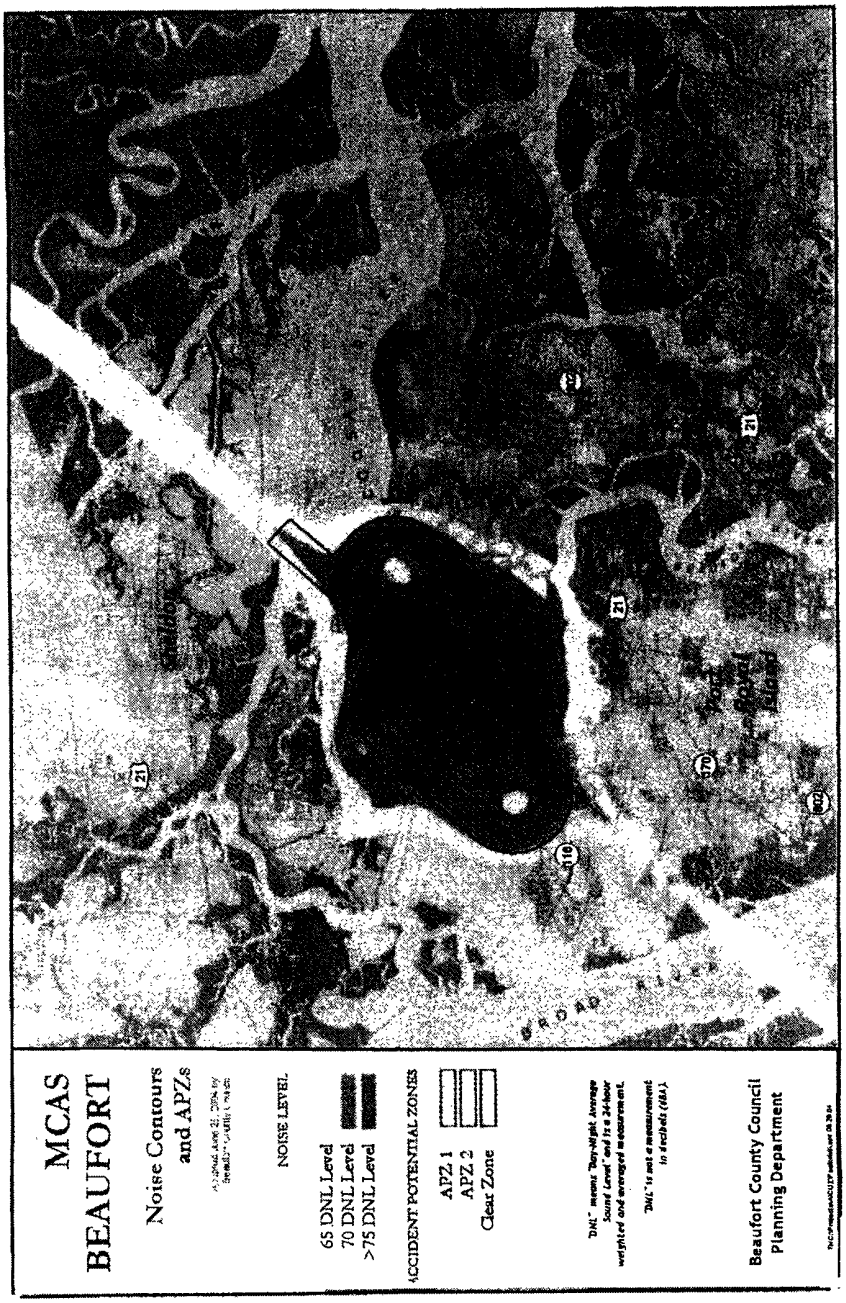
Sec. 8. Variances.

The Beaufort County Zoning Board of Appeals (ZBOA) shall not act upon a request for a variance from this section affecting lands within the AO District until they have received an advisory opinion from MCAS—Beaufort. If an advisory opinion is not received within 30 days of notification, the ZBOA may proceed to act on the request without the opinion.

(Ord. No. 2006/27, § 8, 12-11-2006)

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Sec. 9. Official map.



(Ord. No. 2006/27, § 9, 12-11-2006)

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APPENDIX A2. AIRPORT OVERLAY DISTRICT/BEAUFORT COUNTY AIRPORT*

Sec. 1. Purpose.

It is the intent of this section [appendix] to promote the health, safety and general welfare of the inhabitants of the county by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of the Beaufort County Airport [the Airport] and the public investment therein, and protecting the lives and properties of owners or occupants of lands in the vicinity of the Airport as well as the users of the Airport. It is further the intent of this section to aid and implement the overriding federal interest in the safe operation of the Airport and the security of land surrounding the Airport. The Airport Overlay District shall overlay other zoning classifications that shall be referred to as base zoning. The District includes all lands within established airport height zones affected by operations at the Beaufort County Airport. In addition to the zoning district regulations set forth in the base zoning district, the provisions of this section as they apply to a parcel of land shall also apply.
(Ord. No. 2007/20, § 1, 5-21-2007)

Sec. 2. Airport height zones and limitations.

The airport has one runway designated as Runway 7/25. The runway accommodates aircraft over 12,500 pounds and is therefore classified as "other than utility runway." Since aircraft can land in either direction, non-precision-instrument approaches with visibility minimums greater than three-fourths of a statute mile have been approved and published by the FAA for both ends of Runway 7/25 at the airport. These classifications are current as of October 2006. The following prescribes the airport height zones and limitations for Beaufort County Airport as dictated by Title 14 Code of Federal Regulations Part 77. A property located in more than one of the described zones is considered to be in only one zone with the more restrictive height limitation.

(a) *Primary zone.* This is an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows: 500 feet for nonprecision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

(b) *Horizontal zone.* This is the area around a civil airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs

*__Editor's note__—This Appendix supersedes the requirements of the Airport Overlay District in Appendix A with respect to the Beaufort County Airport.

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by line tangent to the arcs. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway.

The radius of each arc is:

* Runway 7 End: Ten thousand feet for non-precision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

* Runway 25 End: Ten thousand feet for non-precision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height of 10 feet above mean sea level.

(c) *Conical zone.* This is the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above the airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above the airport height at the outer boundary.

(d) *Approach zone.* This is an area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designed for each runway end based upon the type of approach available or planned for that runway end. The inner edge of the approach zone is the same width as the primary zone (i.e., 500 feet) and it expands uniformly to a width of:

* Runway 7 End: Three thousand five hundred feet for non-precision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

* Runway 25 End: Three thousand five hundred feet for non-precision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

The approach surface extends for a horizontal distance of:

* Runway 7 End: Ten thousand feet for all non-precision-instrument runways other than utility.

* Runway 25 End: Ten thousand feet for all non-precision-instrument runways other than utility.

Permitted height limitation within the approach zone is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

* Runway 7 End: Permitted height increases one foot vertically for every 34 feet of horizontal distance for all non-precision-instrument runways other than utility.

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* Runway 25 End: Permitted height increases one foot vertically for every 34 feet of horizontal distance for all non-precision-instrument runways other than utility.

(e) *Transitional zone.* This is the area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 2,000 feet from the side of the part of a precision approach zone that extends beyond the conical zone.

(f) *Other areas.* In addition to the height limitations imposed in the aforementioned paragraphs, no structure or obstruction will be permitted within the county that would cause a minimum obstruction clearance altitude, a decision height or a minimum vectoring altitude to be raised.

(Ord. No. 2007/20, § 2, 5-21-2007)

Sec. 3. Notification.

A. At all real estate closings involving a property in the approach zone or transitional zone of the airport overlay district for the Beaufort County Airport, the buyer, seller and witnesses shall sign the following form, which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office (RMC Office).

Airport Overlay Disclosure Form

(For Properties within the Approach Zone or Transitional Zone of the Beaufort County Airport Overlay District)

The property at _____ (address/location) is located within the _____ Zone of the Airport Overlay District for the Beaufort County Airport (73J). Beaufort County has determined that persons on the premises may be exposed to noise and accident potentials from aircraft overflight as a result of airport operations.

The County has placed certain height restrictions on this property for both manmade and natural obstructions based on its location within this airport height zone. Before purchasing the above property, you should consult with the Beaufort County Zoning and Development Administrator to determine the restrictions that have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in the _____ Zone of the Beaufort County Airport Overlay District.

Dated this _____ day of _____, ____.

Witness_____Owner_____

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As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in the _____ Zone of the Beaufort County Airport Overlay District, and I have consulted with the Beaufort County Zoning and Development Administrator to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, ____.

Witness_____Purchaser_____

B. All subdivision plats, planned unit development plats, townhouse plats and /or condominium documents shall contain the following disclosure statement:

Airport Overlay Disclosure Statement

(For Properties within the Beaufort County Airport Overlay District)

This property lies within an Airport Overlay District for the Beaufort County Airport. There are structure height restrictions imposed on this property based on its location within an airport height zone. Purchasers should contact the Beaufort County Zoning and Development Division for information regarding these restrictions.

All or a portion of this property lies within:

Airport Height Zone: _____

(Ord. No. 2007/20, § 3, 5-21-2007)

Sec. 4. Uses which interfere with aircraft.

The following special requirements shall apply to uses within the airport overlay district:

A. Lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from the airport or in the vicinity thereof as determined by the airport operator.

B. No operations of any type shall produce smoke, glare or other visual hazards within three miles of a usable runway.

C. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.

D. No use of land shall be permitted which encourages large concentrations of birds, waterfowl or other wildlife within the vicinity of the airport.

(Ord. No. 2007/20, § 4, 5-21-2007)

Sec. 5. Variances.

The Beaufort County Zoning Board of Appeals shall not act upon a request for a variance from this appendix affecting land within the airport overlay district until they have received

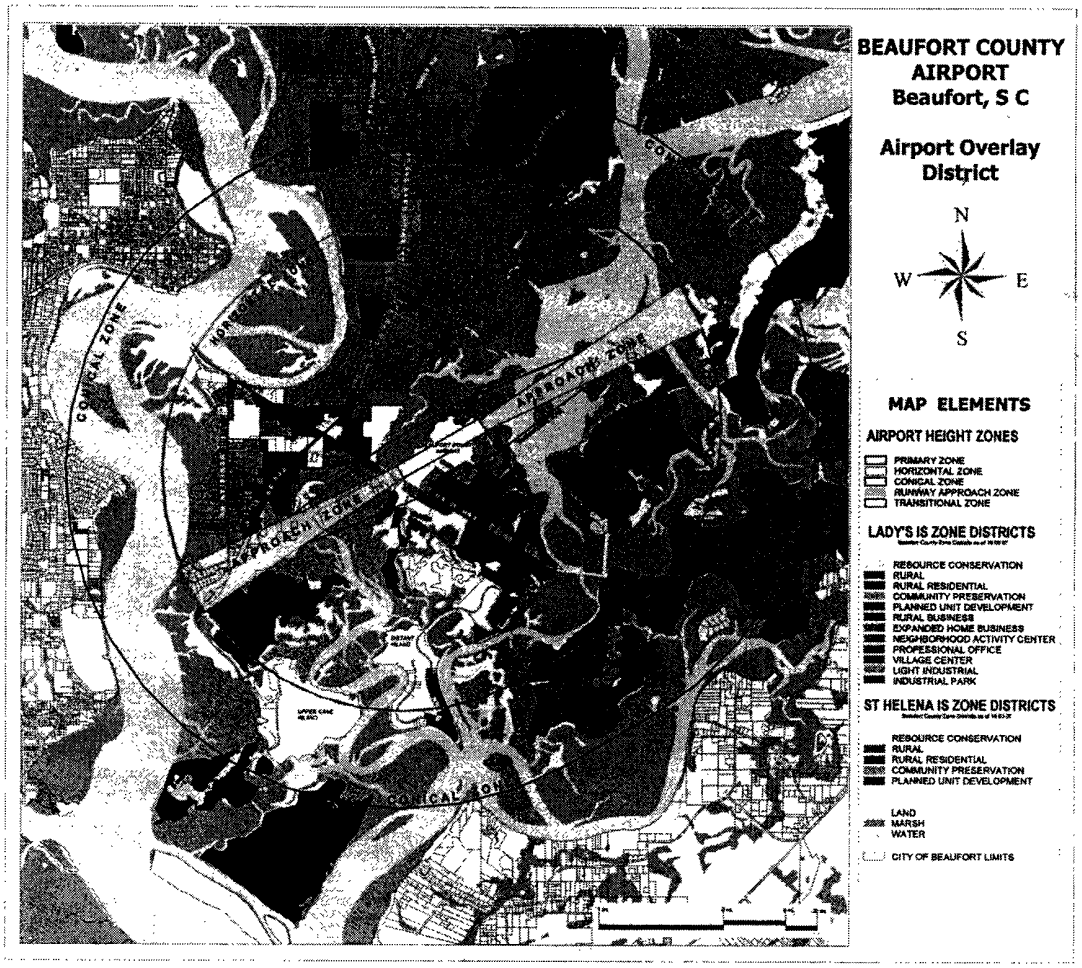
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an advisory opinion from the Beaufort County Aviation Advisory Board. If an advisory opinion is not received within 30 days of notification, the ZBOA may proceed to act on the request without the opinion.
(Ord. No. 2007/20, § 5, 5-21-2007)

Sec. 6. Official map.

The airport height zones defined in section 2 [of this appendix] are shown on the map entitled "Beaufort County Airport Overlay District" which is incorporated herein by reference.
(Ord. No. 2007/20, § 6, 5-21-2007)

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Beaufort County Airport Overlay District

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APPENDIX B. CORRIDOR OVERLAY DISTRICT GUIDELINES

Sec. 1. Objectives.

The primary objectives of reviewing projects lying within Beaufort County's Corridor Overlay (CO), is to establish continuity of each development within the overall corridor system. In addition, design review will promote the following:

- Protection of architectural and historical heritage of Beaufort County;
- Enhancement of the cultural image;
- Stabilization or strengthening of property values;
- Attraction of new residents, businesses, and tourists;
- Sense of place and character;
- Community unity;
- Climate for attracting investment;
- Minimization of sprawl; and
- Protection of open space and natural view sheds.

Corridor review offers protection and guidelines for the unique, special and desired character of development within and along certain highways in Beaufort County. The CO district shall overlay other zoning district classifications which shall be referred to as the base zoning. (Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 2. Applicability.

All proposed development lying within 500 feet of the centerline of designated highway corridors as defined in subdivision VI of division 2 of article II of this chapter and all proposed development lying within 1,000 feet from the centerline of designated Beaufort County view sheds (entrance gateways) as described below, shall be subject to the additional standards and review measures pertaining to this appendix.

Beaufort County Entrance Gateways include those areas where scenic vistas are present, as well as the major portals into the county. Each entrance gateway shall be defined as all developable land within a 1,000-foot radius of the centerline of the thoroughfare from which the entrance gateway crosses from a critical line to upland area, or where a jurisdictional boundary changes. Entrance gateways include all applicable lands as described above, and viewed from the following locations:

1. The Broad River and Chechesee Bridges;
2. Unincorporated lands on Lady's Island from the Beaufort River Bridge;
3. The Chowan Creek Bridge/Crossing;
4. The Harbor River and Johnson River Bridges;
5. The Whale Branch River Bridge;
6. Beaufort County lands from the Combahee Bridge;

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7. Beaufort County lands at the Career Education Center intersection of S.C. 170; and

8. The intersection of U.S. 21 and U.S. 17 at Garden's Corner.

(Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 3. Nonconforming situations.

A. Existing nonconforming uses within a CO district, on the effective date of the ordinance from which this chapter derives, may be brought into full or partial compliance through a streamlined staff review process. Such situations shall require approval of the development review manager, and be exempt from CRB review. This option shall be permitted only for those uses whose owners or operators would like to continue the existing use, with no change of ownership, and where no abandonment has occurred. Only improvements in landscaping and minor building improvements shall be exempt from CRB review. Any expansion or other change shall be guided under the applicable process as required by this chapter.

B. All other nonconforming situations shall be brought into compliance with standards contained within sections 106-1 through 106-12 of this chapter; articles V, VI and XIII of this chapter; and this appendix when the nonconforming situation proposes any change, alteration or expansion to any portion of a building, structure or use, and/or has been abandoned according to table 106-9.

(Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 4. Architectural design guidelines.

The design of all applicable structures including habitable structures, walls, fences, signs, light fixtures and accessory and appurtenant structures shall be unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings, and the scale of neighboring architecture, complying with the intent of this section. Innovative, high quality design and development is strongly encouraged to enhance property values and longterm economic assets along designated corridors.

A. *Exterior materials and architectural elements.*

1. *Roofs.* Roof overhangs and pitched roofs shall be incorporated into all building designs. Wood shingles, slate shingles, multilayered asphalt shingles, metal (raised seam, galvanized metal, corrugated metal, metal tile, etc.), or tiles are permitted.

   Not permitted:

   1) Partial (less than three sides) mansard roofs.

   2) Flat roofs (including a minimum pitch less than 4:12) without a pediment.

   3) Long, unarticulated roofs.

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2. *Sides of buildings and structures.* Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block and artificial siding material which resembles painted wood clapboard are permitted. Wood siding may be painted, stained, weathered, or left natural.

   Not permitted:

   1) Long, unarticulated, blank facades.

   2) Plywood, cinder block, unfinished poured concrete, unfaced concrete block, and plastic or vinyl, not closely resembling painted wood clapboard. No metal buildings without exterior skin.

   3) Highly reflective glass or materials as the predominant material or visible texture.

3. *Colors.* Predominant color design shall be compatible with Lowcountry or coastal vernacular palette which include traditional historic colors, earth tones (greens, tans, light browns and terracotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red. Accent color design (i.e., black, dark blue, grays, and other dark primary colors) may be used on a limited basis as part of an architectural motif, at the discretion of the development review manager and/or the CRB.

   Not permitted:

   1) Color contrasts resulting in a clearly disturbing appearance.

   2) Primary colors.

4. *Accessory uses.* The design of accessory buildings and structures, if permitted within the applicable zoning district, shall reflect and coordinate with the general style of architecture inherent in the primary structure for the proposed development. Covered porches, canopies, awnings, trellises, gazebos, street/pedestrian furniture and open wood fences are encouraged.

   Not permitted:

   1) Unscreened chainlink or woven metal fences.

   2) Internally illuminated and/or neon lighted exterior architectural or structural element(s) that is/are visible from the highway.

   3) Exterior storage not completely hidden from view, and only if permitted per table 106-1711.

   4) Exterior display of merchandise except for landscape structure, plant materials and agricultural products.

B. *Entrance gateways.* Proposed development of any property contained within an entrance gateway shall comply with the following standards:

1. *River view sheds.*

   a) *Screening from river or bridge.* New development proposed for a site shall be adequately screened to allow no less than 50% opacity, as viewed from the river

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or water body. Viewing boardwalks, platforms or docks made of wood shall be exempted from opacity calculation. Those portions of land with applicable river frontage, but otherwise located away from the view shed area, yet contained within the corridor overlay district shall be subject to the buffer requirements set forth elsewhere in this appendix.

b) *Building height.* Applicants for new development affecting a river view shed shall submit a visual study to determine how existing and newly planted vegetation or other natural features will adequately screen proposed buildings and structures from dominating the natural visual landscape. In no case shall more than 40% of a development's skyline exceed the canopy line of the total development.

2. *Portals.* All lands within a river view shed, located at a designated intersection or entrance into the county or planning area as defined above, and not otherwise having river frontage, shall be designated a portal and subject to design review and approval by the CRB based on the applicable minimum requirements of this appendix.

(Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 5. Landscape design guidelines.

All proposed projects shall require the appropriate amount of landscaping as determined by the landscape surface ratio (LSR) in table 106-1526 LSR refers to the area of land that must be devoted to pervious landscaping divided by the area of the lot or site. Pervious areas of individual planters larger than four sq. ft. may be counted, but may not consist of more that 25% of the total LSR requirements. Water shall not be considered a pervious surface. All standards pertaining to landscaping not contained in this section shall be guided by subdivision III of division 4 of article VI of this chapter.

A. *Bufferyards required.* Bufferyards shall be required rather than setbacks for all development within a corridor overlay. However, where the required setback in article VI of this chapter is greater than the bufferyard requirement for the corridor overlay, then the setback shall be required.

1. *Bufferyard uses.* Required bufferyards shall contain only vegetative landscaping materials, except for the following uses:

a) Vehicular access drives and passageways placed approximately perpendicular to the right-of-way;

b) Foot and pedestrian paths;

c) Walls and fences, as permitted in the CO, less than six feet in height;

d) Landscaping sculpture, lighting fixtures, trellises and arbors;

e) Bus shelters;

f) Signage, as permitted in the CO;

g) Utility lines that are placed approximately perpendicular to the right-of-way; where existing lines or planned lines must run parallel to the right-of-way, an

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equivalent amount of buffer may be required beyond the required buffer width, if the character of the buffer is significantly disturbed; to the extent possible, such service lines should be consolidated with vehicular access routes; new utilities may be constructed within the required buffer area; however, the developer shall be required to restore the required bufferyard area to comply with the landscaping requirements of this appendix;

h) Proposed lagoons and drainage swales are not encouraged for placement in bufferyards, and may not be granted approval by the CRB; existing lagoons may require additional buffers at the discretion of the development review manager and/or the CRB, to satisfy the intent of this appendix; the CRB may grant limited flexibility in cases where substandard lots of record makes adherence to these standards impractical.

2. *Bufferyard locations.* Bufferyards are required for all development occurring within the corridor overlay district. District and street bufferyards that are greater in width than required below, as determined by table 106-1617, shall supersede the following width requirements:

a) *Highway corridor buffer.* Landscaped buffers are required for all lands fronting a designated highway corridor. This buffer shall be at least 50 feet in width providing a minimum of 75% opacity, measured from the right-of-way line into the site.

b) *Frontage roads.* Bufferyards shall not include any portion of a frontage road which shall be located toward the interior of the site, from the right-of-way line.

c) *Nonhighway corridor streets.* All streets not designated as highway corridors shall be designed with a 20-foot-wide natural buffer, providing a minimum of 30% opacity from the street.

d) *Perimeter buffer.* All side and rear property boundaries shall contain a ten-foot-wide natural buffer providing 30% opacity when vegetation is left in its natural state. When there is no existing vegetation, or it has been cleared, the installed buffer shall require 15 feet of width.

e) *Foundation buffer.* An eight-foot-wide landscaped buffer is required between any structure and parking or driving area, exclusive of loading and drive-through facility areas. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. Foundation buffers are not required in loading areas.

f) *Structural buffer.* Any opaque or 80% opaque wall or fences (brick, stucco, wood rail) installed along the front of the property, including those used for screening of parking areas, shall be softened with landscaping materials.

B. *Landscaping standards.* The CRB shall review particular plant selections and landscaping designs to ensure conformance with specific requirements of the CO. At the discretion of the CRB, additional or larger plantings to allow for adequate visual screening or enhancement of a particular situation may be required. All landscaping required by this appendix and

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appendix F, and approved as part of an application for development, shall be maintained in healthy condition by the property owner. Plant material used for installation shall conform to the standards established by the American Association of Nurserymen in the "American Standards for Nursery Stock" provision. Landscaping requirements of this chapter shall not interfere with fire and life safety standards contained in this chapter.

1. *Installation requirements.* Installation and maintenance of landscaping materials shall adhere to section 106-1647 of this chapter and/or additional requirements by the CRB.

2. *Existing plant material counted.* The use of existing vegetation and plant species native to the Lowcountry is strongly encouraged, and shall be counted toward the landscaping requirement. No tree six inches in diameter at four feet diameter breast height (dbh) or larger shall be removed from any highway buffer, exclusive of access drive location, required sight triangle area, and diseased trees, subject to CRB and/or staff approval.

3. *Bufferyard planting requirements.* The corresponding tree list pertaining to the following requirements is included in this chapter as appendix F. The overstory and understory trees contained in the list are typically found throughout the Lowcountry region, and are recommended for use in meeting these landscaping requirements. Other trees proposed for a project shall be reviewed by CRB as to their compatibility and hardiness in the Lowcountry region. Bufferyards shall be landscaped as follows:

   a) *Highway corridor buffer.* 1) Four broad-leafed overstory trees; 2) 14 understory trees; 3) 30 shrubs per every 100 feet or portion thereof. Plant materials shall be generally distributed to avoid significant gaps in the buffer, and to achieve the required 75 percent opacity coverage.

   b) *Parking buffer.* Parking areas that remain visible from the highway shall require additional planting, walls, fences, berms, or a combination thereof, to provide effective screening.

4. *Parking lot planting requirements.* The CRB may require additional or larger plantings to allow for adequate visual screening or enhancement of a particular situation.

   a) *Landscaped median.* A minimum five-foot-wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot with more than one parking bay. Wheel stops shall be placed within all parking spaces at the standards distance from every landscaped median to protect plantings.

      Shrubs and/or trees shall be installed in the median to provide for semicontinuous planting along the median. Shrubs shall be at least one foot in height at installation and reasonably projected to grow at least two feet in height within three years.

   b) *Landscaped peninsula.* A minimum nine-foot by 20-foot landscaped peninsula shall be installed parallel to the parking spaces every eight or fewer spaces, and

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at the end of the parking aisle in order to separate the last space from any adjacent travelways. Each landscaped peninsula shall contain one broad-leafed overstory tree with a minimum size of 3½ caliper inches at dbh, and a minimum height of 12 feet.

C. *Berms and forms of noise abatement.* Berms (man-made mounds of earth 18 inches in height or higher) and man-made forms of noise abatement (such as dense walls) are not permitted to be constructed within the highway corridor that follows U.S. Highway 21 from Chowan Creek to the Harbor River on St. Helena Island or in the Chowan Creek gateway. Only those earthen berms required by the U.S. Army Corps of Engineers specifically for flood control may be permitted.
(Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2006/19, 8-28-2006)

Sec. 6. Signage.

Signage requirements for the corridor overlay district have been moved to article XV of this chapter The CRB will not have any review or approval authority for signage. Instead the ZDA, with assistance from the development review manager, shall administer and be responsible for signage applications and approvals.
(Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 7. Lighting.

A. *General standards.*

1. Exterior architectural, display and decorative lighting visible from the corridor shall be generated from a concealed light source with low-level fixtures.
2. Any lighting fixture used to illuminate parking areas, access drives or loading areas shall be of such design, so as to minimize the amount of ambient lighting perceptible from adjacent properties. In no case, shall any lighting impair the vision of motorists on the corridor.
3. All interior lighting shall be so designed to prevent the sight source or high levels of light from being visible from the corridor.
4. Entrances into developments from the highway may be lighted for traffic safety reasons, provided such lighting does not exceed the applicable footcandle requirements specified in subsection C, below.
5. A site lighting plan shall be submitted as part of the application submission.

B. *Light fixtures.*

1. Any light fixture shall be a cutoff luminaire whose source is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights on mounted poles, as well as architectural display and decorative lighting visible from the corridor.

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2. Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.
3. Only incandescent, fluorescent, metal halide, mercury vapor or color corrected high-pressure sodium light may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.
4. Only white or off-white (light yellow tones) may be used for any light source.
5. Lighting poles mounted within 50 feet of the highway right-of-way may not exceed a height of 20 feet, and only forward-throw, or type IV lights may be used to light entrances. The minimum mounting height for a pole shall be 12 feet.

C. *Illumination levels.* All site lighting shall be designed so that the level of illumination measured in footcandles (fc) at any one point meets the standards in table 03.455. The CRB shall have the discretion to allow limited flexibility as to variations in the minimum and average levels, if the proposed levels are below the following standards. The CRB shall not allow flexibility for proposed levels which exceed the maximum levels, unless such levels strictly conform to the recommended levels within the IESNA Lighting Handbook.

TABLE 03.455. ILLUMINATION LEVELS

Location or Type of Lighting	*Minimum Level (FC)*	*Average Level (FC)*	*Maximum Level (FC)*
Landscape and decorative	0.0	0.50	5.0
Commercial parking areas	0.6	2.40	10.0
Multifamily residential parking areas	0.2	1.50	10.0
Areas for display of outdoor merchandise	1.0	5.0	15.0
Walkways and streets	0.2	1.0	10.0
Notes: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building, or areas which do not lend themselves to pedestrian traffic. If the major portion of the lighting is placed in front of a building, the average level should not be affected by adding any additional lighting elsewhere on the building.			

(Ord. No. 99-12, § 1 (app. B), 4-26-1999; Ord. No. 99-21, 8-23-1999)

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APPENDIX C. CULTURAL PROTECTION OVERLAY (CPO) DISTRICT*

Sec. 1. Purpose.

The cultural protection overlay (CPO) district is established to provide opportunities to protect natural and/or cultural resources found on St. Helena Island. The comprehensive plan provides "actions" to be undertaken, which would prevent rural gentrification and displacement of residents. Although, the intent of the CPO district is to protect St. Helena and the Gullah culture from encroaching development pressures, growth is not discouraged. However, the quality and rate of growth is of concern in these areas. Rapid in-migration would substantially alter the traditional social and cultural character of this area, as new residents represent different values and customs. The gentrification of the island would result in a greater demand for urban services and eventually to the urbanization of the island. This can be particularly acute on St. Helena where maintaining the traditional lifestyle becomes cost prohibitive because of the value of land of development.

For those areas that require additional cultural protection, the CPO district provides additional standards. The criteria for the delineation of areas, which may be designated CPO, are:

- The omnipresence of an ethnic heritage
- Historic structures, settlements, and land use patterns
- Archeological sites
- Significant cultural features and sites

(Ord. No. 99-12, § 1 (app. C), 4-26-1999)

Sec. 2. Applicability.

The CPO district requirements apply to new uses; it is not the intent of this section to create nonconforming use of existing uses. Subdivisions, PUDs and other developments approved prior to the adoption of the 1999 Zoning Development Standards Ordinance (ZDSO) are exempt from the requirements of this section.
(Ord. No. 99-12, § 1 (app. C), 4-26-1999)

Sec. 3. District boundary.

The CPO district boundary, the St. Helena planning area, excluding Fripp, Harbor, Hunting and Dataw Islands. The delineation of areas, which fall under the CPO designation, is outlined on the official zoning map of Beaufort County. The official zoning map shall be amended to show a CPO suffix on any parcel where the CPO district has been applied.
(Ord. No. 99-12, § 1 (app. C), 4-26-1999)

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*__Cross reference__—Environment, ch. 38.

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Sec. 4. Cultural protection overlay (CPO) district intent.

The provisions of the CPO, the underlying zoning district, as well as the general development standards of this chapter are intended for the effective longterm protection of the culturally significant resources found on St. Helena.
(Ord. No. 99-12, § 1 (app. C), 4-26-1999)

Sec. 5. Cultural protection standards.

(a) *Permitted uses.* Where the CPO district is applied, the permitted uses shall be limited to those permitted uses specifically referenced in the base zoning, except those within the CPO district.

(b) *Use limitations.* The comprehensive plan recognizes the ethnic heritage, historical assets and rural traditions and customs of St. Helena Island. In general, uses and activities that generate high traffic volume, require substantial parking, or massively alter the natural landscape are inconsistent with the intent of the CPO district.

(c) *Site design.* Design features that restrict access to water and other culturally significant locations, and franchise design are prohibited.

(d) *Incompatible uses.* Without limiting the foregoing, the following specific new uses are deemed to be incompatible with cultural protection and are, therefore, prohibited:

1. *Restricted access (gated) communities.* An intentionally designed, secured bounded area with designated and landscaped perimeters, usually walled or fenced, that are designed to prevent access by nonresidents.
2. *Resorts.* This use includes lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas; such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guest. This does not include ecotourism or its associated lodging.
3. *Golf course.* This use includes regulation and par three golf courses and clubhouses having nine or more holes.

(Ord. No. 99-12, § 1 (app. C), 4-26-1999)

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APPENDIX D. COMMUNITY PRESERVATION AREAS*

Sec. 1. Limited and special use standards.

(a) This appendix describes the standards governing limited and special uses in the community preservation areas as designated on the county's zoning map. These standards are in addition to other standards required elsewhere in this chapter, as well as building code requirements. The standards in this appendix include buffering, location, bulk and scale, and standards of an environmental nature. New uses within each community preservation area shall be consistent with surrounding neighborhood character in size, scale and architecture. In cases where the proposed use is located within a designated highway corridor (see subdivision V of division 3 of article III of this chapter) or contains historic resources (see article X of this chapter) the corridor review board and/or the historic preservation review board shall be consulted in the determination of compatibility.

(b) Uses designated as "L" in this appendix are permitted uses, however, require minor additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals. See article III of this chapter for the appropriate procedure for both limited and special use reviews. If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.
(Ord. No. 99-12, § 1 (app. D), 4-26-1999)

Sec. 2. Agricultural.

(a) *Agriculture.*

(1) All existing farm uses shall be exempt from the standards of this chapter.

(2) All commercial livestock and poultry operations utilizing four acres or more shall include an environmental impact assessment.

(b) *Clearcutting.* Clearcutting is generally not permitted other than for bona-fide forestry practices. When clearcutting does not include forestry, approval for clearcutting shall require a 50-foot forested buffer along all street frontages and adjacent residential uses. Absence of the required existing buffer shall preclude any site from being approved for this use.

(c) *Commercial stables.*

(1) Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer width shall be increased to a minimum of 15 feet.

(2) Minimum site area: five acres.

(3) A five-foot-high fence is required around paddock areas.

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*__Cross reference__—Community development, ch. 26.

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(4) All applications for this use shall include an area impact assessment.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 2000-10, 2-28-2000)

Sec. 3. Residential.

(a) *Planned.*

(1) Planned residential uses shall only contain single-family and duplex dwellings. All other multifamily uses are not permitted.

(2) Where located adjacent to single-family dwellings, the design and appearance of multifamily dwellings must have similar massing, height, roof pitch and architectural features. Multifamily uses shall be consistent with surrounding neighborhood character.

(3) Bufferyards shall be used around the perimeter and shall be increased by 15 feet in width.

(4) All applications for this use shall include a community impact statement, which includes a statement from the applicant illustrating how the features and design of the planned project adds to the area sense of community.

(5) Site design should create a sense of community which includes:

a. An internal vehicular circulation system reflective of grid system, as opposed to a looped system.

b. Buildings sited with front entrances and porches oriented towards streets, plazas and parks, rather than clustered around parking lots.

c. Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street.

d. Walkways that connect all buildings with parking areas, clubhouses, and sidewalks along adjoining streets, as well as neighboring stores offices, and transit stops.

e. Access to transit stops and neighborhood retail centers.

f. Providing a clear delineation between the public and private space within the development.

(b) *Multifamily residential.*

(1) Bufferyards shall be used around the perimeter and shall be increased to 15 feet in width.

(2) Any freestanding lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district or use.

(3) Multifamily uses shall be consistent with surrounding neighborhood character in size, scale and architecture. The traffic impact analysis shall indicate required improvements, where applicable.

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(4) All applications for this use shall include a community impact statement.

(c) *Accessory dwelling units.* Accessory dwelling units are limited to a maximum of 50 percent of the primary building's floor area (heated). This use is limited to one bedroom.

(d) *Manufactured home community.* See section 106-2409.

(e) *Small single-family affordable.* See article IX of this chapter.
(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2000-10, 2-28-2000; Ord. No. 2004/5, 2-23-2004)

Sec. 3.1. Home uses.

(a) *Home occupation.*

(1) Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(2) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation, nor shall these materials be stored inside an accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, or stored on the site.

(3) The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed five percent of the finished floor area.

(4) The street address of the home occupation may be used in advertisements.

(5) No sign may be placed on the property advertising the home occupation.

(6) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(7) Additional parking is limited to two pervious parking spaces.

(8) The home occupation shall not involve the storage of commercial vehicles or the use of such vehicles for delivery of goods or material to or from the premises.

(9) The following uses are specifically not allowed as a home occupation:

Adult uses;

Body branding, body piercing or tattoo facilities.

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(b) *Home business.*

(1) Home business shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(2) There shall be no outside storage of goods, products, equipment, or other materials associated with the home business.

(3) The type and volume of traffic generated by a home business shall be consistent with the traffic generation characteristics of other dwellings in the area.

(4) The following uses are specifically not allowed as a home business:

Adult uses;

Body branding, body piercing or tattoo facilities.

(Ord. No. 2000-10, 2-28-2000; Ord. No. 2005/17, 5-23-2005)

Sec. 4. Institutional.

(a) *Assembly and worship, large.*

(1) Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.

(2) A minimum lot size of ten acres shall be required when a school is involved.

(3) All applications for this use shall include a traffic impact analysis.

(b) *Schools.* This subsection applies to elementary, middle schools, high schools and colleges and professional schools which shall be governed by the following:

(1) Access: High schools, colleges and professional schools shall have frontage on a collector or arterial and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.

(2) The school shall serve the district and surrounding rural areas.

(3) Reserved.

(4) All applications for this use shall include a community impact statement.

(c) *Institutional residential.*

(1) This use shall have a minimum four-acre site.

(2) Bufferyards shall be used around the perimeter and shall be increased to 15 feet in width.

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(d) *Day care, commercial.*

(1) Minimum area: minimum lot area of 20,000 square feet, or 1,000 square feet per person (staff and customers).

(2) All applications for this use shall include a traffic impact analysis.

(e) *Utilities, local.* Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district. The facilities shall be designed to serve that district and surrounding, more rural zoning districts, but not adjoining more intensely zoned districts.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 2000-10, 2-28-2000; Ord. No. 2003-26, 9-8-2003; Ord. No. 2004/5, 2-23-2004)

Sec. 5. Commercial.

(a) *Bed and breakfast.*

(1) *Use standards.* Any bed and breakfast use shall have a maximum of eight rental rooms. Meals may be served only to registered guests.

(2) *Signs.* Bed and breakfast uses are limited to five square feet total sign area. Such signs must be constructed of wood or other durable nonplastic materials.

(3) *Parking.* Bed and breakfast uses must provide for all parking off street, this includes guest, resident and employee parking, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-street parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

(4) *Building type.* The applicable reviewing body shall ensure the building is in character with its neighborhood in style and appearance.

(b) *Commercial retail, neighborhood.*

(1) The use shall be limited to individual buildings or lease space in larger structures of no more than 3,000 square feet, unless otherwise specified.

(2) The buildings shall have pitched roofs in keeping with that of the local community character. The use shall also be consistent with surrounding community character in size, scale and architecture. Franchise architecture shall be prohibited.

(3) Natural landscaping shall be preserved to the fullest extent possible. Every effort shall be made to preserve existing, significant trees.

(4) The use shall have access to a collector or arterial road.

(5) Grocery stores are limited to 10,000 square feet within Big Estates and Sheldon.

(6) Additional standards for grocery stores pending.

(7) All applications for this use shall include a traffic impact analysis.

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(c) *Commercial retail, traditional shop.* The following standards shall apply to all new traditional shop uses:

(1) The maximum allowable size for new traditional shop uses shall be 1,500 square feet total.

(2) No traditional shop use shall be located within a one-half-mile radius from another traditional shop use.

(3) The buildings shall have pitched roofs in keeping with that of the local community character. Franchise architecture shall be prohibited.

(4) Natural landscaping shall be preserved to the fullest extent possible. Every effort shall be made to preserve existing, significant trees.

(5) Traditional shops shall include typical staple products for resale such as grocery items and household supplies. Gasoline sales are not permitted.

(d) *Drive-through restaurant.*

(1) Talk boxes must be screened by a sound barrier such as a fence or masonry wall.

(2) All applications for this use shall include a traffic impact analysis.

(e) *Vehicular sales, rental and services.*

(1) All canopies over gas pumps shall have pitched roofs.

(2) Lighting shall be kept hidden inside a canopy so as not to be visible from off site. Any freestanding lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.

(3) All service bay doors shall be located perpendicular to the street of higher classification.

(4) Additional buffers. Where the property abuts a residential area, an additional 15 feet of buffer or a wall at least six feet in height that is fully opaque and erected at the interior of the buffer is required.

(5) The maximum allowable size for new uses shall be 1,500 square feet total, excluding canopy and service bays.

(6) All applications for this use shall include a community impact statement.

(f) *Office.*

(1) This use shall be located only on an arterial or collector road.

(2) Bufferyard. Adequate bufferyards shall be included and maintained as part of the design, according to article VI of this chapter.

(3) Compatibility. In cases where there is no review by a corridor review board, the DRT shall determine compatibility of architecture design with the surrounding community.

(4) All applications for this use shall include a traffic impact analysis.

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(g) *Restaurant.*

(1) Additional buffers. Where the adjoining land is zoned or used for residential, the buffer shall be increased by 15 feet.

(2) The maximum allowable size for new restaurants shall be 3,000 square feet total.

(3) All applications for this use shall include a traffic impact analysis.

(h) *Services.*

(1) Additional buffers. Where the adjoining land is zoned or used for residential, the buffer shall be increased by 15 feet.

(2) At the discretion of the DRT, all applications for this use shall include a traffic impact analysis.

(i) *Mixed uses.*

(1) Except as provided in subsection (i)(3)b., of this section, mixed use buildings shall have a minimum of 25 percent residential floor area.

(2) A mixed use building, or a group of buildings in a mixed use development, oriented to a pedestrian precinct, may have the minimum residential component reduced to 15 percent where a major portion of the floor area is a large public structure, such as a museum, that occupies at least 40 percent of the total floor area.

(3) Residential uses shall provide outdoor areas greater than or equal to 120 square feet per unit, or the equivalent using one or a combination of the following methods:

a. Balconies or roof gardens; and/or

b. Parks or parkways with a minimum of 20,000 square feet of lawn area located within the development; and/or

c. Paved pedestrian precincts, which may count for no more than 25 percent of the requirement.

(4) All applications for this use shall include a traffic impact analysis, community impact statement and resource protection plan.

(j) *Residential storage facility.*

(1) The site shall have a minimum lot depth of 250 feet.

(2) Rear yard setback requirements may be reduced to ten feet or to the requirements of the buffer yard, whichever is greater.

(3) Building placement and site design shall ensure that the use is not visible from arterial or collector roads. The use shall be located to the rear of permitted commercial uses.

(4) Where the adjoining land is zoned or used for residential, the buffer shall be increased by 15 feet.

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(5) All applications for this use shall include a traffic impact analysis.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 2000-10, 2-28-2000; Ord. No. 2004/5, 2-23-2004; Ord. No. 2006/9, 4-24-2006; Ord. No. 2011/8, 2-14-2011)

Cross reference—Businesses, ch. 18.

Sec. 6. Recreation and amusement.

(a) *Commercial amusement, indoor.*

(1) The use shall take access from a collector or arterial road.

(2) The maximum allowable size for new or expanded uses shall be 12,000 square feet total.

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(3) All applications for this use shall include a community impact statement.

(b) *Ecotourism.*

(1) Site design. Applications for this use shall include a site plan whose design incorporates the building, structures and amenities into the natural and scenic qualities of the area, in a complimentary fashion. An operational plan for the overall design and intent of the proposed use shall indicate that the use will enhance the ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experience. In addition, the following design standards shall be required:

a. Maximum floor area ratio for each development shall be 0.1.

b. An open space ratio of 85 percent shall be required for the entire property.

c. Impervious surface shall not exceed eight percent for the entire property.

d. There shall be a three-acre minimum site size for this use.

(2) Lodging restriction. Lodgings are permitted with this use and include cabins, inns, bed and breakfasts, ranches, historic properties and small hotels. Hotel uses shall be limited to no more than 50 units per development, eight units per building, and a maximum height of two stories.

(3) Operators of ecotourism uses shall adhere to the stewardship, research and educational principles promoted by The Ecotourism Society (TES).

(4) All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999)

Sec. 7. Industrial.

(a) *Commercial communication towers.*

(1) Commercial communication towers are restricted to the expansion or replacement of an existing tower.

(2) See standards listed in section 106-1357.

(b) *Waste transfer station.* Drop-off centers for household waste to be transferred to a landfill by public or private companies.

(1) Industrial, auto or machinery generated waste shall not be accepted at these facilities.

(2) This use shall have either an additional 25 feet of forested buffer or an eight-foot wall landscaped with one canopy tree per 50 feet around the entire property. If the adjoining property is residential, both shall be required.

(3) All applications for this use shall require a community impact statement.

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(c) *Regional utilities.* Generation, storage or combustibles and regional facilities such as regional switching stations, pump storage, and other facilities not housed inside normal buildings or structures.

(1) The site shall have an additional buffer of at least 100 feet.

(2) There shall be no minimum site area as long as the bufferyard requirement is met.

(3) All applications for this use shall include a community impact statement.

(d) *Waste disposal/waste facilities.*

(1) Sanitary landfills are not permitted.

(2) See standards listed in section 106-1367.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 2000-17, 4-10-2000; Ord. No. 2000/37, 8-28-2000; Ord. No. 2002-7, 2-25-2002)

Cross reference—Businesses, ch. 18.

Sec. 8. Temporary uses.

(a) *Construction staging or plant.*

(1) No such use shall be located within 500 feet of an adjoining residential zoning district.

(2) If any one adjoining land use or zone is residential, hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.

(3) Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.

(4) Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road restoration/replacement costs (to be determined by the county engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

(5) All applications for this use shall include an environmental impact assessment and a traffic impact analysis.

(b) *Public interest and special events.*

(1) Public interest or special events in stadiums or public parks shall be regulated by the county and are not limited by this subsection.

(2) All other public interest and special events shall meet the following standards:

a. All such uses shall be held on land occupied by the organization benefiting from the proposed activity, or on a site owned by another party who has agreed to host

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the event. The activity shall be permitted only during hours when the facility's parking would not be used for the primary use's high traffic generation activities.

b. Such uses shall not be held on a property more than two times per year.

1. Such uses shall be limited to four successive days.
2. If deemed necessary by the police department, special traffic personnel shall control property access. As part of the application, the applicant must provide a written communication from the police department indicating adequate provisions have been made.
3. As part of the application, the applicant must provide written approval from SCDHEC regarding sanitary provisions, and that adequate provisions have been made.
4. Prior to receiving a use permit, the applicant must provide a written communication from the building inspector indicating adequate provisions have been made for electric and lighting facilities. The safety and welfare of the public will be evaluated prior to approval of a use permit.
5. Hours of operation shall be permitted between 8:00 a.m. to 11:00 p.m. for outdoor events, and 7:00 a.m. until 12:00 midnight for indoor events. In no case, shall noise levels exceed 70 decibels for receiving residential districts.
6. The applicant shall provide surety for complete restoration of the site upon the event's conclusion, before issuance of a use permit can be provided.

c. Any violation of these requirements before or during the event shall result in the use permit being revoked.

(c) *Temporary sales.*

(1) No such use shall be closer than 15 feet from any public road right-of-way.

(2) Each company or property and all associated franchises and/or divisions are permitted three limited use permits per year. Each use permit shall terminate after 72 hours from initiation of the use.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999)

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TABLE 1. RESIDENTIAL LOT SIZE AND DENSITY STANDARDS FOR COMMUNITY PRESERVATION AREAS

		Density				*Minimum* *The application of these standards shall not result in the reduction of a lot coverage envelope below 40% of the site area or the dimensions of a lot envelope less than 40 feet for lots of existing records. The minimum requirements below may be adjusted by the zoning administrator to accomplish this purpose.*				
		Maximum Density with Sewer Service		*Maximum Density without Sewer Service**						
Planning Area	*Community Preservation Area*	*Max. Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Lot Area (sq. ft.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*
Northern Beaufort	Big Estates	N/A	N/A	1.0	1.66	21,780	150	20	20	20
	Sheldon	N/A	N/A	1.0	1.66	21,780	150	20	20	20
Southern Beaufort	Bluffton	1.0	1.66	1.0	1.66	21,780	150	20	18	20
	Pritchardville	1.0	1.66	1.0	1.66	21,780	150	20	18	20
St. Helena	Lands End	N/A	N/A	2.0	2.93	10,890	100	20	18	20
	Tansi Village	N/A	N/A	1.0	1.66	21,780	150	20	18	20
* Sewer service includes only connection to a sewer trunk line, a local treatment plant, or a community system, any of which must be certified by the Beaufort-Jasper Water and Sewer Authority.										

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 99-35, 11-8-1999; Ord. No. 2000-10, 2-28-2000; Ord. No. 2004/5, 2-23-2004; Ord. No. 2006/7, 4-10-2006; Ord. No. 2008/50, 11-10-2008; Ord. No. 2011/8, 2-14-2011)

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TABLE 2. DEVELOPMENT STANDARDS FOR COMMUNITY PRESERVATION AREAS

District Intensity Standards								*District Lot and Building Standards*					
		Density		*Floor Area Ratio*				*Minimum*					*Maximum*
Zoning District & Development Type	*Min. OSR or LSR*	*Max.* Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Sewer*	*Min. Site Area*	*Lot Area (sq. ft.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height*
Community Preservation (CP)													
Single-family	0.10	See appendix D table 1		N.A.	N.A.	OS	Var.	See table 1					35
Single-family cluster	0.40	2.07	3.80	N.A.	N.A.	CS	20 ac.	Either lot line or village house					35
Multifamily	0.30	5.20	7.40	N.A.	N.A.	P/CS	15 ac.	See table 106-2406					35
Planned	0.20	4.5	6.10	N.A.	N.A.	P/CS	10 ac.	See table 106-2406					
CP-PUD	See original approval							See original approval					
Other permitted uses	0.10	N.A.	N.A.	0.5	0.82	Varies**	10,890	10,890	50	10***	5	50	35

*The maximum gross density for all residential development options within the Pritchardville and Bluffton CP areas is one unit per acre until individual CP plans are adopted.

**Public sewer or community sewer service is required for commercial uses within the Bluffton and Pritchardville areas.

***The minimum street yard for Highway 46 is 25 feet.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 99-35, 11-8-1999; Ord. No. 2006/7, 4-10-2006; Ord. No. 2008/50, 11-10-2008; Ord. No. 2011/8, 2-14-2011)

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TABLE 3. LANDSCAPING, BUFFERYARD AND ILLUMINATION STANDARDS

Landscaping Standards				*Bufferyard Standards (ft.) A minimum bufferyard of 15 feet is required between nonresidential and residential uses.*															*Illumination Standards*	
	Landscaping Canopy Trees per			*Adjoining Streets*			*Adjoining District*													*Max. Illumination/ Height*	
Zoning District & Development Type	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor	RC	River RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP	Street Tree Spacing (feet)	*Illumination* R= Regular C= Cutoff Fc= footcandle	*Height* R= Regular C= Cutoff Ft= feet
Community preservation (CP)	3	4	1/10	15	15	15	—	100	25	25	—	—	—	—	—	—	—		50	R=2fc C=4fc	R=15ft. C=20ft.

*The minimum street yard for Highway 46 is 25 feet.

(Ord. No. 99-12, § 1 (app. D), 4-26-1999; Ord. No. 99-35, 11-8-1999)

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TABLE 4. COMMUNITY PRESERVATION USE TABLE

USE PERMISSION *Y = Permitted use L = Permitted use with limited review* *S = Special use N = Prohibited use* *All other uses excluded from this table are prohibited.* *Commercial uses are limited to areas zoned commercial under the 1990 Zoning and Development Standards Ordinance.*							
Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
AGRICULTURAL USES							
Agriculture	L	L	L	L	N	N	Crop (see below: Clearcutting, #4) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	Y	Y	Y	Y	Y	N	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	Y	Y	Y	Y	Y	Y	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 s.f. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cutting of any tree over eight inches dbh, or any specimen tree. 4. Cultivation of any land as an agricultural use, and gardens of less than 10,000 s.f. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	N	N	N	N	N	N	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker housing	N	N	N	N	N	N	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per acre for each 100 acres after that.

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Commercial stables	L	L	L	L	L	N	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
Agricultural support services	Y	Y	Y	Y	Y	N	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)
RESIDENTIAL USES							
Single-family detached	Y	Y	Y	Y	Y	Y	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit which complies with the county building code.
Single-family cluster	Y	Y	Y	Y	Y	Y	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in section 106-1526.
Family compound	Y	Y	Y	Y	Y	Y	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.
Planned	L	L	L	L	L	N	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit and shall meet all the open space standards in section 106-1526.
Multifamily	N	N	L	N	N	N	This use permits duplexes, multiplexes and apartments only.
Commercial apartment	N	N	Y	N	N	N	Dwelling units located above or to the rear of a nonresidential building on the same lot. The maximum size of commercial apartments in a single structure shall be 2,000 s.f.

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Group home	Y	Y	Y	Y	Y	Y	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.
Small single-family - affordable	L	L	L	L	L	L	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: (i) single-family detached one story, (ii) single-family detached two story, and (iii) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.
Accessory dwelling unit	Y	Y	Y	Y	Y	Y	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Manufactured home community	L	L	L	L	L	L	A parcel of land planned and improved for the placement of three or more manufactured homes for use as residential dwellings where home sites within the development are leased to individuals who retain customary leasehold rights. Subdivision of land as a single-family detached, single-family cluster, family compound, planned community or small single-family affordable land use and intended for fee-simple sale of lots for manufactured homes does not constitute it being defined under this use. For purposes of this definition, a manufactured home is a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS). This does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.
HOME USES							
Day care, family (Day care, commercial see section 106-1250)	Y	Y	Y	Y	Y	Y	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)
Home occupation	L	L	L	L	L	L	A business, profession, occupation or trade located entirely within a residential dwelling which does not change the essential character of the residential use.
Home business	L	L	L	L	L	L	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. Farm workers are not included. Uses shall be limited to office and service types; wholesale or retail sales are prohibited on premises.
INSTITUTIONAL USES							
Assembly and worship, large	L	L	L	L	L	L	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134)

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Assembly and worship, small	Y	Y	Y	Y	Y	Y	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 square feet of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 square feet of floor area, and/or when no school is involved. (NAICS 6111, 8131, 8134). This use includes all cemeteries. (NAICS 81222)
Colleges & professional schools	S	S	S	S	S	N	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)
Schools, neighborhood (elementary and middle school)	S	S	S	S	S	S	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.
Schools, community (high schools)	S	S	S	S	S	S	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.
Institutional residential	N	N	L	N	N	N	1. Convents or monasteries. 2. Skilled nursing facility - Twenty-four-hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing. 3. Assisted living facility - Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
							4. Independent living facility - facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc., may also be provided. Does not require licensing. 5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423) 6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAICS 623311, 6239, 624229) 7. Dormitories, fraternities, or sororities. 8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)
Day care, commercial (Day care, family see Home uses)	L	L	L	L	L	L	All day care facilities not classified as Day care, family and including more than eight children. (NAICS 62441)
Local utilities	L	L	L	L	L	L	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)
Public services	Y	Y	Y	Y	Y	Y	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see Office uses, below)

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Government office	Y	Y	Y	Y	Y	N	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational institutional	Y	Y	Y		Y	Y	Nonprofit organizations chartered to provide community-based recreational services.
COMMERCIAL USES							
Bed and breakfast	S	S	S	S	S	N	This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his principal place of residence. (NAICS 721191)
Commercial retail, neighborhood	L	L	L	L	N	N	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1. Hardware stores. 2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 s.f. 3. Food and beverage stores. 4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores. 5. Garden centers. 6. Vehicular service uses, as listed elsewhere in this table. The maximum size of any neighborhood commercial retail use shall be 3,000 s.f., unless otherwise specified.
Commercial retail, traditional shop	L	L	L	L	L	N	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood oriented, their maximum size is 1,500 square feet. Certain limitations to this use are intended to preserve the character of the communities that they serve.

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Drive-through restaurant	N	N	L	N	N	N	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.
Office	L	L	L	L	L	N	Building wherein operations are predominantly administrative, professional or clerical, and includes the following: 1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533) 2. Security, commodity brokers and investment services. (NAICS 523) 3. Insurance carriers, agents, brokers, and services. (NAICS 524) 4. Real estate services. (NAICS 531) 5. Professional and technical services. (NAICS 5411—5419) 6. Business services. (NAICS 55, 5611—5616, 5619, 8139) 7. Health services. (NAICS 621) 8. Social services (NAICS 624) (except care facilities). 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional). 10. Civic and social organizations. (NAICS 8132—34) 11. Agricultural support and services (offices only). (NAICS 115) 12. Governmental offices. (NAICS 92 excluding public service) 13. Parking lots. (NAICS 81293) 14. Contractor's office without exterior storage.
Restaurant	L	L	L	L	L	L	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable state liquor licensing requirements and standards.
Services	L	L	L	L	L	L	A wide variety of personal and commercial services including the following:

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Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
							1. Educational services. (NAICS 611 except 611512, 61162) 2. Social assistance. (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4. Kennel service and domestic veterinary clinics. (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492) 6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114) 7. Health and exercise clubs; dance studios. (NAICS 71394, 71399) 8. Parking lots. (NAICS 81293) 9. Funeral homes. (NAICS 81221) 10. Laundry services. (NAICS 8123) 11. Personal services. (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities). Note: Drive through facilities are not permitted as part of this use.
Mixed use	N	Y	N	N	N	N	1. A building containing two or more use categories with five or more residential dwelling units comprising a minimum of 25 percent of the total floor area. 2. A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses.
VEHICULAR SALES, RENTAL AND SERVICE, GAS CONVENIENCE MARTS							
Quick service oil, tuneup, brake and muffler shops	L	L	L	L	N	N	Quick service oil, tuneup, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.

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USE PERMISSION *Y = Permitted use L = Permitted use with limited review* *S = Special use N = Prohibited use* *All other uses excluded from this table are prohibited.* *Commercial uses are limited to areas zoned commercial under the 1990 Zoning and Development Standards Ordinance.*							
Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
General auto repair and gasoline service stations with repair bays or facilities	N	N	Y	N	N	N	General auto repair facilities where most types of servicing and repair can be performed on site. Hand carwash/detailing businesses are permitted as part of or separate from this use.
Gas-convenience marts with no repair bays or facilities	L	L	Y	Y	N	N	Gas-convenience marts with no repair bays or facilities. There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay carwashes associated with a gas convenience mart are permitted. (NAICS 811191, 811192)
RECREATION AND AMUSEMENT USES							
Commercial amusement, indoor	N	N	L	N	N	N	Includes but is not limited to bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Indoor recreation	Y	Y	Y	Y	Y	Y	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis, racquetball, or handball courts. (NAICS 71394) Specifically excluded are health and exercise clubs and uses listed as service uses above.
Outdoor recreation	Y	Y	Y	Y	Y	Y	1. Active recreational activities and supporting services including but not limited to jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas. 2. Passive recreational uses including but not limited to arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.
Ecotourism	N	N	N	N	N	N	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park or protected area;

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USE PERMISSION *Y = Permitted use L = Permitted use with limited review* *S = Special use N = Prohibited use* *All other uses excluded from this table are prohibited.* *Commercial uses are limited to areas zoned commercial under the 1990 Zoning and Development Standards Ordinance.*							
Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
							2. Interpretive educational programs with or without guides; 3. Outdoor activities; or 4. Cultural experiences.
INDUSTRIAL USES							
Commercial communication towers	N	N	S	S	N	N	A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Speculation towers are prohibited.
Residential storage facility	L	L	L	L	N	N	A building consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.
Waste transfer station	N	N	S	N	N	N	Drop-off centers for household waste to be transferred to a landfill by public or private companies.
Regional utilities	N	N	N	N	N	N	Generation, storage of combustibles, and regional utilities such as regional switching stations, pump storage, and other facilities not housed inside normal buildings or structures (NAICS 22).
Waste disposal/waste facilities	N	N	N	N	N	N	Disposal uses including construction waste landfills, sludge disposal or storage, resource recovery facilities, energy recovery or generating from waste material, and any other form of waste management facilities (NAICS 5622, excluding disposal of hazardous or radioactive waste materials NAICS 562211)
TEMPORARY USES							
Christmas tree sales	Y	Y	Y	Y	Y	N	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.
Construction staging or plant	S	S	S	S	S	S	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.

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USE PERMISSION *Y = Permitted use L = Permitted use with limited review* *S = Special use N = Prohibited use* *All other uses excluded from this table are prohibited.* *Commercial uses are limited to areas zoned commercial under the 1990 Zoning and Development Standards Ordinance.*							
Land Use	*Sheldon*	*Big Estates*	*Bluffton*	*Pritchardville*	*Lands End*	*Tansi Village*	*Use Definitions*
Contractor's office	Y	Y	Y	Y	Y	Y	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.
Roadside stand	Y	Y	Y	Y	Y	N	Temporary or permanent structure or vehicle used in the sale of agricultural produce. More than one farm may sell at a single stand.
Model homes/sales office	Y	Y	Y	Y	Y	Y	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.
TEMPORARY OUTDOOR SALES							
Commercial outdoor sales	Y	Y	Y	Y	Y	N	Outdoor sales of merchandise, by either a store owner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This use excludes sales associated with a public interest or special event.
Miscellaneous outdoor sales	L	L	L	L	L	N	Those activities which involve selling goods from a truck, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site.
Public interest and special events	L	L	L	L	L	N	Public interest. Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization. Special event. These events may include but are not limited to outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.

(Ord. No. 2000/37, 8-28-2000; Ord. No. 2011/8, 2-14-2011)

Sec. 9. Coosaw Island Rural and Rural Residential Districts.

9.1 Permitted Uses.

(a) *Applicability.* The Coosaw Island Rural and Rural Residential District requirements apply to all uses within their boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within these districts, unless expressly exempted or otherwise provided for in this section.

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(b) *District boundaries.* The delineation of areas that fall under the Coosaw Island Rural and Rural Residential designations is outlined on the official zoning map of Beaufort County. The Coosaw standards and requirements apply to all uses within the Coosaw boundaries and only those within the Coosaw boundaries.

(c) *Uses.* Table 5 includes descriptions of permitted uses for the Coosaw Island Rural and Rural Residential Districts. Uses not listed are prohibited.

(1) Permitted uses are indicated in Table 1 with a "Y" in the "permitted" column. These uses are permitted as a matter of right subject to all performance standards.

(2) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in section 9.2, are met. The "limitations" listed in section 9.2 are in addition to any and all limitations for that use that are included in chapter 106, division 2. The zoning and development administrator (ZDA) or the development review team (DRT) issue final approval of limited uses.

(3) Special uses ("S") are permitted only by approval of the zoning board of appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-551 through 106-555.

(4) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.

(5) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

(6) The following definitions of uses supersede those in other sections of the ZDSO:

TABLE 5. PERMITTED USES FOR COOSAW ISLAND RURAL AND COOSAW ISLAND RURAL RESIDENTIAL DISTRICTS

Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Agricultural Uses			
Agriculture	Crop (see below: Clearcutting, #3) and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y	Y
Forestry	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)	Y	Y

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Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Clearcutting	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 sq. ft. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cultivation of any land as an agricultural use, and gardens of less than 10,000 sq. ft. shall not be considered clearcutting, and shall be a permitted use.	L	L
Farmstead	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.	L	L
Farmworker housing	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per each 100 acres after that.	L	N
Commercial stables	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.	L	L
Agricultural support uses	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds, pet care services. (NAICS 1151, 1152, 49313, 4225, 54194, 812910)	Y	Y
Residential Uses			
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit which complies with the county building code.	Y	Y
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.	Y	N
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y	Y
Planned	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit.	L	N

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Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.	Y	Y
Manufactured home community	A parcel of land planned and improved for the placement of three or more manufactured homes for use as residential dwellings where home sites within the development are leased to individuals who retain customary leasehold rights. Subdivision of land as a single-family detached, single-family cluster, family compound, planned community or small single-family affordable land use and intended for fee-simple sale of lots for manufactured homes does not constitute it being defined under this use. For purposes of this definition, a manufactured home is a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS). This does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.	L	N
Accessory dwelling unit	A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.	L	L
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling which does not change the essential character of the residential use.	L	L
Home business	A business, profession, occupation or trade operated out of a single-family residence and/or accessory structures that permits the employment of up to three unrelated individuals. Farm workers are not included.	L	L
Cottage industry	Light industrial use(s) as listed in Table 106-1089, and boat, small engine, and farm equipment repair services; conducted on a lot with a residential dwelling unit. Up to six employees may be employed in addition to family members. Farm workers are not included. Cottage industries on less than ten-acre parcels may be permitted as special use(s).	L	N

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Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Institutional Uses			
Assembly and worship, large	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)	L	N
Assembly and worship, small	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 sq. ft. of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 sq. ft. of floor area, and/or when no school is involved. (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)	L	L
Schools, neighborhood (elementary and middle)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	S	N
Schools, community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.	S	N
Day care, commercial	All day care facilities not classified as "Day care, Family" and including more than eight children. (NAICS 62441)	L	N

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Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Local utilities	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	Y	Y
Public services	These uses include emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses, below)	L	Y
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational service.	S	N
Commercial Uses			
Bed and breakfast	This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his principal place of residence. (NAICS 721191)	S	N
Commercial retail, traditional shop	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood oriented, their maximum size is 1,500 sq. ft. Certain limitations to this use are intended to preserve the character of the communities that they serve.	L	L
Recreation and Amusement Uses			
Campground	Form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience more rustic setting and natural environments. Campgrounds rent pads or spaces to the guests.	L	N
Outdoor recreation	1. Active recreational activities and supporting services including but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas. 2. Passive recreational uses including but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.	Y	N
Resort	Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.	L	N

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Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Eco-tourism	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park or protected area; 2. Interpretive educational program with or without guides; 3. Outdoor activities; or 4. Cultural experiences.	L	L
Golf course	Regulation and par 3 golf courses and associated amenities having nine or more holes. A driving range may be an ancillary use to the operation. (NAICS 71391)	L	N
Industrial Uses			
Commercial communication towers	A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Speculation towers are prohibited.	S	S
Convenience center	Drop-off centers (convenience centers) for household waste to be transferred to a landfill by public or private companies.	L	N
Air fields	Private airstrips not requiring major support operations.	S	N
Regional utilities	Generation, storage of combustibles, and regional facilities, such as regional switching stations, pump storage, and other facilities not housed inside normal buildings or structures. (NAICS 22)	L	L
Temporary Uses			
Christmas tree sales	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.	Y	Y
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	Y	Y
Roadside stand	Temporary structure or vehicle used in the sale of agricultural produce. More than one farm may sell at a single stand.	L	L
Model homes/sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y	N
Temporary Outdoor Sales			
Miscellaneous outdoor sales	Those activities which involve selling goods from a truck, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site	L	N

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Land Use	*Use Definition*	*Use Authorization*	
		Coosaw Island Rural	*Coosaw Island Rural Residential*
Public interest and special events	Public interest. Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization. Special event. These events may include but are not limited to outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.	L	L

9.2. *Limited and special use standards.* This section describes the standards governing the limited and special uses of the Coosaw Island Rural and Rural Residential districts designated in Table 5 of Appendix D. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO.

(a) *Agricultural uses.* Agricultural uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivision 2 of the zoning and development standards ordinance.

(b) *Residential uses.* Residential uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivisions 3 and 4 of the zoning and development standards ordinance.

(c) *Institutional uses.* Institutional uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivision 5 of the zoning and development standards ordinance.

(d) *Commercial uses.* Commercial uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivision 6 of the zoning and development standards ordinance.

(e) *Recreation and amusement uses.* Recreation and amusement uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivision 7 of the zoning and development standards ordinance.

(g) *Industrial uses.* Industrial uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivision 8 of the zoning and development standards ordinance.

(h) *Temporary uses.* Temporary uses in the Coosaw Rural and Rural Residential districts are subject to the standards and limitations placed on rural districts in article 5, division 2, subdivision 9 of the zoning and development standards ordinance.

9.3. *Development standards.* Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply.

(a) *Lighting, Resource conservation standards.* Properties in Coosaw Island Rural and Rural Residential Districts must meet the requirements placed upon rural districts by

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the ZDSO in regards to illumination and resource conservation. In any additional instance where different development standards are placed upon rural as upon community preservation districts, the rural standards shall apply to Coosaw Island Rural and Rural Residential districts.

(b) *Residential lot size and density standards.* Properties in Coosaw Island Rural and Rural Residential districts must meet the following standards (Table 6 of Appendix D) as to residential lot size and density.

TABLE 6. RESIDENTIAL LOT SIZE AND DENSITY STANDARDS FOR COOSAW ISLAND DISTRICTS

	Minimum Lot Area	*Minimum Lot Width (feet)*	*Minimum Street Yard (feet)*	*Minimum Side Yard (feet)*	*Minimum Rear Yard (feet)*	*Minimum Height (feet)*
Coosaw Island Rural						
Farmstead	50 acre	600	50	50	50	50
Single-family	1 acre	150	50	18	50	35
Single-family cluster	21,780 sq. ft.	100	35	12	50	35
Other permitted uses	Can vary	400	100	50	100	35
Coosaw Island Rural Residential						
Single-Family	21,780 sq. ft.	100	35	12	50	35
Other permitted uses	21,780 sq. ft.	100	50	18	50	35

(c) *Development standards.* Properties in Coosaw Island Rural and Rural Residential Districts must meet the following standards (Table 7 of Appendix D) as to residential lot size and density.

TABLE 7. DEVELOPMENT STANDARDS FOR COOSAW ISLAND DISTRICTS

	Minimum Open Space (or Landscaped Space) Ratio	*Maximum Gross Density*	*Maximum Net Density*	*Maximum Gross Floor Area Ratio*	*Maximum Net Floor Area Ratio*	*Minimum Site Area (for those provisions to apply)*
Coosaw Island Rural						
Farmstead	0	0.02	0.02	N.A.	N.A.	50 ac.
Single-family	0.4	0.34	1.06	N.A.	N.A.	6 ac.
Single-family cluster	0.7	0.4	1.58	N.A.	N.A.	10 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	Can vary
Coosaw Island Rural Residential						
Single-Family	0.2	1.2	2	N.A.	N.A.	0.5 ac.
Other permitted uses	0.2	1.2	2	0.25	0.25	0.5 ac.

(Ord. No. 2009/33, 8-14-2009; Ord. No. 2011/8, 2-14-2011)

Editor's note—Ord. No. 2011/8, adopted Feb. 14, 2011, amended App. D by deleting §§ 9 (Daufuskie Island Buffer Districts), and 10 (Daufuskie Island Gateways), and by renumbering § 11 as § 9 to read as herein set out. See Code Comparative Table for amendatory history for prior sections 9 and 10.

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APPENDIX E. TREE AND PLANT LIST

Sec. 1. Trees.

The following list contains overstory and understory trees which are found in the Lowcountry region and are recommended for use in meeting the landscaping requirements of this chapter. Trees not included shall be reviewed and require approval by county staff and/or the CRB as to their compatibility and hardiness for the Lowcountry region.

BROAD-LEAFED OVERSTORY TREES	
American beech	*Fagus grandifolia*
American elm	*Ulmus americana*
American sycamore	*Platanus occidentalis*
Ashleaf maple	*Acer negundo*
Black oak	*Quercus velutina*
Black gum	*Nyssa sylvatica*
Eastern cottonwood	*Populus deltoides*
Honey locust	*Gleditsia triacanthos*
Laurel oak	*Quercus laurifolia*
Live oak	*Quercus virginiana*
Pecan	*Carya illinoensis*
Palmetto (over 20′ in height)	*Sabal palmetto*
Pignut hickory	*Carya glabra*
Pumpkin ash	*Fraxinus profunda*
Shumard oak	*Quercus shumardii*
Southern magnolia	*Magnolia grandiflora*
Southern red oak	*Quercus falcata*
Swamp chestnut oak	*Quercus michauxii*
Sweet gum	*Liquidamber styraciflua*
Water tupelo	*Nyssa aquatica*
White oak	*Quercus alba*
Willow oak	*Quercus phellos*
CONE-BEARING OVERSTORY TREES	
Bald cypress	*Taxodium distichum*
Loblolly pine	*Pinus taeda*
Longleaf pine	*Pinus palustris*
Pond cypress	*Taxodium distichum var. nutans*
Pond pine	*Pinus serotina*
Slash pine	*Pinus elliottii, caribea*
Shortleaf pine	*Pinus echinata*
Spruce pine	*Pinus glabra*
UNDERSTORY TREES	

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Allegheny chinkapin	*Castanea pumila*
American holly	*Ilex opaca*
American plum	*Prunus americana*
Bigleaf snowbell	*Styrax grandifolia*
Bitternut hickory	*Carya cordiformis*
Black cherry	*Prunus serotina*
Black willow	*Salix nigra*
Blackjack oak	*Quercus marilandica*
Bluejack oak	*Quercus incana*
Buckthorn bumelia	*Bumelia lycioides*
Cabbage palmetto (under 19′ in height)	*Sabal palmetto*
Carolina ash	*Fraxinus caroliniana*
Carolina basswood	*Tilia caroliniana*
Carolina buckthorn	*Rhamnus caroliniana*
Carolina laurelcherry	*Prunus caroliniana*
Carolina silverbell	*Halesia carolina*
Chickasaw plum	*Prunus angustifolia*
Coastal plain willow	*Salix caroliniana*
Common elderberry	*Sambucus Canadensis*
Common hoptree	*Ptelea trifoliata*
Common persimmon	*Diospyros virginiana*
Common sweetleaf	*Symplocus tinctoria*
Crape myrtle	*Lagerstroemia indica*
Dahoon holly	*Ilex cassine*
Devilwood	*Osmanthus americanus*
Eastern coralbean	*Erythrina herbacea*
Eastern hornbeam	*Ostrya virginiana*
Eastern redbud	*Cercis canadensis*
Eastern red cedar	*Juniperus virginiana*
Flatwoods plum	*Prunus umbrellata*
Florida basswood	*Tilia floridana*
Florida maple	*Acer barbatum*
Flowering dogwood	*Cornus florida*
Fringetree	*Chionanthus virginicus*
Green ash	*Franxinus pennsylvanica*
Hercules club	*Zanthoxylum clava-herculis*
Ironwood	*Carpinus caroliniana*
Littlehip hawthorn	*Crataegus spathulata*
Loblolly bay	*Gordonia lasianthus*
Mockernut hickory	*Carya tomentosa*
Myrtle oak	*Quercus myrtifolia*
Overcup oak	*Quercus lyrata*

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Parsley hawthorn	*Crataegus marshallii*
Pawpaw	*Asimina triloba*
Planer tree	*Planera aquatica*
Possumhaw holly	*Ilex decidua*
Post oak	*Quercus stellata*
Red buckeye	*Aesculus pavia*
Red maple	*Acer rubrum*
Red mulberry	*Morus rubra*
Redbay	*Persea borbonia*
River birch	*Betula nigra*
Sand hickory	*Carya pallida*
Sassafras	*Sassafrass albidum*
Sourwood	*Oxydendrum arboreum*
Southern bayberry	*Myrica cerifera*
Southern crab apple	*Malus angustifolia*
Southern red cedar	*Juniperis silicicola*
Sparkleberry	*Vaccinium arboreum*
Sugarberry	*Celtis laevigata*
Swamp cottonwood	*Populus heterophylla*
Sweetbay	*Magnolia virginiana*
Tough bumelia	*Bumelia tenax*
Turkey oak	*Quercus laevis*
Water hickory	*Carya aquatica*
Water oak	*Quercus nigra*
Waterlocust	*Gleditsia aquatica*
Wax myrtle	*Myrica cerifera*
Windmill palm	*Trachycarpus fortunei*
Witch hazel	*Hamamelis virginiana*
Yaupon holly	*Ilex vomitoria*

(Ord. No. 99-21, 8-23-1999)

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APPENDIX F. STREET NAMING AND RENAMING GUIDELINES IN BEAUFORT COUNTY

Sec. 1. Intent.

It is in the interest of public health, safety and welfare that these guidelines be adhered to for all new street namings and renamings. Honoring individuals, conveying a certain image, or conferring status upon a particular address are valid but secondary functions. The intent of this document is governed by the joint planning commission which has legal authority and decision-making responsibilities for its administration.
(Ord. No. 99-12, § 1 (app. F), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 2. General guidelines.

The following general guidelines are applicable for all street naming/renaming activities within the purview of the Beaufort County Joint Planning Commission:

1) *Hierarchy of streets.* While all street namings are important, more careful consideration will be given to the naming or renaming of higher order streets, scenic highways and highway corridor overlay streets. In determining traffic systems, a hierarchy of streets has been established according to various criteria including traffic volume, regional county connections, ratio of traffic service to access service, number of lanes, and length of street segment. To assist in naming and renaming streets, five general classes of streets have been operationally defined in table A, below.

TABLE A. BEAUFORT COUNTY ROAD CLASSIFICATIONS

Road Classification	*Description*	*Beaufort County Examples*
Principal arterial (highest order) Note: Streets classified as scenic highways or within a highway corridor overlay district, though not necessarily principal arterials, will be treated as highest order streets for the purposes of street renamings.	Principal arterials are the most important streets in the county and include U.S. numbered highways, South Carolina primary highways, and streets that generate the largest amounts of traffic. These streets should provide minimal land access.	Parris Island Gateway (S.C. 280) Trask Parkway Ribaut Road (portion) Boundary Street (portion) Fording Island Road (U.S. 278)
Minor arterial	Interconnects principal arterials, distributes traffic to smaller towns and resort areas. Provides slightly more land access.	Sams Point Road Sea Island Parkway May River Road (S.C. 46)
Major collector	Provides land access and circulation connecting county seats and intracounty traffic generators such as schools, county parks, etc., that are not served by arterials.	Martin Luther King Boulevard Sea Island Parkway Keans Neck Road Joe Frazier Road
Minor collector	Collects traffic from local streets for distribution to developed areas within a reasonable distance of a collector street.	Mink Point Boulevard Meridian Road Fripp Point Road

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Road Classification	*Description*	*Beaufort County Examples*
Local street (lowest order)	The purpose of local streets is to allow access to abutting properties with minimal or no through traffic. Often contained within small subdivisions providing circulation, as well as access within that subdivision. Short trips in nature. Many local streets are privately owned.	Example not necessary

2) *Duplication of names.* In all cases, exact and near duplication of primary names and suffixes in unincorporated Beaufort County, the City of Beaufort and the Town of Port Royal is not permitted. For example, the use of both Spring Street and Spring Boulevard may be confusing and should, therefore, be avoided. It may be appropriate, however, for a minor subsidiary street to duplicate the primary name of a larger street with which it is associated, e.g., St. Ann Place, a cul-de-sac, running off of St. Ann Street. It is preferable not to use names which sound alike or which might be confused with one another, such as Beach Street and Beech Street, or Beech Street and Peach Street.

3) *Unconventional names.* It is desirable to use names which are simple and logical and which foster clarity and efficiency. Use of frivolous or complicated words, or unconventional spellings in road names is prohibited. In all cases, names which might be reasonably perceived to be offensive shall not be permitted.

4) *Lettered/numbered names.* The use of numbers such as "1st Street," or alphabetical letters such as "A Street," shall not be permitted, unless the street is part of an entire interconnected system of streets, and the intent of these guidelines are adhered to.

5) *Names of local relevance.* It is desirable to use names which have some association with Beaufort County and specifically with the immediate location of the street, such as reference to historical residents or physiographic features. Use of names which may be misleading in terms of association are strongly discouraged. In order to preserve local history, care should be exercised in changing historical names. In addition, it is recognized that changing any existing name may be disruptive and costly to residents and business owners.

6) *System naming.* Use of a system or theme is recommended for names of streets which are associated with one another, such as those within a residential subdivision, business park or downtown area.

7) *Suffix designation.* Thoroughfare suffixes (road, street, avenue, boulevard, parkway, highway, drive, lane, way, court, place, circle, etc.) should be appropriate to the type and size of the street. Suffix designations provide directional assistance in locating addresses by how roads look and travel. Communities often utilize standard street naming systems that provide identity to their areas and help to foster themes they wish to achieve. See table B for street suffix parameters.

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TABLE B. STREET SUFFIX PARAMETERS

Suffix Designation	*Physical Description*
Freeway	Interstate in nature. Usually run east/west or north/south. Extreme limited access.
Highway	The major thoroughfare(s) traveling through an area. Generates a large amount of traffic. Limited access.
Parkway	A major thoroughfare usually traveling to or through major points of interest or providing access to those areas. Often designated in resort areas, regional park or nature areas. Limited access.
Boulevard	Thoroughfare that travels through a community or communities, often divided by landscaped median. Sometimes terminates at a specific point of interest. Assists in providing identity to a community. Provides more access.
Avenue	Collector that serves an entire community or neighboring communities. Usually travels in straighter directions. May be used to assist in providing identity to a community. Provides increased access, especially to and from local roads.
Drive, Trail	Usually longer collectors that travel in all directions, often winding in nature. May be used for scenic points of interest. Can provide reasonable access.
Road	Generic suffix. Often used for industrial and rural collectors, or single roads that take motorists to specific uses within those areas.
Street	Generic suffix. Can be used for most local residential, commercial, and urban systems. Usually straight in direction. Often provides access between more significant thoroughfares.
Lane	Local residential designation. Can meander slightly or travel straight. Used for local travel only. May provide access between or to more significant thoroughfares.
Loop, Circle	Can be used for residential, commercial or industrial park areas. No real terminus, often bringing traveler back to starting point. Sometimes provides two access points from a single, more significant thoroughfare.
Way, Court, Place, Point, Path	Local residential designation. Terminates at a cul-de-sac or dead end. Usually does not provide through traffic.

8) *Public input.* Citizen input shall be encouraged in considering street names. In rendering street renaming recommendations and decisions, the joint planning commission may consider unnecessary hardship to those affected property owners whose properties are directly addressed on the subject street.

9) *Penalty.* Violation of these guidelines or procedures may constitute a misdemeanor, punishable by law.

(Ord. No. 99-12, § 1 (app. F), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 3. Criteria for naming streets for individuals.

1) *Public contribution.* In determining whether a street should be named in honor of a particular person, consideration should be given to that person's relationship to Beaufort County, character, public image and public contribution. More thoughtful and careful consideration should be rendered in the nomination of a person who is still living, younger in age, or still engaged (rather than retired) in his/her career. The size, significance and classification of the thoroughfare should not be out of proportion to the significance of the individual's contribution. It should not be construed that one's contribution is small if his/her name is affixed to a lower order street.

a) Names given to arterials should be reserved for individuals whose contribution has clearly been of great significance to the citizens of Beaufort County.

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b) Names given to collectors should be reserved for individuals whose contribution has been of notable significance to the citizens of Beaufort County. Such contribution should be public and clearly exceptional. The competent execution of ordinary duties should not be considered sufficient.

c) Road renaming requests after individuals for any collector or higher order street may require a biographical profile of the individual for whom the street name is being requested.

d) Flexibility will be given in the dedication of local streets. It is preferable, however, that disreputable individuals not be so honored.

e) It is desirable for there to be an association between the individual and the location of the named street, where possible.

(Ord. No. 99-12, § 1 (app. F), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 4. Criteria for delineating segment lengths designations.

Each named street should reflect a specific segment of roadway which is discrete, cohesive and continuous. It should be readily perceived as an element which is unitary in it identity. Consideration will be favored toward the automobile driver, and how the driver would expect to see a street name end or continue. Some criteria for making this determination are as follows:

1) *Termini.* A named street should have two distinct and appropriate termini. Appropriate termini may include: a street that ends at a "T" or "Y" intersection; an abrupt change in compass direction; a jurisdictional boundary; a natural boundary such as a river or dramatic change in topography; a significant change in land use; a change in street type or size; or a dead end.

2) *Street direction.* An individual street name should not end abruptly, take surprising turns or extend unnaturally beyond a logical terminus.

3) *Angled streets.*

   a) Streets that continue through an intersection at or near a 180-degree angle should bear the same name. If the angle is significantly less, such as less than 135 degrees, it may be appropriate to use different names. At a three-way intersection, the two streets which form an angle closest to 180 degrees should bear the same name.

   b) A street running in a consistent compass direction should have one name throughout that distance. If it takes a sharp change in direction (excluding intersections) for a significant distance it may be appropriate to rename that portion of roadway. Where that section is clearly part of and subsidiary to the larger roadway, however, it should bear the same name.

4) *Multijurisdictional streets.*

   a) It is preferable for local and collector street names to continue across jurisdictional boundaries into adjacent counties or unincorporated areas. In selecting

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names for these streets, it should be considered which section of roadway is more defining in character and greater in length, and whether one jurisdiction is likely to annex.

b) Federal and primary state highways may help to define a named roadway segment but it should be noted that such highways penetrate through the county and thus then to continue and meander. Therefore, each jurisdiction's particular name for the roadway may be different and normally only comprise that section of a state or federal highway.

5) *Natural terminus.* It may be appropriate to use one name for a street which seems to extend beyond a natural terminus if it is identified as the major thoroughfare linking significant related traffic generating sources and destinations.

6) *Land use terminus.* Streets that are broken by intervening land uses and not likely to be connected/reconnected in the future should have different names.

7) *Numbered street system.* In naming or renaming streets that have property numbers it is preferable to have the named street segments coincide with the existing numbering arrangement in order that continued use of those numbers still follow a logical pattern.

(Ord. No. 99-12, § 1 (app. F), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 5. Procedure for naming new streets.

Step 1: Applicants for all new street names are required to obtain a "STREET NAME APPROVAL FORM" validated by the E-911 Addressing Center to ensure that the name(s) proposed has not been duplicated and is within the parameters of these guidelines.

Contact the E-911 Addressing Center at 843.470.3134.

Step 2: If applying for a zoning permit, and street name approval is required, the applicant must complete step 1, and submit the validated form to the zoning and development administrator (ZDA) as part of the application package, before the application can proceed. Secondary review and approval shall be required by the DRT.

Contact the ZDA at 843.470.2781.

Step 3: Names for newly created major collectors and higher order streets shall require approval by the Beaufort County Joint Planning Commission. A review and recommendation of the proposed name shall be included as part of the staff review by the community planner, and subsequently placed on the next available joint commission subcommittee agenda. A public hearing shall be required.

Contact the Community Planner at 843.470.2724.

(Ord. No. 99-12, § 1 (app. F), 4-26-1999; Ord. No. 99-21, 8-23-1999)

Sec. 6. Procedure for changing existing street names.

The Beaufort County Planning Commission is authorized by the 1994 Comprehensive Planning Act to determine whether any street renaming is justified. The joint planning

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commission has sole decision-making responsible in deciding all public and private street renaming requests. The planning department requires that all applicants arrange a meeting with the community planner to discuss the proposed street name change and application requirements. All applicants (hereafter referred to as the contact person) must adhere to the following requirements:

Step 1: Meet with a Beaufort County E-911 Addressing Center representative on the second floor of the Law Enforcement Center, 2001 Duke Street, Room 226, and request a "STREET NAME CHANGE PETITION," with approval of the proposed name verified on the petition by a representative of the E-911 Addressing Center.

Contact the E-911 Addressing Center at 843.470.3134.

Step 2: Obtain a copy of the latest county tax map for the area where the proposed street renaming is located. Be sure that the map includes all properties fronting, having access from, or physically adjoining the right-of-way of the subject street. More than one tax map may be required depending on the location of the street. The county tax assessor's office is located on the second floor of the Main Administration Building, Room 210.

Contact the Tax Assessor's Office at 843.470.2513.

Step 3: a) Take the county tax map and the "STREET NAME CHANGE PETITION," to the community planner on the second floor of the Main Administration Building, Room 260. The community planner will explain the renaming process and necessary requirements for mailing notices to all affected property owners. Correct addresses and postage are to be provided by the contact person, as determined by the community planner.

b) Submit the "STREET NAME CHANGE ADMINISTRATION FEE," of $100.00, payable to "Beaufort County," to the planning department.

Contact the Community Planner at 843.470.2724.

Step 4: The contact person is required to obtain signatures on the "STREET NAME CHANGE PETITION" from at least 51% of all adjoining owners whose property boundaries touch any portion of the subject street. In cases where there are only two properties involved, both property owners must sign the petition granting approval for the proposed change. "Affected" properties do not necessarily have to be addressed on the subject street, but must be included, if they have frontage on, take access to or from, or physically abut its right-of-way.

- Only one individual property owner signature per affected parcel, per "STREET NAME CHANGE PETITION" can be included on any petition. A property owner who owns more than one parcel affected by the proposed street name change can sign the petition only once. Said signature shall count as only one property owner toward the 51% requirement.
- Only one trustee designated in the tax assessor's files is permitted to sign a "STREET NAME CHANGE PETITION" in place of any other owner.

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Step 5: Once the petition is completed, the contact person must return it to the community planner who will then review the submitted forms, verify that all information provided by the contact person is sufficient. All incomplete and/or invalid applications, as determined by the planning department, will be returned to the contact person for completion, which may affect scheduling of the request for any planning commission meeting.

Step 6: If the application is found to be valid and complete, the community planner will schedule the proposed street renaming request on the appropriate joint planning commission subcommittee agenda. Currently, street name changes are scheduled for the first available regular subcommittee meetings in January and July. Depending on the subcommittee action, the street renaming request will then be considered by the joint planning commission at their next available meeting (usually first Tuesday of the month after the subcommittee meeting). Exceptions to this schedule may occur at the discretion of the joint planning commission. Public notice through a local newspaper will be coordinated by the planning department at least 15 days prior to the joint planning commission meeting, only when street name changes are scheduled for that meeting.

Step 7: All property owners affected by the street name change will be notified by U.S. mail sent to the address as listed in the county tax assessor's files (see step 3). All such public notification will include, at a minimum, a letter explaining the requested change, and public meeting dates, times and locations. The county is not responsible for nondelivery of mail.

Step 8: The contact person (or representative) for the requested street name change shall be required to attend both the subcommittee and joint planning commission meetings. Failure to attend shall result in a denial of the application, and forfeiture of any fees paid. Upon approval by the joint planning commission of the requested change and/or additional recommendations, the community planner shall issue a "CHANGE OF SIGNAGE WORK ORDER" to the public works department.

Step 9: The contact person shall be contacted by the public works department for submittal of the actual signage replacement costs.

County policy (8/96) regarding street name signage changes dictates the following financial considerations:

- The contact person is responsible for payment of new signage to the public works department, only upon approval by the joint planning commission of a street name change request. Signage costs due to errors in misspellings or misplacement of signage by the county will be paid for by the county.
- Signage replacement or changes as the result of neighborhood disputes, continual theft of signage due to novel signage text, misspellings due to applicant/petition error, additional street name changes, or renamings not approved by the joint planning commission are the financial responsibility of the affected property owners.

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- The joint planning commission reserves the right to change any street name, with proper public notice and hearing, when such change enhances public safety or eliminates continual theft problems due to novel signage. The joint planning commission agrees that the renaming of any street shall occur only under extraordinary circumstances. Such circumstances shall include duplication of, or similar-sounding street names; emergency or logistical problems of the street name; postal delivery problems; or for reasons determined by the joint planning commission.

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ROAD NAME CHANGE PETITION
Beaufort County, South Carolina

We, the undersigned property owners, request that our present street named _____, be changed to _____. The street is located on/in _____Island, near the intersection of _____ being in the County of Beaufort, State of South Carolina. This petition is requested by the undersigned property owners this _____ day of _____, ____. This petition requires signatures of 51% of all property owners listed below. Please refer to the "STREET NAMING AND RENAMING GUIDELINES" for additional information.

☐ Please attach a statement explaining why this road should be renamed.

Name of Property Owner(s)	*Parcel Tax ID Number*	*Legal Signature*	*Telephone Number*

Note: Use additional sheets if necessary.

CONTACT PERSON: _____

ADDRESS: _____ TELEPHONE: _____

CHANGE OF SIGNAGE WORK ORDER

TO: Beaufort County Public Works Department
FROM: Beaufort County Planning Department

The Joint Planning Commission approved the following Street Name Change at their regular meeting, held on _____. Please contact the Contact Person listed above for coordination of payment for new signage. Please contact Community Planner at 470-2724 with any questions or comments about this request.

FORMER NAME: _____ signage to be changed to:

NEW NAME:_____.

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Approved by:_____
Community Planner

(Ord. No. 99-12, § 1 (app. F), 4-26-1999; Ord. No. 99-21, 8-23-1999)

APPENDIX G. RESERVED

APPENDIX H. COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT (CFV)

Sec. 1. Background.

Seafood, fish, shrimp, crabs and oysters have been a staple of the lowcountry diet since the days of the Native American inhabitants. Since the colonial times, street peddlers and small merchants have sold fish and shellfish for local consumption. Ice houses, commercial docks and packinghouses which developed along the waterfront, resulted in the development of the seafood business as a primary economic force in the county. From around 1870 to the late 1920s, canning was a major part of the seafood business. Freezing became popular in the late 1940s and is still used for a majority of today's seafood catch, especially when shipped elsewhere. Today the industry is in decline; nevertheless, the demand for fresh seafood from Beaufort County's waters is still high. The seafood industry remains a vital part of the county's economy; in 1997 seafood and seafood-related jobs exceeded 1,800 in number. This figure includes both direct and indirect job creation, i.e., jobs in harvesting, preparation, and distribution of both wholesale and retail seafood.

The preservation of the seafood industry and the fabric of its traditions within Beaufort County holds different meaning to different people. For fishermen, the preservation of the industry means the preservation of a livelihood. For Beaufortonians not actively engaged in the seafood industry, it is a reminder of the area heritage as well as a visual relief to other forms of development. The sight of the shrimp boats as they ply the waters of St. Helena Sound and the rivers and creeks of the county seeking their catch, or a visit to one of the docks where seafood can be bought represents what residents treasure most about Beaufort. Visitors and residents know how pervasive the fishing traditions and atmosphere are, and what importance the commercial seafood industry has had in developing the character of Beaufort County.
(Ord. No. 2000-15, 3-27-2000)

Sec. 2. Purpose.

The cultural contributions of the seafood industry to Beaufort County are so significant and appealing that the county strives to maintain the seafood industry aura, although the industry is in decline. This may be achieved, in part, through the development of the Commercial

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Fishing Village Overlay District. The CFV overlay districts are areas that are currently and historically used for commercial fishing. Detailed policies and zones are set out for the CFV district. The goals of the CFV district are:

(1) To provide for the maintenance and enhancement of the commercial seafood industry and related traditional uses such as retail, storage, repair and maintenance that support the commercial seafood industry.

(2) To preserve and/or recognize existing and potential commercial fishing areas and related activities and developments.

(3) To minimize and reduce conflicts between the seafood industry and residential development by reducing the potential for land use conflicts between the two types of uses.

(Ord. No. 2000-15, 3-27-2000)

Sec. 3. Applicability.

The CFV district requirements apply to all uses within the CFV boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6), within the CFV district, unless expressly exempted or otherwise provided for in this section. For the purpose of this appendix, the commercial fishing industry is defined to include aquiculture.

(Ord. No. 2000-15, 3-27-2000)

Sec. 4. District boundary.

The delineation of areas, which fall under the CFV district designation, is outlined on the official zoning map of Beaufort County. The official zoning map shall be amended to show a CFV suffix on any parcel where the CFV district has been applied. The CFV district may overlay several zoning districts that shall be referred to as base zoning, as well as additional overlay districts. Additionally, commercial fishing uses are permitted, under a special use review, within one mile of the boundaries of the Sam's Point Fishing Village subject to the standards of this section.

(Ord. No. 2000-15, 3-27-2000)

Sec. 5. Development standards.

(a) *Permitted uses.* The CFV Overlay District is intended primarily for the processing, manufacturing, storage, wholesale, retail, and distribution of commercial fishing products. Where the CFV district is applied, the permitted uses shall include those permitted uses specifically referenced in the base zoning, in addition to the following uses:

(1) Marine or fishing related retail and service establishments limited to 3,100 square feet.

(2) Restaurants, less than 3,100 square feet.

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(3) Educational facilities, marine research centers and research laboratories for marine products, resources and physical or biological characteristics of the marine environment.

(4) Commercial docks as defined by the Office of Ocean and Coastal Resource Management (OCRM) and section 106-1912, water dependant uses, the Beaufort County ZDSO.

(5) Fish house. A commercial establishment that buys and sells, at wholesale and/or retail, seafood products, bait, ice, and other products and services required by the seafood industry, limited to 3,100 square feet.

(6) Marine transport services, including public landings and boat launches commercial vessel berthing, excursion services and boat rentals.

(7) Boat chartering.

(8) Temporary uses specifically involving trap construction, maintenance, and repair.

(9) Seafood processing.

(b) *Limited use.* Uses designated as "limited," are permitted uses, however, require additional standards from the by-right provisions. Where required by the Beaufort County Zoning and Development Standards Ordinance or when deemed necessary by the zoning and development administrator, a community impact statement or portions thereof may be required as part of the application.

(1) Marine railways, storage and repairs, including engine and fishing gear repair, if such uses are intended to serve the needs of the commercial fishing industry and other marine related services.

(2) Professional, business or general offices, which are commercial fishing related.

(3) Fish house. A commercial establishment that buys and sells, at wholesale and/or retail, seafood products, bait, ice, fuel, and other products and services required by the seafood industry, greater than 3,100 square feet.

(4) Other uses related to or supportive of the commercial seafood industry.

(5) Marine or fishing related retail and service establishments, greater than 3,100 square feet.

(6) Fuel storage and dispersion (primary and accessory).

(c) *Special use.* Uses designated as "special uses," require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). Where required by the Beaufort County Zoning and Development Standards Ordinance or when deemed necessary by the zoning board of appeals (ZBOA), a community impact statement or portions

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thereof may be required as part of the application. The following uses and structures shall be permitted in the CFV district if a special use permit, pursuant to section 106-551, Beaufort County ZDOS, has been obtained.

(1) Ice houses and plants.

(2) Marine construction and salvage facilities.

(3) Manufacture and storage of fishing equipment.

(4) Restaurants greater than 3,100 square feet.

(5) Uses primarily oriented toward meeting recreational fishing and boating needs.

(6) Enclosed dry boat storage, not exceeding 60 feet in height above flood zone.

(d) *Use limitations.*

(1) Where the CFV district is applied, uses prohibited in the base zoning or in additional overlay districts, not specifically permitted in the CFV, are prohibited.

(2) The rental and sales of personal watercrafts (PWC) are prohibited.

(3) Longline fishing vessels are prohibited from docking, or engaging in the transfer or delivery of seafood products and stock within the CFV. A "longline" is a line that is deployed horizontally and to which gangions and hooks or pots are attached. Longlines can be stationary, anchored, or bouyed lines that may be hauled manually, electrically, or hydraulically. (U.S.C. § 600.10)

(e) *Minor additions or alterations.* Minor additions or alterations (additions or alterations that will result in a building size greater than 3,100 square feet but less than 5,000 square feet) to existing structures which do not result in a cumulative increase in the gross floor area of more than 15 percent or 500 square feet, whichever is less, within any five-year period may be approved by the zoning and development administrator provided the addition or alteration does not conflict with the existing development standards. Additions resulting in a building size greater than 5,000 square feet shall be reviewed as a special use subject to a community impact statement.

(f) *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of article XV of the Beaufort County ZDSO.

(g) *Parking.* Adequate off-street parking shall be provided in accordance with the standards of article XIII of the Beaufort County ZDSO.

(h) *Access.* Nonresidential uses shall have direct access to an arterial road or be located on the waterfront. Uses located on the waterfront shall provide adequate access.

(i) *Bufferyards.* Nnonresidential uses are exempt from the bufferyard standards of article VI of the Beaufort County ZDSO, except where a nonresidential use abuts a residential use. Under such circumstance, a 50-foot landscaped buffer along property lines abutting residential uses shall be maintained.
(Ord. No. 2000-15, 3-27-2000)

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Sec. 6. River buffer.

(a) A waiver from the river buffer setback requirements of section 106-1845(3) of ZDSO or the setback requirements of the base zoning may be sought for water dependant commercial fishing structures, by a property owner, by filing an application on forms prepared for this purpose by the county zoning and development department. Where the granting of a waiver from the river buffer setbacks would be negated by the base zoning setback standards the base zoning setbacks may also be waived. A "water dependant use" means a facility which cannot be used for its intended purpose, or its intended purpose would be severly restrained, unless it is located or carried out in close proximity to water. Such uses include boat repair, business or general offices which are commercial fishing related, icehouses and seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service fcilities. Such applications for a waiver shall be reviewed as set forth below.

(b) The following information may be required by the DRT where it deems applicable in the granting of a waiver:

(1) The applicant may be required to provide and receive approval for the following:

a. Stormwater management plan.

b. Solid waste disposal plan.

c. Wastewater management plan.

(2) The DRT may require additional information to ensure that a waiver to the river buffer standards does not cause adverse environmental impact.

(c) In addition to other information and documentation that may be required by the DRT, each applicant for a waiver shall submit documentation that:

(1) Addresses the need and purpose of the proposed project;

(2) Describes existing site conditions, including the status of the existing buffer and setback areas and any other water bodies and wetlands on the subject property;

(3) Provides a proposed mitigation plan that utilizes structural and nonstructural best management practices to offset the effects of the proposed encroachment into buffer areas during site preparation, construction, and post-construction phases;

(4) Demonstrates how buffer area encroachments will be minimized to the greatest extent practicable.

(d) There are two types of waivers that may be granted depending upon the amount of buffer relief sought:

(1) Major waiver (structures that would occupy more than 10 percent of the river buffer area). A major waiver from the buffer area requirements of this article may be approved by the DRT through consultation with the OCRM. Any major waiver allowing encroachment into the buffer shall be conditioned upon implementation of

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best management practices. The DRT may also impose such other conditions as necessary to mitigate the effects of the grant of a waiver. No waivers may be granted to reduce a river buffer area by more than 15 percent.

(2) Minor waiver (structures that would occupy less than or equal to 10 percent of the river buffer area). Minor waivers, not to exceed more than 10 percent of the buffer area requirements imposed by section 106-1845(3), may be granted by the zoning and development administrator (ZDA). Any minor waiver shall be conditioned upon implementation of best management practices. The ZDA may also impose such other conditions as necessary to mitigate the effects of the grant of a minor waiver.

(e) In all instances in which a waiver has been granted, any land-disturbing activities or regulated activities shall adhere to the following:

(1) The integrity of all remaining vegetative buffers shall be protected.

(2) Service and utility lines, parking lots and drives shall be setback as far as possible from the critical line.

(3) Development should be encouraged on the least porous soils.

(f) Existing structures that exceed the river buffer standards or the base zoning setbacks shall be evaluated as conforming structures for the purposes of rebuilding and expansion. Expansions within the riverbuffer setback shall require a river buffer waiver.
(Ord. No. 2000-15, 3-27-2000)

Sec. 7. CFV boundary change.

An application for a CFV boundary change shall proceed in general as for an application for rezoning (ZDSO section 106-492). In addition to the information usually required for such applications, the application shall include a written description of the intended plan of development, clearly indicating how approval of the boundary change and the proposed development will benefit the occupants of the fishing village and further the purposes of the area.
(Ord. No. 2000-15, 3-27-2000)

APPENDIX I. LADY'S ISLAND COMMUNITY PRESERVATION AREA (LICP)*

[DIVISION 1. GENERALLY]

Sec. 1.1. Purpose.

The purpose of the Lady's Island Community Preservation Area is to maintain or improve the livability and character of existing residential neighborhoods; to encourage infill of

*__Editor's note__—Ord. No. 2000-8, adopted Feb. 28, 2000, enacted a new Appendix I to the Zoning and Subdivision Standards. For the ease of indexing, section numbers have been added to main headings, by the editor.

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available lands; to provide a choice of housing types and to accommodate housing types which will relate well with existing neighborhood character, scale and density. The intent of the Lady's Island CP area is to guide residential development in such a manner as to encourage and plan for the availability of public services and infrastructure. Certain structures and uses serving governmental, religious or recreational needs of such areas are permitted by special use subject to restrictions and requirements intended to preserve and protect residential neighborhood. It is the express purpose of this district to exclude all commercial buildings and structures, whether operated for profit or otherwise, except home uses specifically provided for, if they conform to the provisions of this section. Multifamily and higher density development shall be located so that the provision of appropriate urban services will be physically and economically facilitated.

Sec. 1.2. Applicability.

The Lady's Island CP District requirements apply to all uses within the CP boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the CP District, unless expressly exempted or otherwise provided for in this section.

Sec. 1.3. District boundaries.

The CP District standards apply only to the Lady's Island Community Preservation Area. The delineation of areas, which fall under the CP zoning designation, is outlined on the Official Zoning Map of Beaufort County.

Sec. 1.4. Permitted activities.

The permitted uses are primarily residential. Limited nonresidential uses are allowed generally subject to the special use process. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the Lady's Island CP District:

TABLE 1. LAND USE

Land Use	*Use Definition*	*Use Permission*
Nonresidential Uses		
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	Y

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Land Use	*Use Definition*	*Use Permission*
Outdoor recreation	1) Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); fishing clubs; marinas. 2) Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3) Picnic areas, garden plots, and beaches.	L
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	S
Commercial communications towers	A tower, pole or similar structure, which supports a telecommunications antenna, operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities.	S
Home Uses		
Daycare, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child daycare for one to not more than eight children at any one time, who are not relatives of the daycare provider. (NAICS 62441)	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	L
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork and other similar uses; wholesale or retail sales are prohibited on-premises.	L
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one family dwelling unit, which complies with the Beaufort County Building Code.	L
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in section 106-1526.	L

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Land Use	*Use Definition*	*Use Permission*
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	L
Planned	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit and shall meet all the open space standards in section 106-1526.	L
Multifamily	This use permits duplexes, multiplexes and apartments only.	L
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	L
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	L
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	Y
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
Institutional Uses		
Schools, neighborhood (elementary and middle school) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	S

(Ord. No. 2003-19, 8-25-2003)

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1.5. Limited and special use standards.

LOCAL UTILITY

- Reports/studies required. All applications for this use shall include an Area Impact Assessment, Environmental Impact Assessment, and an Archaeological and Historic Impact Assessment.
- In considering an application for a special use permit, the zoning board of appeals shall consider the justification for the location of the proposed utility service and any alternative locations which may be available. Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district.
- Additional buffers. The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.
- The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.
- Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited, unless specifically requested and approved as part of the special use permit. Outdoor storage areas shall comply with the screening provisions contained in article VI of the ZDSO.

OUTDOOR RECREATIONAL

- Any outdoor activity area, swimming pool, or ball field or court, which adjoins a residential use, shall be landscaped in accordance with article VI of the ZDSO.
- Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences. Any such nighttime lighting shall be constructed in accordance with the standards for a residential district contained in article VI of the ZDSO. Exterior lighting shall be compatible with the surrounding neighborhood.
- Additional buffers. The required bufferyard shall be increased by 30 feet along common boundaries with residential uses or zones.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.
- Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance. The scale, massing, and building design should be compatible with the surrounding neighborhood.

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- The hours of operation may be restricted through the special use permit.

RELIGIOUS ESTABLISHMENTS (Large)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.
- It is the intent of this section to ensure that lots used for assembly and worship uses are large enough to accommodate future expansions, and to maintain the desired character of the surrounding community. Thus, a minimum lot size of at least ten acres shall be required.

RELIGIOUS ESTABLISHMENTS (Small)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- There shall be no minimum lot size.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.

COMMERCIAL COMMUNICATION TOWERS

- Commercial communication towers are restricted to the expansion or replacement of an existing tower.
- Commercial communication towers are subject to the standards listed in section 106-1357 of the Beaufort County ZDSO.

HOME USES

Under certain unique circumstances, small-scaled nonresidential activity may be an appropriate use within residential areas. The standards and procedure for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.

Home Occupation

- Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation, nor shall these materials be stored inside an

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accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used or stored on the site.

- The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed 5 percent of the finished floor area.
- The street address of the home occupation may be used in advertisements.
- No sign may be placed on the property advertising the home occupation.
- The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- Additional parking is limited to two pervious parking spaces.
- The home occupation shall not involve the storage of commercial vehicles or the use of such vehicles for delivery of goods or material to or from the premises.

Home Business

- Home businesses shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home business.
- The type and volume of traffic generated by a home business shall be consistent with the traffic generation characteristics of other dwellings in the area.

NONRESIDENTIAL USES

Schools

- Access. High schools, colleges and professional schools shall have frontage on a collector or arterial and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.
- Minimum site area. As established by state standards.
- Reports/studies required. All applications for this use shall include a community impact statement.

RESIDENTIAL USES

Residential development may only be subdivided at the rate of one dwelling unit per acre before capacity improvements along Sam's Point Road.

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All residential uses, including affordable housing projects, within the Lady's Island Community Preservation Area may only receive subdivision approvals for sites subdivided at one unit per acre prior to the capacity improvements on Sam's Point Road. Residential subdivisions may be approved consistent with the residential densities allowed in Table 1 by phasing the project. Under phasing, a developer would submit a project in phases, consistent with the densities allowed in Table 1, and identify the lots that would be created before capacity improvements on Sam's Point Road. The subdivision shall meet all development standards at the time of submission, including open space. The developer shall show only that area proposed for immediate development with the remainder site labeled "for future development."

Multifamily

- Multiplexes and apartments are limited to sites within three-fourths of a mile from the boundaries of the village center.
- Where located adjacent to single-family dwellings, the design and appearance of multifamily dwellings must have similar massing, height, roof pitch and architectural features. Multifamily uses shall be consistent with surrounding neighborhood character.
- Bufferyards shall be used around the perimeter and shall be increased by 15 feet in width.
- All applications for this use shall include a community impact statement, which includes a statement from the applicant illustrating how the features and design of the planned project adds to the area sense of community.
- Site design should create a sense of "community" which includes:

  An internal vehicular circulation system reflective of grid system, as opposed to a looped system;

  Buildings sited with front entrances and porches oriented towards streets, plazas and parks, rather than clustered around parking lots;

  Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street;

  Walkways that connect all buildings with parking areas, clubhouses, and sidewalks along adjoining streets, as well as neighboring stores offices, and transit stops;

  Access to transit stops and neighborhood retail centers;

  Providing a clear delineation between the public and private spaces within the development.

Planned

- This option is limited to sites within one and a quarter miles from the boundaries of the town center. Planned residential in which more than 30 percent of the residential units are single-family attached or multifamily are limited to sites within three-fourths of a mile from the boundaries of the village center.

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- Where located adjacent to single-family dwellings, the design and appearance of multifamily dwellings must have similar massing, height, roof pitch and architectural features. Multifamily uses shall be consistent with surrounding neighborhood character.
- Bufferyards shall be used around the perimeter and shall be increased by 15 feet in width.
- All applications for this use shall include a community impact statement, which includes a statement from the applicant illustrating how the features and design of the planned project adds to the area sense of community.
- Site design should create a sense of "community" which includes:

  An internal vehicular circulation system reflective of grid system, as opposed to a looped system;

  Buildings sited with front entrances and porches oriented towards streets, plazas and parks, rather than clustered around parking lots;

  Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street;

  Walkways that connect all buildings with parking areas, clubhouses, and sidewalks along adjoining streets, as well as neighboring stores, offices, and transit stops;

  Access to transit stops and neighborhood retail centers; and

  Providing a clear delineation between the public and private space within the development.
- Commercial uses are only permitted within a planned community provided that development site includes commercially zoned property. In addition to the commercial uses already allowed, the following uses are also permitted:
  1. Coffee/book shop;
  2. Deli/sandwich/ice cream shop/restaurant;
  3. Convenience store;
  4. Dry cleaners/seamstress;
  5. Shoe repair;
  6. Barber/beauty and nail shop;
  7. Bed and breakfast (only on lots identified and approved during the development review process);
  8. Art gallery;
  9. Gift shop;
  10. Boutique; and
  11. Commercial apartments (residential units classified as commercial apartments shall not be included in density calculations).

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- Landscaping, screening, setbacks, gradual transition of intensity or use type, and other site design approaches shall be used to create a transition between different types of off-site uses.

Accessory Dwelling

- This use is limited to 50 percent of the floor area of the primary structure.

CONSTRUCTION STAGING OR PLANT

- Reports/studies required. All applications for this use shall include a community impact statement.
- If any one adjoining land use or district is residential, hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.
- Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.
- Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road restoration/replacement costs (to be determined by the county engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

(Ord. No. 2002-4, 2-11-2002; Ord. No. 2003-19, 8-25-2003; Ord. No. 2004/9, 3-22-2004)

Sec. 1.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type		*Min. OSR or LSR*	*Density*[1]		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
			Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Lady's Island CP									
Single-family		0.20	2.0	3.0	na	na	OS		1ac
Single-family cluster		0.35	2.2	3.2	na	na	OS		5ac
Planned		0.40	2.6	3.66	na	na	CS		10ac
Multifamily	Duplex	0.35	3.0	3.7	na	na	OS		5ac
	Multiplex and apartments	0.45	4.0	3.8	na	na	P		15ac
Other permitted uses		0.35			0.2	0.46	OS		10,000 sf.

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[1] Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.

TABLE 3. LOT AND BUILDING* STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac. / sf.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Lady's Island CP						
Single-family	10,890 sf.	80	20	15	20	35
Single-family cluster	10,890 sf.	80	20	15*	20	35
Planned	See Table 106-2406					35

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		Minimum					*Maximum*
Zoning District and Development Type		*Lot Area (ac./sf.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Multifamily	Duplex	See Table 106-2406					35
	Multiplex and apartments	See Table 106-2406					35
Other permitted uses		na	na	20	20	20	35

[* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.]

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type		Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per Feet of ROW	Bufferyard Width (feet) Adjoining Streets			Bufferyard Width (feet) Adjoining District							
		Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	NAC	EHB	VC	PO	LICP	R	RR	PUD
Lady's Island CP																
Single-family		2/du	5	—	50	20	20	20	—	—	—	—	—	25	—	—
Single-family cluster		1/du	5	1/10		20	20	20	—	—	—	—	—	25	—	—
Planned		1/du	5	1/10		30	30	30	N/A	20	20	20	20	25	25	25
Multifamily	Duplex	1/du	5	1/10		20	20	20	N/A	—	—	—	—	25	—	—
	Multiplex and apartments	25/ac	5	1/10		50	50	50	N/A	20	20	20	20	25	25	—
Other permitted uses		6	8	1/10		50	50	50	20	20	20	20	20	25	25	25

(Ord. No. 2002-27, 10-14-02)

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DIVISION 2. LADY'S ISLAND EXPANDED HOME BUSINESS DISTRICT (LIEHB)

Sec. 2.1. Purpose.

The purpose of the Lady's Island Expanded Home Business District (LIEHB) is to provide areas that are conducive to the establishment and convenience of small-scale office, service and civic uses. The LIEHB is a mixed-use district, which also allows a variety of residential land uses including single-family detached, duplex, townhouse, and multifamily. This district includes incentives for mixed-use sites and structures, involving residential uses, in order to help maintain the residential fabric of the corridor. Nonresidential uses in the LIEHB are required to blend into the residential character of the area. The permitted office, service and civic activities tend to produce relatively low volume traffic and may maintain compatibility with nearby residential uses. Compatibility is further accomplished by:

- Limiting building size and scale;
- Strict architectural and land use controls;
- Excluding commercial retail uses;
- Beneficent buffer and setback standards;
- Encouraging home uses;
- Establishing development standards that reflect present patterns.

(Ord. No. 2007/26, 6-25-2007)

Sec. 2.2. Applicability.

The LIEHB requirements apply to all uses within the LIEHB boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the LIEHB, unless expressly exempted or otherwise provided for in this section. Application of the LIEHB will be by the owner's request.
(Ord. No. 2007/26, 6-25-2007)

Sec. 2.3. District boundaries.

The LIEHB shall be delineated as follows:

A. The LIEHB District shall extend no further than 500 feet from the centerline of Sam's Point Road. The LIEHB District shall include the parcels contiguous to Sam's Point Road and extending no further on each side than 500 feet from the centerline (a point midway between all lanes) of Sam's Point Road. In the event that the LIEHB zoning district boundary line divides a parcel held in single ownership, each part of the parcel shall be used in conformity with the regulations established for that district in which each part is located.

B. Direct access to Sam's Point Road is required to eliminate potential traffic impacts to residential streets.

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C. Additional curb cuts within the LIEHB are allowed as permitted by SCDOT.
(Ord. No. 2007/26, 6-25-2007)

Sec. 2.4. Permitted activities.

Permitted uses are restricted to professional office, services and institutional uses. Table 2.1 includes descriptions of permitted uses for the LIEHB District. Uses not listed are prohibited. Explanation of the symbols used in the table is as follows:

A. Uses permitted in the CPD are indicated in Table 2.1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.

B. Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in Section 2.5, are met. The "limitations" listed in Section 2.5 are in addition to any and all limitations for that use that are included in Section 106-1156. The Zoning and Development Administrator (ZDA) or the Development Review Team (DRT) issue final approval of Limited Uses.

C. Special uses ("S") are permitted only by approval of the Zoning Board of Appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in Section 106-551 through 106-555.

D. Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.

E. If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.
(Ord. No. 2007/26, 6-25-2007)

TABLE 2.1. LADY'S ISLAND EXPANDED HOME BUSINESS PERMITTED USES

Land Use	*Use Definition*	*Use Authorization*
Sevices and Commercial Uses		
Administrative support services	Activities that provide supporting services for businesses located in another location. No outside storage or vehicle parking is permitted with the exception of parking for office staff and clients.	Y
Ambulatory health care services	Provide health care services directly or indirectly to ambulatory and do not usually provide inpatient services. Facilities and equipment are not usually the most significant part of the services. Offices of doctors, dentists, chiropractors, optometrists, and mental health practitioners (NAICS 621).	Y
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children (NAICS 62441).	L
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body and engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	S

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Land Use	*Use Definition*	*Use Authorization*
Personal and professional services	This category includes broker and investment services (NAICS 523), caterers (NAICS 72232), commercial day care (NAICS 6244), educational services (NAICS 611), electronic and computer repair (NAICS 8112), insurance agents and brokers (NAICS 524, 525), internet service providers (NAICS 518), personal and household goods repair (NAICS 8114), personal care (NAICS 812111, 812112, and 812113), professional and technical services (NAICS 5417), real estate services (NAICS 5312).	Y
Institutional Uses		
Civic and social organizations	Establishments primarily engaged in promoting social welfare activities such as educational, scientific, cultural and health (NAICS 8132-34).	Y
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	Y
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Schools, neighborhood (elementary and middle schools) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools (NAICS 6111).	S
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the codes used by the Beaufort County Building Codes office.	L
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50 percent of the principal unit's floor area.	Y

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Land Use	*Use Definition*	*Use Authorization*
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Limits are included in Sec. 106-2105.	L
Group home	Eight or fewer unrelated persons residing in a dwelling unit categorized as a single-family unit. The group's operations are controlled by the residents in a family living environment. Further definition is provided in Section 106-1098.	Y
Multifamily	A building containing two or more dwelling units, specifically permitting duplexes, multiplexes and apartments.	L
Planned communities	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit and shall meet all the open space standards in section 106-1526.	L
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in section 106-1526.	Y
Home Uses		
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider (NAICS 62441).	Y
Home-based business	A business, profession, or trade operated out of a single-family residence and/or accessory structures. The employment of up to three unrelated individuals including independent contractors operating from the facility, but not including farm workers is permitted.	L
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project.	Y
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y

(Ord. No. 2002-22, 7-22-2002; Ord. No. 2007/26, 6-25-2007; Ord. No. 2009/17, 4-27-2009)

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Sec. 2.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 2.1 of this division. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in article V of the ZDSO.

A *Day care, commercial.*

(1) All applications for this use shall include a traffic impact analysis.

(2) This use shall have a minimum lot area of 20,000 square feet, or 1,000 square feet per person (staff and customers).

B. *Gas-convenience marts.*

(1) Fuel pumps shall be located behind the front line of the primary structure. The zoning administrator may grant exceptions because of the shallow depth of a parcel, the location of specimen trees, or other similar circumstances.

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(2) Any canopy over the fuel pumps shall be considered a structure and shall meet the setback requirements for principal structures.

(3) Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.

(4) To limit light trespass, the sides of the canopy must extend a minimum of six inches lower than the light fixtures.

(5) The scale, massing, and building design should be compatible with the surrounding commercial uses, including the fuel canopy. The canopy should have architectural features such as a pitched roof, shingles, and/or clapboard siding to blend the canopy with the residential surroundings. The standard architectural designs of regional or national businesses shall be modified to be compatible with the scale, massing, and design of the area.

(6) The principal structure shall be oriented toward the street.

(7) The gross floor area of the principal structure shall not exceed 4,000 square feet.

(8) The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the gasoline station.

(9) The zoning administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.

(10) Parking shall be located to the rear of the building unless impracticable due to the shallow depth of the parcel, the location of specimen trees, or other similar circumstances.

(11) Lighting shall be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.

(12) The car wash entrance shall not be oriented toward the public right-of-way.

C. *Local utility.*

(1) All applications for this use shall include an area impact assessment, environmental impact assessment, and an archaeological and historic impact assessment.

(2) In considering an application for a special use permit, the zoning board of adjustment shall consider the justification for the location of the proposed utility service and any alternative locations which may be available. Utility agencies shall submit service radii or other location criteria that demonstrate the need to place facilities in this district.

(3) The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.

(4) Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.

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(5) The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.

(6) Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited, unless specifically requested and approved as part of the special use permit. Outdoor storage areas shall comply with the screening provisions contained in article VI of the ZDSO.

D. *Religious establishments (large).*

(1) All applications for this use shall include a traffic impact analysis.

(2) Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.

(3) A minimum lot size of at least ten acres shall be required to ensure that lots used for religious establishments are large enough to accommodate future expansions, and to maintain the desired character of the surrounding community.

E. *Residential uses in general.*

(1) Residential development may only be subdivided and built at the rate of two dwelling units per acre.

(2) All residential uses, including affordable housing projects, within the LIEHB district may only receive subdivision approvals for sites subdivided at two units per acre.

F. *Multifamily uses and planned communities..*

(1) Multiplexes and apartments are limited to sites within three-fourths of a mile from the boundaries of the town center.

(2) Planned communities are limited to sites within one and one-quarter miles from the boundaries of the town center. Planned residential in which more than 30 percent of the residential units are multiplexes or apartments are limited to sites within three-fourths of a mile from the boundaries of the village center.

(3) Where located adjacent to single-family dwellings, the design and appearance of multifamily dwellings must have similar massing, height, roof pitch and architectural features. Multifamily uses shall be consistent with surrounding neighborhood character.

(4) Bufferyards shall be used around the perimeter and shall be increased by 15 feet in width.

(5) All applications for this use shall include a community impact statement, which includes a statement from the applicant illustrating how the features and design of the planned project adds to the area sense of community.

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(6) Site design should create a sense of "community" which includes:

a. An internal vehicular circulation system reflective of grid system, as opposed to a looped system.

b. Buildings sited with front entrances and porches oriented towards streets, plazas and parks, rather than clustered around parking lots.

c. Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street.

d. Walkways that connect all buildings with parking areas, clubhouses, and sidewalks along adjoining streets, as well as neighboring stores offices, and transit stops.

e. Access to transit stops and neighborhood retail centers.

f. Providing a clear delineation between the public and private spaces within the development.

(7) Landscaping, screening, setbacks, gradual transition of intensity or use type, and other site design approaches shall be used to create a transition between different types of off-site uses.

G. *Home-based business.*

(1) The regulations for home-based businesses in this zoning district supersede the ordinances for home businesses and home occupations found in the Beaufort County Zoning and Development Standards Ordinance (ZDSO).

(2) The owner of the home-based business shall reside on the property or immediately adjacent thereto.

(3) Home-based businesses shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(4) The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(5) Customer/client visits shall be limited to the hours between 6:00 A.M. and 9:00 P.M.

(6) The following uses are specifically not allowed:

a. Restaurants, bars or clubs.

b. Adult entertainment.

c. Mortuaries and funeral parlors

d. Repair of appliances, engines, motor vehicles and motorcycles.

e. Tattooing and body piercing.

f. Trucking companies.

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(7) The equipment used by the home-based business and the operations of the home-based business shall not:

a. Create any vibrations, heat, glare, dust, odors or smoke discernable at the property lines.

b. Create any electrical, magnetic or other interference off the premises.

c. Use, store and/or dispose of toxic, explosive, flammable, or other hazardous materials except as directed by the manufacturer, EPA, fire officials, county public works, or other agencies.

(8) Outside storage of goods, products, equipment, or other materials associated with the home-based business shall be screened from view.

(9) Outside displays of products are not permitted.

(10) Outdoor trash receptacles or dumpsters are limited to one per business and must be screened from view.

(11) Sign regulations in the ZDSO apply.

(12) The type and volume of traffic generated by a home-based business shall be consistent with the traffic generation characteristics of other dwellings in the area.

(13) All parking must be on-site.

(14) On-site employment of up to three unrelated individuals, including independent contractors operating from the facility but not including farm workers, is permitted.

H. *Construction staging or plant.*

(1) All applications for this use shall include a community impact statement.

(2) If any one adjoining land use or district is residential, hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.

(3) Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.

(4) Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road restoration/replacement costs (to be determined by the county engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

(Ord. No. 2007/26, 6-25-2007; Ord. No. 2013/19, 4-8-2013)

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Sec. 2.6. Development standards.

Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply. Affordable housing density bonuses described in section 106-2081 of the ZDSO shall not apply.

A. Open space, density and site area requirements for residential uses are shown in Table 2.2.

TABLE 2.2. LIEHB OPEN SPACE AND DENSITY STANDARDS FOR RESIDENTIAL USES

	Minimum open space requirement (percent of site area)	*Density (per acre)*		*Wastewater treatement**	*Minimum site area (acres)*
		Max. gross	*Max. net*		
Single-family	20%	2.0	3.0	OS	0.5
Single-family cluster	35%	2.2	3.2	OS	5
Planned community	40%	2.6	3.7	CS	10
Duplex	35%	3.0	3.7	OS	5
Multifamily (multiplex and apartments)	45%	4.0	3.8	P	15

* Minimum waste water treatment: OS = on-site disposal; CS = community systems; P = public sewer

B. Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to LIEHB permitted densities.

C. Open space, density and site area requirements for other permitted are:

(1) Minimum landscape surface area is 40 percent.

(2) Maximum gross floor area ratio (FAR) is 20 percent and maximum net FAR is 46 percent.

(3) Minimum site area is 10,000 square feet.

(4) On-site wastewater treatment must be by public sewer.

(5) Minimum lot area is 10,000 square feet.

D. Buildings must be in conformance with Standard Building Code and Fire Safety Standards.

E. Lot and building standards for planned communities, duplexes and multifamily units are presented in ZDSO Table 106-2406.

F. Minimum lot and building standards for residential development are as follows:

(1) Lot area: 10,890 square feet (one-fourth acre).

(2) Lot width: 80 feet.

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(3) Street, side and rear yards: 20 feet.

G. Minimum lot and building standards for other development are as follows:

(1) Lot area: 10,000 square feet.

(2) Lot width: 60 feet.

(3) Street yard: 30 feet on Sam's Point Road, 15 feet on other roads.

(4) Side yard: Ten feet.

(5) Rear yard: 20 feet.

H. Maximum building height in the LIEHB is 35 feet.

I. Tree standards are as follows:

(1) A minimum of two trees per dwelling unit for single-family units.

(2) A minimum of one tree per dwelling unit for all other residential uses.

(3) A minimum of five trees per acre of open space for all residential uses.

(4) A minimum of six trees per lot and eight trees per acre of open space for other permitted uses.

(5) A minimum of one tree per ten parking spaces for all uses.

(6) Street tree spacing shall be a minimum of one tree per 50 feet of right-of-way.

J. Bufferyard minimum widths for single-family units and single-family cluster developments are 20 feet along roads and 25 feet adjacent to parcels zoned Rural.

K. Bufferyard minimum widths for other uses are shown in Table 2.3.

TABLE 2.3. LADY'S ISLAND (LIEHB) BUFFERYARD STANDARDS

	Bufferyards along adjoining streets (feet)		*Bufferyard width along adjoining Zoning Districts (feet)*							
	Collector	*Local*	*NAC*	*EHB*	*VC*	*POD*	*CP*	*R*	*RR*	*PUD*
Planned community	30	30	—	20	20	20	20	25	25	25
Multifamily										
Duplex	20	20	—	—	—	—	—	25	—	—
Multiplex and apartments	50	50	—	20	20	20	20	25	25	—
Other permitted uses	30	30	20	20	20	20	20	25	25	25

L. The width of highway buffers for existing lots of record will be measured as follows:

(1) Existing lots with a total depth from the highway right-of-way of less than 500 feet will be measured at ten percent of the depth of the lot.

(2) Existing lots with a total depth from the highway right-of-way of less than 250 feet will be no less than 25 feet.

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M. Cutoff lighting fixtures are limited to a maximum lighting level of five footcandles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three footcandles and a maximum mounting height of 15 feet. There shall be no light trespass from any property onto adjacent residential properties.

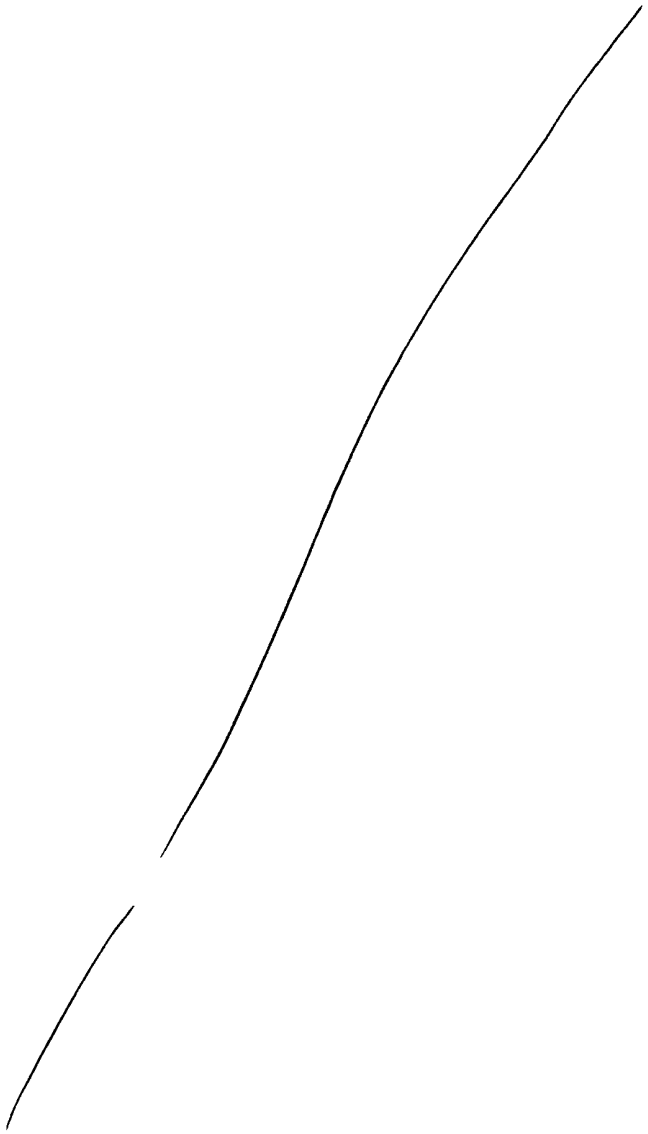
(Ord. No. 2007/26, 6-25-2007)

DIVISION 3. NEIGHBORHOOD ACTIVITY CENTER (NAC)
Commercial Node

Sec. 3.1. Purpose.

These districts are designed to provide for uses to serve recurring household needs and personal service requirements of the occupants of nearby residential areas in a manner that

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encourages community interaction. The permitted commercial functions are those which provide for regular local shopping and are frequented by customers. In addition to the commercial activities, certain office and institutional activities are permitted. These districts are characteristically small and widely distributed throughout the Lady's Island Community Preservation Area for convenient access. The NAC shall be located near or at road intersections and shall provide easy access to residential development. The principal purpose of the NAC is to encourage orderly and incremental commercial development in clusters in an effort to prevent strip commercial development. The bulk regulations and buffer standards are established to provide for maximum compatibility between the activities permitted and adjacent residential uses. The NAC area should include open spaces such as a small squares, pocket parks, community parks, and greenbelts. The establishment of a new district of this nature must be preceded by the development of residential areas capable of supporting the activities proposed.

Sec. 3.2. Applicability.

The NAC District requirements apply to all uses within the NAC boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the NAC District, unless expressly exempted or otherwise provided for in this section.

Sec. 3.3. District boundaries.

The NAC District standards apply only to the Lady's Island Community Preservation Area. The delineation of areas, which fall under the NAC zoning designation, is outlined on the official zoning map of Beaufort County. Where the NAC zoning district boundary divides a parcel creating a split zoned parcel, the NAC boundary shall be construed to extend no more than 500 feet from the road right-of-way.

Sec. 3.4. Permitted activities.

The permitted uses are restricted to consumer-oriented businesses catering primarily to the needs of the local population. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for NAC districts:

TABLE 1. LAND USE

Land Use	*Use Definition*	*Use Permission*
Traditional shop	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood-oriented, their maximum size is 1,500 square feet. Certain limitations to this use are intended to preserve the character of the communities that they serve.	Y
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	Y

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Land Use	*Use Definition*	*Use Permission*
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	L
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	L
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery (NAICS 812310 and 812320).	Y
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216).	Y
Professional services	NAICS 5411-5414	Y
Daycare, commercial	All daycare facilities not classified as "daycare, family" and including more than eight children (NAICS 62441).	Y
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	L
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	L
Meat and fish market	Establishments primarily engaged in retailing fresh, frozen, or cured meats, poultry, fish or seafood products (NAICS 445220 and 445210).	Y
Produce market	Establishments primarily engaged in retailing fresh fruits and vegetables (NAICS 44523).	Y
Hardware stores	Establishments primarily engaged in retailing a general line of hardware items, such as tools and builders' hardware.	Y
Retail bakery	Establishments primarily in retailing bread and other bakery products not for immediate consumption made on the premises (NAICS 31181).	Y
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants (NAICS 444220).	Y
Food stores	Establishments primarily engaged in retailing a general line of food, such as canned and frozen food; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Food stores are limited to 20,000 square feet.	L
Banks	Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.	Y

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Land Use	*Use Definition*	*Use Permission*
News dealers and newsstands	Establishments primarily engaged in retailing current newspapers, magazines, and other periodicals.	Y
Business storage	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.	L
Boat storage	This use is comprised of establishments primarly engaged in renting or leasing outdoor space for boat storage. These establishments provide secure space where clients can store and retrieve their boats.	L
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	L

Mobile extensions or sidewalk displays are permitted directly in front of an establishment, if at least five feet is maintained for adequate and uncluttered pedestrian access.
(Ord. No. 2002-4, 2-11-2002)

Sec. 3.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1 of this division. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in article V of the ZDSO.

Uses designated as "L" in the use table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

GAS-CONVENIENCE MARTS

- Fuel pumps shall be located behind the front line of the primary structure. The zoning administrator may grant exceptions because of the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
- Any canopy over the fuel pumps shall be considered a structure and shall meet the setback requirements for principal structures.
- Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.
- The scale, massing, and building design should be compatible with the surrounding commercial uses, including the fuel canopy. The canopy should have architectural features such as a pitched roof, shingles, and/or clapboard siding to blend the canopy with the residential surroundings. The standard architectural designs of regional or national businesses shall be modified to be compatible with the scale, massing, and design of the area.
- The principal structure shall be oriented toward the street.

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- The gross floor area of the principal structure shall not exceed 4,000 square feet.
- The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the gasoline station.
- The zoning administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- Parking shall be located behind the front building line unless impracticable due to the shallow depth of the parcel, the location of existing mature trees, or other similar circumstances.
- Lighting should be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.
- Car wash entrances shall not be oriented toward the public right-of-way.

QUICK SERVICE OIL, TUNE-UP, BRAKE AND MUFFLER SHOPS

- All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.
- The exterior display or storage of new or used automobile parts is prohibited.
- The storage or display of motor vehicles shall not be visible from the public road right-of-way.
- Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

FOOD STORES

1. The massing of food stores shall be de-emphasized in a variety of ways, including the use of projecting and recessed sections, to reduce their apprent overall bulk and scale. Such breaks in their facades and roofline shall occur not more frequently than every 30 feet nor less than every 50 feet.
2. A food store shall contain design elements that create a transition to the human scale (mass, height and length of primary facade) particularly within the build-to zone.
3. If a development is larger than its adjacent physical context, the design shall also provide transitional scaled elements at the perimeter to integrate it with its surroundings. The proposed building shall respect the scale of those buildings located adjacent properties and where desirable, serve as an orderly transition to a different scale.

Reports/studies required. All applications for this use shall include a community impact statement.

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DELICATESSENS AND RESTAURANTS

Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired. The following standards shall apply to outdoor eating areas:

- To allow for pedestrian circulation, a minimum width of five feet of sidewalk between the curb and the entrance to the establishment shall be maintained free of tables, chairs, or other obstacles.
- Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
- Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade.
- Outdoor trash receptacles shall be provided.
- Mobile extensions, decks, patios and areas covered by extended awnings and canopies shall not be included in the calculation of floor area or building footprint.

RELIGIOUS ESTABLISHMENTS (Small)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- There shall be no minimum lot size.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.

STORAGE USES

The purpose of these guildelines is to ensure that the function, quality, and appearance of proposed storage development are compatible when considered in the context of the surrounding area.

1. A 50-foot vegetated bufferyard of 100 percent opacity shall be required on the entire length of all property boundaries adjoining a residential use.
2. The outdoor storage of automobiles and automobile parts are prohibited.
3. Service areas should occur away from public streets, parks, plazas and residential areas. If located adjacent to residential uses or public streets, all service areas such as ground and roof equipment, loading areas and trash enclosures shall be totally screened.
4. Where function necessitates a basic, box-like building form, the facades of these buildings shall be substantially setback and screened from public view as an alterna-

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tive to furnishing quality architecture. Appropriate screening includes other buildings, vine-covered walls or fences, trellises, and dense landscaping or some combination of these measures reaching a height of six feet.

5. Storage uses shall not have frontage on arterial or collector streets. This use is limited to low visibility sites and locations with the NAC. The access to storage use shall be from the developer's interior street.
6. No security fencing, security gate, or other obstruction to vehicle access shall be permitted in areas visible from public rights-of-way.
7. Door openings for storage units shall face the interior of the site unless impracticable.
8. Height of the light poles shall be appropriate for the project and the surrounding environment. Height of poles shall not exceed the height of the tallest building. When adjacent to residential uses, the height of poles adjacent to residences shall not exceed eight feet. Lighting fixtures shall incorporate cut-off shields to minimize off-site impacts.
9. The site shall be designed to mitigate potential environmental and natural resource impact.
10. Storage of toxic, hazardous, flammable, explosive or noxious materials is prohibited.

Reports/studies required. All applicants for this use shall include an area impact assessment. (Ord. No. 2002-4, 2-11-2002; Ord. No. 2013/19, 4-8-2013)

Sec. 3.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Lady's Island NAC								
Commercial uses	none	na	na	0.20	0.46	P/CS		7,200 [sf.]

TABLE 3. LOT AND BUILDING* STANDARDS

Zoning District and Development Type	*Minimum*					*Maximum*
	Lot Area (ac./sf.)	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Lady's Island NAC						
Commercial uses	7,200 [sf.]	60	See build-to line require-ments	none	none	35

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[* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.]

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

	Number of Landscaping Canopy or Existing Trees per				*Bufferyard Width (feet) Adjoining Streets*			*Bufferyard Width (feet) Adjoining District*							
Zoning District and Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Street Tree Spacing per Feet of ROW*	*Arterial*	*Collector*	*Local*	*NAC*	*EHB*	*VC*	*PO*	*LICP*	*R*	*RR*	*PUD*
Lady's Island NAC															
Commercial uses	3/du	3	1/10		none	none	none	none	N/A	N/A	N/A	20	20	20	20

NAC uses shall provide and maintain a 20-foot bufferyard adjacent to residential uses. No buffer is required when an arterial or collector street separates these uses.

(Ord. No. 2002-4, 2-11-02)

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Sec. 3.7. Additional development standards.

PLACEMENT

- A build-to-zone of five to 48 feet from the road right-of-way is established for sites along Springfield, Middle and Brickyard Roads. In view of the possibility of future roadway widening, additional area may be voluntarily set aside as a future right-of-way and utilized as the right-of-way line for development purposes. The zone allows primary buildings to be sited within an area 43 feet deep. Primary buildings may be sited as close as five feet from the road right-of-way* but no further than 48 feet from the right-of-way. Additional primary buildings may be built on the site provided that this requirement has been met. The DRT may grant minor exceptions because of the location of existing mature trees, utility lines or other similar circumstances.

- Primary buildings in combination with roadside stands, courtyards or pedestrian corridors, developed at the build-to-zone shall define a minimum of 70† percent of the street lot line (measured horizontally). Primary buildings shall define a minimum of 55 percent of the street lot line.

- 3,500 square feet maximum building footprint, except for food stores and hardware stores which are limited to 20,000 square feet of total floor area. The maximum building footprint limitation does not apply to churches and institutional uses.

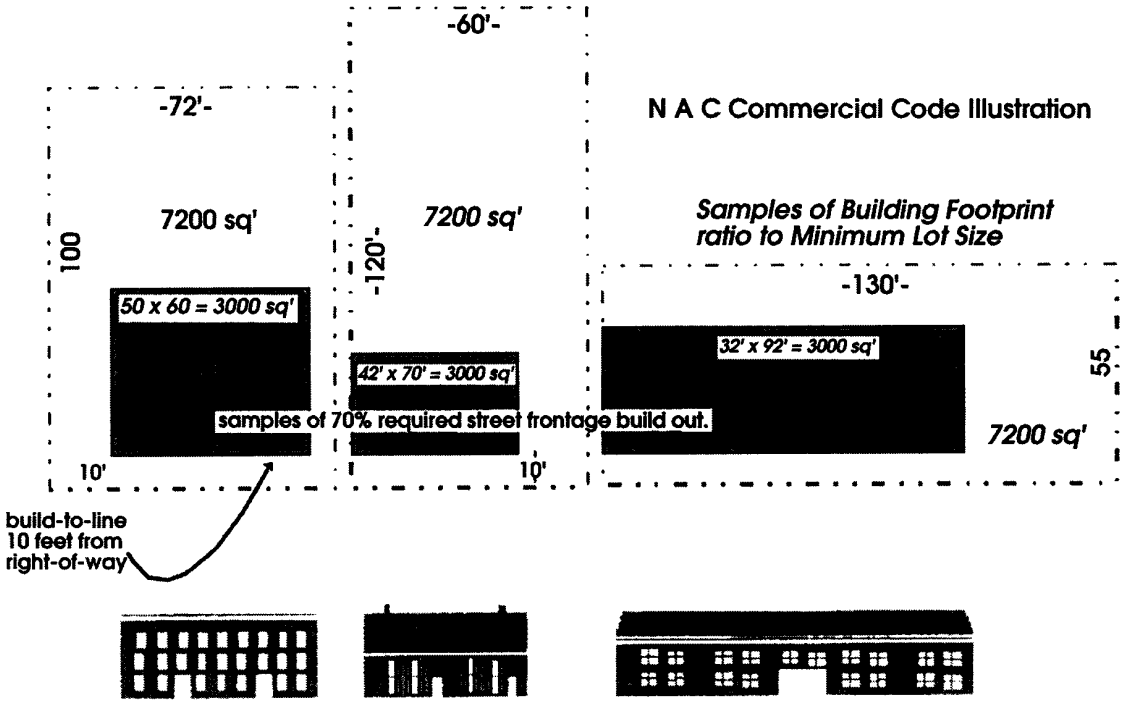
- A functional entrance is to be located at the front of the building.

*The road right-of-way may include a voluntary easement reserved for future road widening. Such easements shall be recorded and identified on all development proposals. A voluntary easement reserved for future road widening shall serve as an extended vegetative bufferyard. The area of such an easement must be subtracted to calculate the site's base site area.

†Service stations may be developed to define no less than 50 percent of the street frontage.

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- 40 percent minimum fenestration of the facade and of wall visible from the road right-of-way.



40% minimum fenestration of facade and wall on the right-of-way.

HEIGHT

No building or structure shall exceed a height of 35 feet or two stories. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building. The height limitations shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, chimneys, parapet walls smoke-stacks, conveyors and derricks.

PARKING

The parking provisions of article VI of the Beautfort County Zoning and Development Standards Ordinance shall apply, except that the maximum off-street parking for commercial retail is determined at a ratio of three parking spaces per thousand square feet of building space.

- One row of parking is allowed within the street yard, not to exceed 18 parking spaces (three groups of six spaces). A landscaped peninsula shall separate each group of parking spaces.

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- Parking lots within the side yard are discouraged. Where unavoidable, side yard parking shall be limited to 44 feet in width (measured along the street line), and shall be screened from the roadway.
- Alleys are recommended.
- Buildings, trees, hedges or low walls (less than 3½ feet) must screen parking lots from public rights-of-way.
- Corner lot parking lots are prohibited.
- Clearly delineated pedestrian paths to, from and across parking lots are required.

SIGNS

The sign provisions of article XV of the Beaufort County Zoning and Development Standards Ordinance shall apply.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

ILLUMINATION STANDARDS	
Maximum Illumination/Height	
Illumination	Height
R=Regular C=Cutoff Fc=footcandle	R=Regular C=Cutoff Ft=feet
R=2fc C=4fc	R=15ft. C=20ft.

(Ord. No. 2002-4, 2-11-02; Ord. No. 2002-16, 4-6-02)

DIVISION 4. PROFESSIONAL OFFICE DISTRICT (POD)

Sec. 4.1. Purpose.

The Professional Office District (POD) purpose is to encourage the formulation and continuance of a compatible and economically healthy environment for professional and service uses which benefit from being located in close proximity to each other. The POD is intended for low to moderate scale office, service and civic uses, which require a location accessible to a major arterial [street]. It is also the intent of this district to provide areas for limited business uses which, because of their intensity, may have negative impacts on residential areas or may conflict with the character and purpose of other commercial districts. The permitted uses are similar to those that exist at the intersection of Rue Dubois and Lady's Island Parkway, where office and service uses have clearly set a pattern for future development. Due to the nature of the activities permitted within the POD, the district is limited to

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properties along Lady's Island Parkway (802) or collector roads, not indicated as "residential collectors" as shown on the Lady's Island Road Classification Map. Development within this district characteristically occupies a greater site area than those permitted in the Sam's Point Business District, because they are intended to serve a greater population and to offer a wider range of services. This district is intended for application at select locations within the community preservation area along Lady's Island Parkway, mainly in those areas bordering the village center to the south. The orientation and expansion of this district should occur as an increase in depth at the intersection of Rue Dubois, rather than as a strip-like extension along Lady's Island Parkway.

Sec. 4.2. Applicability.

The POD requirements apply to all uses within the POD boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the POD District, unless expressly exempted or otherwise provided for in this section.

Sec. 4.3. District boundaries.

The POD standards apply only to the Lady's Island Community Preservation Area and occur mainly along Lady's Island Parkway. The delineation of areas, which fall under the POD zoning designation, is outlined on the official zoning map of Beaufort County.

Sec. 4.4. Permitted activities.

The permitted uses are restricted to professional office, services, institutional and limited business use that complement the uses of the Lady's Island Town Center. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for POD:

TABLE 1. LAND USE

Land Use	*Use Definition*	*Use Permission*
Commercial Uses		
Institutional residential	1. Convents or monasteries. 2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing. 3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing. 4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.	L

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Land Use	*Use Definition*	*Use Permission*
	5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)	

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Land Use	*Use Definition*	*Use Permission*
	6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229) 7. Dormitories, fraternities, or sororities. 8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)	
Colleges and professional schools	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)	L
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	L
Government office	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	Y
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services	Y
Office	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following: 1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533) 2. Security, commodity brokers and investment services. (NAICS 523) 3. Insurance carriers, agents, brokers, and services. (NAICS 524) 4. Real estate services. (NAICS 531) 5. Professional and technical services. (NAICS 5411-5419) 6. Business services. (NAICS 55, 5611-5616, 5619, 8139) 7. Health services. (NAICS 621) 8. Social services. (NAICS 624) (except care facilities) 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional). 10. Civic and social organizations. (NAICS 8132-34) 11. Agricultural support and services (offices only). (NAICS 115) 12. Governmental offices (NAICS 92 excluding public service). 13. Contractor's office without exterior storage.	Y
Services	A wide variety of personal and commercial services including the following: 1. Educational services. (NAICS 611 except 611512, 61162) 2. Social assistance. (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.	Y

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Land Use	*Use Definition*	*Use Permission*
	4. Kennel service and domestic veterinary clinics. (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492) 6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114) 7. Health and exercise clubs; dance studios. (NAICS 71394, 71399) 8. Funeral homes. (NAICS 81221) 9. Laundry services. (NAICS 8123) 10. Personal services. (NAICS 8121, 8129)	
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	L
General auto repair and gasoline service stations with repair bays or facilities	Facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from this use.	L
Vehicle sales or rentals	Automobile, light truck, boat, motorcycle sales or rentals, but no other truck sales or rentals. (NAICS 4411, 441221, 441222, 5321)	S
Commercial amusement, indoor	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)	L
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	Y
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 813110)	S
Daycare, commercial	All daycare facilities not classified as "daycare, family" and including more than eight children. (NAICS 62441)	Y
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	L
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	Y

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Land Use	*Use Definition*	*Use Permission*
Commercial Uses		
Residential Uses		
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	L
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	Y
Roadside stands	Temporary structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand. All roadside stands must comply with the standards in section 106-1397(c).	L

(Ord. No. 2003-4, 3-10-2003; Ord. No. 2005/6, 2-28-2005)

Sec. 4.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in the use table in this division. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in article V of the ZDSO.

Uses designated as "L" in the use table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

INSTITUTIONAL RESIDENTIAL

- Reports/studies required. All applications for this use shall include an area impact assessment.
- Bufferyard. Adequate bufferyards shall be included and maintained as part of the design, according to article VI of the ZDSO and table 3 of this division.
- Parking. All parking shall be located to the side and rear of the proposed use.

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- Compatibility. In cases where there is no review by a corridor review board, the DRT shall determine compatibility of architecture design with the surrounding community.

SCHOOLS

- Reports/studies required. All applications for this use shall include a community impact statement.
- Access. High schools, colleges and professional schools shall have frontage on a collector or arterial and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.

AUTO REPAIR AND SERVICE (Quick service oil, tune-up, brake and muffler shops and general auto repair and gasoline service stations with repair bays or facilities.)

- All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.
- The exterior display or storage of new or used automobile parts is prohibited.
- The storage or display of motor vehicles shall not be visible from the public road right-of-way.
- Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

VEHICLE SALES OR RENTAL

- This use is limited to existing vehicle sales or rental sites prior to the adoption the Lady's Island development standards.

COMMERCIAL AMUSEMENT

- Reports/studies required. All applications for this use shall include a community impact statement.
- Any outdoor activity area, swimming pool, or ball field or court, which adjoins a residential use, shall be landscaped in accordance with article VI of the ZDSO.
- Where nighttime lighting of such areas is proposed, large evergreen trees shall be required in a location appropriate to screen adjoining residences. Any such nighttime lighting shall be constructed in accordance with the standards for a residential district contained in article VI of the ZDSO. Exterior lighting shall be compatible with the surrounding neighborhood.
- Additional buffers. The required bufferyard shall be increased by 40 feet along common boundaries with residential uses or zones.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.

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- Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance. The scale, massing, and building design should be compatible with the surrounding

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neighborhood. During review of the facility, the DRT and/or ZBOA may prohibit landscaping or design that is unnatural or incompatible for surrounding properties or communities in terms of the materials or other design features.

- Closing hours and lighting shall be limited to 11:00 p.m. Facilities seeking to remain open after this time must apply for and receive approval of a special use permit.

RELIGIOUS ESTABLISHMENTS (Large)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.
- It is the intent of this section to ensure that lots used for religious establishments are large enough to accommodate future expansions, and to maintain the desired character of the surrounding community. Thus, a minimum lot size of at least five acres shall be required.

LOCAL UTILITY

- Reports/studies required. All applications for this use shall include an area impact assessment, environmental impact assessment, and an archaeological and historic impact assessment.
- In considering an application for a special use permit, the zoning board of appeals shall consider the justification for the location of the proposed utility service and any alternative locations which may be available. Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district.
- Additional buffers. The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.
- The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.
- Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited, unless specifically requested and approved as part of the special use permit. Outdoor storage areas shall comply with the screening provisions contained in article VI of the ZDSO.

ACCESSORY DWELLING

- This use is limited to 50 percent of the floor area of the primary structure.

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CONSTRUCTION STAGING OR PLANT

- Reports/studies required. All applications for this use shall include a community impact statement.
- If any one adjoining land use or district is residential, hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.
- Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.
- Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road restoration/replacement costs (to be determined by the county engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

(Ord. No. 2003-26, 9-8-2003)

Sec. 4.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Lady's Island POD								
Commercial uses	0.35	na	na	0.26	0.53	P		7,200 [sf.]

TABLE 3. LOT AND BUILDING* STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac./st)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Lady's Island POD						
Commercial uses	7,200 [sf.]	65	25	none	20	35

[* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.]

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

	Number of Landscaping Canopy or Existing Trees per					*Bufferyard Width (feet) Adjoining Streets*				*Bufferyard Width (feet) Adjoining District*							
Zoning District and Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Street Tree Spacing per Feet of ROW*	*Arterial*	*Collector*	*Local*	*NAC*	*EHB*	*VC*	*PO*	*LICP*	*R*	*RR*	*PUD*
Lady's Island POD															
Commercial uses	6/ac	5	1/10	50	25	20	20	N/A	N/A	none	none	25	25	25	N/A

(Ord. No. 2003-29, 9-22-2003)

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[Sec. 4.7. Additional] development standards.

HEIGHT

No building or structure shall exceed a height of two stories. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building. The height limitations shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, chimneys, parapet walls smokestacks, conveyors, derricks, nor to necessary mechanical roof appurtenances.

PARKING

The parking provisions of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply.

SIGNS

The sign provisions of article XV of the Beaufort County Zoning and Development Standards Ordinance shall apply.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

ILLUMINATION STANDARDS	
Maximum Illumination/Height	
Illumination	Height
R=Regular C=Cutoff Fc=footcandle	R=Regular C=Cutoff Ft=feet
R=2fc C=4fc	R=15ft. C=20ft.

DIVISION 5. VILLAGE CENTER (VC)

Sec. 5.1. Purpose.

The village center ideally is the hub for civic and private activities on the island. An essential concept of the village center is to create an area where daily activities are integrated rather than separated, creating a socially robust and economically efficient area. The mix of uses allowed adds variety and vitality to the center. Mutually supportive levels of residential, retail and office space within mixed-use structures and sites are encouraged. Multi-use structures providing a mix of uses are allowed, and retention and use of upper floors

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residential purposes are encouraged. The area should have a critical mass of people and activities and should contain attractive development, pedestrian facilities, plazas, parks, a boardwalk, and other amenities.

The village center zoning district allows uses that serve local and tourist shopping and provides amenities conducive to attracting pedestrians. The principal objective is to balance the needs of the vehicles and the pedestrians while creating convenient and safe methods for pedestrian movement. Drive-through businesses, car washes, and franchise architecture are discouraged in this district.

The zoning and architectural standards set forth a framework for creating a unique and pedestrian friendly atmosphere. In the village center typically, parking is placed to the rear of buildings, store fronts face the street and buildings are built to the sidewalk. Building mass, placement, form and height are regulated to encourage human scale buildings. Generally, architectural elements and themes shall remain similar and harmonious throughout the village center, but still, interestingly diverse.

Sec. 5.2. Applicability.

The VC District requirements apply to all uses within the VC boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the VC District, unless expressly exempted or otherwise provided for in this division. The standards of this division shall apply to both existing and newly created lots. Section 106-7 of the Beaufort County Zoning and Development Standards Ordinance shall not be interpreted to exempt commercial uses from these standards. Building placement and building frontage standards apply to new development, including redevelopment, of structures that would require a complete rebuild, but not to the reuse, expansion or alteration of existing projects. The expansion or alterations of existing projects are encouraged to comply with the VC building placement and frontage standards.

In the event that a parcel is split zoned or a development site has multiple zoning, the uses permitted within each zone may be distributed regardless of zoning boundaries provided that the following conditions have been achieved:

(a) A 50-foot vegetative buffer exists between nonresidential uses and residential uses of abutting properties. A 50-foot buffer is also required betweel multifamily uses and single-family uses of abutting properties. This standard supercedes the 300-foot separation requirement of section 106-926(3)a.

(b) Intruding commercial and multifamily uses are limited to lots* immediately abutting the area zoned VC. The intrusion may not go beyond a public road.

(c) Intruding commercial and multifamily uses shall be oriented towards the developer's internal streets. Vehicular access from residential streets (streets with the CP zoning district) is discouraged.

(d) The DRT finds that the intruding commercial or multifamily use does not disrupt the development pattern of established neighborhoods.

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The development and architectural design standards of the village center supersedes the development standards of the ZDSO and the Corridor Overlay District.

* This is limited to lot of record as of the date of adoption of this revision.
(Ord. No. 2002-4, 2-11-02)

Sec. 5.3. District boundaries.

The VC District standards apply only to the Lady's Island Community Preservation Area. The delineation of areas, which fall under the VC zoning designation, is outlined on the official zoning map of Beaufort County.

Sec. 5.4. Permitted activities.

The permitted uses should cater to the convenience goods and services needs of local residents, employees, and tourists. Uses that entertain, create activity on the street, and attract day and night activities are especially appropriate. In addition, it is appropriate to limit or prohibit some uses that detract from or interrupt the flow of interesting, pedestrian-generating uses along the street. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the VC District:

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TABLE 1. LAND USE

Land Use	*Use Definition*	*Use Permission*
Residential Uses		
Commercial apartment	Dwelling units located above a nonresidential structure.	Y
Nonresidential Uses		
Mixed use	A site with a group of buildings arranged around a pedestrian precinct, containing different uses including commercial retail, commercial lodging, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses. A single use residential structure is permitted only in low visibility areas.	S
Assembly and worship	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools.	Y
Boat sales and service	Establishments primarily engaged in the sale, service and maintenance of pleasure watercraft and accessories.	L
Colleges and professional schools	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)	L
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups	L
Schools, community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes senior high schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups.	L
Daycare, commercial	All daycare facilities having more than eight children. (NAICS 62441)	Y
Local utilities	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	L
Public services	These uses include emergency service buildings (e.g., ambulance, fire, police, rescue, and public works) or areas where vehicles are stored and dispatched. This use does not include a service garage. (NAICS 62191, 92212, 92216, see "Office" uses, below)	Y
Government office	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	Y
Commercial lodging (hotel and motel)	Hotels and motels offering transient lodging accommodations on a daily rate to the public. Additional services may include restaurants, meeting rooms, and recreational facilities. (NAICS 7211, 7213)	S
Commercial retail	These uses are retail uses that serve regional and local needs, and include the following types: 1. Hardware stores.	Y

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Land Use	*Use Definition*	*Use Permission*
	2. Grocery stores with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 square feet. 3. Food and beverage stores. 4. Boutiques, gift shops, antique shops, liquor stores, book stores and drug stores. 5. Garden centers. 6. Clothing and accessory stores. 7. Furniture stores. 8. Paint, glass, wallpaper specialty stores. 9. Greenhouses (retail only and with garden supplies). 10. Repair shops and related services.	
Office	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following: 1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533) 2. Security, commodity brokers and investment services. (NAICS 523) 3. Insurance carriers, agents, brokers, and services. (NAICS 524) 4. Real estate services. (NAICS 531) 5. Professional and technical services. (NAICS 5411-5419) 6. Business services. (NAICS 55, 5611-5616, 5619, 8139) 7. Health services. (NAICS 621) 8. Social services. (NAICS 624) (Except care facilities.) 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional). 10. Civic and social organizations. (NAICS 8132-34) 11. Agricultural support and services (offices only). (NAICS 115) 12. Governmental offices. (NAICS 92 excluding public service) 13. Contractor's office without exterior storage.	Y
Restaurant	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable state liquor licensing requirements and standards.	Y
Restaurant, drive-through	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.	S
Services	A wide variety of personal and commercial services including the following: 1. Educational services. (NAICS 611 except 611512, 61162) 2. Social assistance. (NAICS 624) [3. Reserved.] 4. Veterinary service. (NAICS 541940) 5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492)	Y

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Land Use	*Use Definition*	*Use Permission*
	6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114) 7. Health and exercise clubs; dance studios. (NAICS 71394, 71399) 8. Funeral homes. (NAICS 81221) 9. Personal services. (NAICS 8121, 8129)	
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning establishments engaged in providing dry-cleaning services, except carpets and upholstery. (NAICS 812310 and 812320)	Y
Parking garages	An establishment primarily engaged in providing parking spaces for motor vehicles, usually on an hourly, daily, or monthly basis and/or valet parking services.	S
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted. (NAICS 811191, 811192)	S
Commercial amusement, indoor	This use includes: bowling alleys, movie theaters, performing arts companies, amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 712, 713)	S
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	S
Temporary Uses		
Christmas tree sales	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.	Y
Roadside stand	Temporary or permanent structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand.	L
Commercial outdoor sales	Outdoor sales of merchandise, by either a store owner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or the pedestrian area. This use excludes sales associated with a public interest or special event.	L
Miscellaneous outdoor sales	Those activities which involve selling goods from a truck, a mobile vendor, or temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site.	L
Public interest and special events	Public Interest. Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization. Special Event. These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.	L

Mobile extensions or sidewalk displays are permitted directly in front of an establishment, if at least five feet is maintained for adequate and uncluttered pedestrian access.
(Ord. No. 2005/38, 10-24-2005; Ord. No. 2006/23, 10-23-2006)

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Sec. 5.5. Limited and special use standards.

This division describes the standards governing limited and special uses as designated in the use table in this division. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supersedes the limited and special use standards in article V of the ZDSO.

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Uses designated as "L" in the use table are permitted uses which require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations.

Drive-through facilities should conform to building alignment, parking lot standards and curb cut requirements. These facilities should avoid corner sites and maintain clearly designated, safe and continuous pedestrian sidewalks.

Uses that detract from the purpose or aesthetics of the village center but provide need local services are prohibited in high visibility areas. Areas or portions of a site subject to this category are those with the following attributes:

- Sites located along or visible from U.S. 21 or Highway 802.
- Sites visible from Factory Creek.

SCHOOLS

- Reports/studies required. All applications for this use shall include a community impact statement.
- Access. High schools, colleges and professional schools shall have frontage on a collector or arterial [street] and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.

LOCAL UTILITY

- Reports/studies required. All applications for this use shall include an area impact assessment, environmental impact assessment, and an archaeological and historic impact assessment.
- In considering an application for a special use permit, the zoning board of appeals shall consider the justification for the location of the proposed utility service and any alternative locations which may be available. Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district.
- Additional buffers. The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.
- The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.
- Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited. This use is not permitted on high visibility sites.

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COMMERCIAL LODGING

- Reports/studies required. All applications for this use shall include a community impact statement.
- The use shall be located on an arterial road or on a collector road within 500 feet of an arterial road.

RESTAURANT

Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired. The following standards shall apply to outdoor eating areas:

- To allow for pedestrian circulation, a minimum width of five feet of sidewalk between the curb and the entrance to the establishment shall be maintained free of tables, chairs, or other obstacles.
- Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
- Extended awnings, canopies, or large umbrellas shall be permitted.
- Outdoor trash receptacles shall be provided.
- Mobile extensions, decks, patios and areas covered by extended awnings and canopies shall not be included in the calculation of floor area or building footprint.

RESTAURANT, DRIVE THROUGH

- A traffic analysis may be required as part of the special use permit application, including but not limited to proposed traffic flow, sight visibility for emerging vehicles, roadway capacity for turning movements, and other public safety factors.
- Curb cuts and interruptions of the pedestrian sidewalk surface should be kept to a minimum. Where interrupted by curb cuts, the continuity of the sidewalk surface shall be maintained, while the material of the driveway may be interrupted.
- Loading areas shall be located in such a way as to prevent visibility from public right-of-way.
- Screening shall be provided to screen and diffuse noise impacts on adjacent uses. Talk boxes must be screened by a sound barrier such as a fence or masonry wall.
- The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the store.
- Access to the site shall be minimized and placed in such a way as to maximize pedestrian safety.
- The location, dimensions, and design concept of any proposed signage will be included in the special use permit application.

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GAS-CONVENIENCE MARTS

- Fuel pumps shall be located behind the front line of the primary structure. The zoning and development administrator may grant exceptions because of the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
- Any canopy over the fuel pumps shall be considered a structure and shall meet the setback requirements for principal structures.
- Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.
- The scale, massing, and building design should be compatible with the surrounding commercial uses, including the fuel canopy. The canopy should have architectural features such as a pitched roof, shingles, and/or clapboard siding. The standard architectural designs of regional or national businesses shall be modified to be compatible with the scale, massing, and design of the area.
- The principal structure shall be oriented toward the street.
- The gross floor area of the principal structure shall not exceed 4,000 square feet.
- The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the gasoline station.
- The zoning and development administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- Parking shall be located behind the front building line unless impracticable due to the shallow depth of the parcel, the location of existing mature trees, or other similar circumstances.
- Lighting should be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.
- Service bay doors shall not be oriented toward the public right-of-way. They shall face the rear of the site.

QUICK SERVICE OIL, TUNE-UP, BRAKE AND MUFFLER SHOPS

- All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.
- The exterior display or storage of new or used automobile parts is prohibited.
- The storage or display of motor vehicles shall not be visible from the public road right-of-way.
- Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

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PARKING STRUCTURES

- Structured parking facilities must be designed so that the only openings at street level are those to accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street-level frontage must be retail space with either office or residential uses above.

COMMERCIAL AMUSEMENT, INDOOR

- The applicants must clearly demonstrate that the use will be compatible with the goals and the purpose of the village center particularly concerning traffic circulation, noise, parking, and appearance.
- The hours of operation may be restricted in the terms of the special use permit.
- The location, dimensions, and design concept of any proposed signage will be included in the special use permit application.
- The scale, massing, and building design should be compatible with the surrounding structures. The structure shall be street-oriented with pedestrian entrances from the street.
- Parking shall be located behind the front building line unless impracticable due to the shallow depth of the parcel, the location of existing mature trees, or other similar circumstances.

RESIDENTIAL STORAGE FACILITY

- Reports/studies required. All applications for this use shall include an area impact assessment and a traffic impact assessment.
- This use is limited to low visibility sites and locations with the village center.
- No security fencing, security gate, or other obstruction to vehicle access shall be permitted in areas visible from public right-of-ways.
- Door openings for rental units shall face the interior of the site unless impracticable.
- The roof shape and materials shall be compatible with the design and materials of neighboring buildings.
- Views of residential storage from public rights-of-way shall be buffered with vegetative material.
- Additional buffers. An additional 20 feet of bufferyard width shall be provided on all lot sides.
- Storage of toxic, hazardous, flammable, explosive or noxious materials is prohibited.
- Only personal household goods shall be stored in such facilities.

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ROADSIDE STANDS AND TEMPORARY USES

The following types of sales operations, for purposes of zoning regulations, shall not be considered temporary uses: curbside mobile ice cream sales involving frequent, intermittent stops; mobile prepared food services catering to employees at employment sites or patrons at permitted or otherwise legal special events; and commercial outdoor sales.

- All temporary use permits shall clearly define an expiration date. No permit shall be transferable, and no permit shall be good for a period of more than six months. Renewal of a permit shall require reapplication.
- No permanent structures may be utilized; only temporary pavilions may be utilized for transient merchant operations. All facilities used shall be self-contained and mobile or portable.
- No utility connections (such as electrical, telephone, plumbing or septic tanks) shall be permitted except to obtain temporary electrical power for sales operations.
- Any and all signs to be utilized on-site must conform to county sign regulations and shall be deemed to be temporary and not a structure, and must be removed upon expiration of the temporary use permit or upon vacation of the site. A sign permit, if required, must be obtained before issuance of a temporary use permit.
- Within ten days of temporary use permit expiration, all items related to the operation shall be removed from the site.
- No operations within easements shall be permitted unless specifically allowed by all parties having an interest in such easement.

BOAT SALES AND SERVICE

- This use is limited to areas in close proximity to the existing marina, i.e., properties fronting U.S. 21 on both sides of the highway between Meridian Road and the Beaufort County boat landing on the west and the entrance to Beaufort High School on the east.
- All service and repair activities, including outdoor storage areas (those areas not used for the display of boat and accessories for sale), shall be located behind the front building line and shall be completely screened (100 percent opacity) from U.S. 21 and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Service bay doors shall not be oriented toward U.S. 21.
- All areas for the outdoor display of boats and accessories for sale shall be located behind the front building line and shall be included in the floor area ratio (FAR) calculation for the site.
- The scale, massing, and building design shall be compatible with the surrounding area as determined by the Northern Beaufort County Corridor Review Board. The structure shall be street-oriented with pedestrian entrances from the street. Buildings shall define a minimum of 50 percent of the street frontage.

(Ord. No. 2003-26, 9-8-2003; Ord. No. 2005/38, 10-24-2005; Ord. No. 2013/19, 4-8-2013)

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Sec. 5.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Lady's Island VC								
All uses*	none	na	na	0.37	0.46	P/CS		7,200 [sf.]

TABLE 3. LOT AND BUILDING STANDARDS

Zoning District and Development Type	*Minimum*					*Maximum*
	Lot Area (ac./st)	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Lady's Island VC						
All uses*	7,200 [sf.]	50	See build-to line requirements	8	none	See height requirements below

*The residential space of a building shall not be used in the calculation of the projects's floor area ratio. Residential space includes floor areas dedicated to the provision of services solely for the residential needs, such as a laundromat or a foyer.

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per Feet of ROW	Bufferyard Width (feet) Adjoining Streets				Bufferyard Width (feet) Adjoining District							
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	NAC	EHB	VC	PO	LICP	R	RR	PUD	
Lady's Island VC																
All uses	5/ac	N/A	1/8		none	none	none	N/A	N/A	none	none	20	20	20	N/A	

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Village center uses shall provide and maintain a 20-foot bufferyard to residential uses adjacent to the district. No buffer is required when an arterial or collector street separates these uses.

Sec. 5.7. Additional development standards.

PLACEMENT

- A build-to-zone, of five to 12 feet from the road right-of-way, is established for sites along U.S. 21 and Highway 802. The zone allows buildings to be sited within an area seven feet deep. Buildings may be sited as close as five feet from the road right-of-way but no further than 12 feet from the right-of-way. Additional buildings may be built on the site provided that this requirement has been met. The zoning and development administrator may grant minor exceptions because of the location of existing mature trees or other similar circumstances. Where an exception has been granted, the street yard may be seed for plazas, courtyards, mobile extensions, open space or parking. Parking within the street yard is limited to one parking space per 20 feet of linear street frontage (parking space calculations shall be rounded up to a whole parking space). Parking paving material shall consist of suitable material, but not asphalt.

- Buildings, plazas, courtyards or pedestrian corridors, developed at the build-to-zone shall define a minimum of 80 percent of the street lot line (measured horizontally). Service stations may be developed to define no less than 50 percent of the street frontage. Buildings shall define a minimum of 65 percent of the street lot line.

- For purposes of calculating 80 percent of the defined area, 20 feet for the width of a driveway accessing parking may be subtracted from the length of the lot if access cannot be provided from a side street or alley.

- For corner lots, the street definition and built-to-zone requirements shall be met along all street frontages along U.S. 21, Highway 802 and the first 200 feet from intersecting side streets.

- Interior lots shall maintain a 20 feet front yard.

HEIGHT

- Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building.

- Buildings constructed at a uniform height are limited to 35 feet.

- An alternative building height measurement may be used where the street level is above the lowest natural ground elevation. The building height measurement may be taken from the highest adjoining sidewalk grade, adjacent street grade, or upper surface of the street curb.

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- This alternative building height measurement only applies to buildings and structures meeting the build-to-zone requirements, as well as to buildings and structures that have received a minor waiver from the build-to-zone requirements where no street yard parking is planned.
- While building height should not be uniform from building to building, they should provide a comfortable enclosure for the street. Buildings of different size can be made architecturally compatible through skillful design and careful orientation. Variegated building heights on a single site are permissible to an average (weighted) height of 40 feet. Provided that no building exceeds 50 feet. The corridor review board will consider suitability of building height to the site, to its surroundings, and for design merits.
- The height of the front wall or other portions of a building (including the roof) within the "build to zone" shall not exceed the maximum height of 35 feet. Beyond the initial setback distance, the building or other structures shall not penetrate the sky exposure plane set forth in this section. Any lot improved with a building shall be considered to have a "build to zone" for each street, on which the lot has street frontage.
- The requirements of the sky exposure plane shall also apply to the rear of waterfront lots using the OCRM critical line as the base line.
- Buildings exceeding 35 feet are limited to three stories and shall have a pitched roof.
- The height limitations shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, chimneys, parapet walls smokestacks, conveyors and derricks. The height of exempted structures should not be use in the calculation of the average (weighted) height.

  A "sky exposure plane" is an inclined plane sloping inward, which shall not be penetrated by buildings. This plane establishes variable building heights dependant on the distance from the street line or the OCRM critical line. The height of a building within the "build to zone" is limited to 35 feet. Beyond this zone, buildings are required to be constructed within the theoretical inclined plane. Those portions of a building exempt from the height requirements may penetrate the sky exposure plane.

PARKING

The parking provisions of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply, except that the maximum off-street parking, for retail and service uses is determined at a ratio of three parking spaces per 1,000 square feet of building space.

- All off-site parking must be to the rear or side.
- Alleys are recommended.
- Buildings, trees, hedges or low walls (less than three and one-half feet) must screen parking lots from public right-of-ways.
- Corner lot parking lots are prohibited.

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LOCATION OF PARKING FACILITIES

Required parking spaces may be located on a different lot, than the use which it serves, only where the following conditions are met:

(1) *Residential uses.* The parking is located no more than 600 feet from the use that it serves. The distance between the use and the parking lot shall be measured following a reasonable and safe walking route from the main entrance of the use to the nearest parking lot.

(2) *Commercial uses.* Space for the required off-street parking may be provided within 1,000 feet of the entrance of the use or structure requiring the parking.

(3) *[Reasonable access.]* Reasonable access from the off-site parking facilities to the use being served shall be provided.

(4) *[Off-site parking.]* The off-site parking shall be guaranteed by a legally binding agreement, duly executed and acknowledged, between the owner of the parking area and the owner of the use which is located on a different lot and served by the parking area. The applicant for a development permit or certificate of occupancy for the use, which is served by off-site parking spaces, shall submit a copy of such agreement along with his or her application for a permit.

(5) *[Requirements.]* Any use which depends upon off-site parking to meet the requirements of this section shall maintain parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(6) *[Parking agreement.]* Off-site parking shall be guaranteed by a legally binding parking agreement duly executed and acknowledged among all owners of record. Such written agreement shall be approved as to form and manner of execution by the county attorney, and shall be filed with the register of deeds, prior to the issuance of a development permit.

OPEN SPACE AND STORM WATER DRAINAGE

Joint calculation of open space. The village center standards permits for two or more businesses or lots, as part of a larger development, to provide the required open space by joint use where the total amount of open space provided is the sum of the total required for each lot should they provide them separately. A stormwater management plan, and an erosion control plan may be addressed jointly.

MINIMUM LOT SIZE

Minimum lot size. The minimum lot size within the village center is reduced to 2,200 square feet, for lot that are part of a planned or larger development where parking, open space and stormwater management is addressed as part of a larger development.

RIVER BUFFER STANDARDS

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River Buffer: All nonresidential and mixed uses in the Village Center District are exempt from the river buffer setback requirements of section 106-1845. These uses, however, shall locate no closer than 30 feet from the OCRM critical line. Paths, steps, decks, gazebos, boardwalks, furniture, are permitted in the river buffer.

An increase of building frontage for existing buildings, closer than 30 feet from the critical line, is limited to 20 percent of the building frontage along the OCRM critical line.

Parking: Parking areas located within 100 feet of the OCRM critical line shall have 80 percent of their surface area made up of pervious materials.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

ILLUMINATION STANDARDS	
Maximum Illumination/Height	
Illumination	Height
R=Regular C=Cutoff Fc=footcandle	R=Regular C=Cutoff Ft=feet
R=2fc C=4fc	R=15ft. C=20ft.

COMMERCIAL RETAIL EXTERIOR STORAGE

- Exterior storage is located behind the building and is screened from view on all sides.
- An opaque fence or solid wall is required on the area facing US 21, SC 802 or arterial roads and is also required along residential property.
- The fence or wall must match the building in color and material. Chain link fences are not permitted.
- Vegetative screening will be used in addition to fences or walls constructed along property adjoining residential areas.

(Ord. No. 2002-4, 2-11-2002; Ord. No. 2003-5, 3-10-2003; Ord. No. 2004/1, 1-12-2004; Ord. No. 2006/23, 10-23-2006)

Sec. 5.8. Architectural design standards.

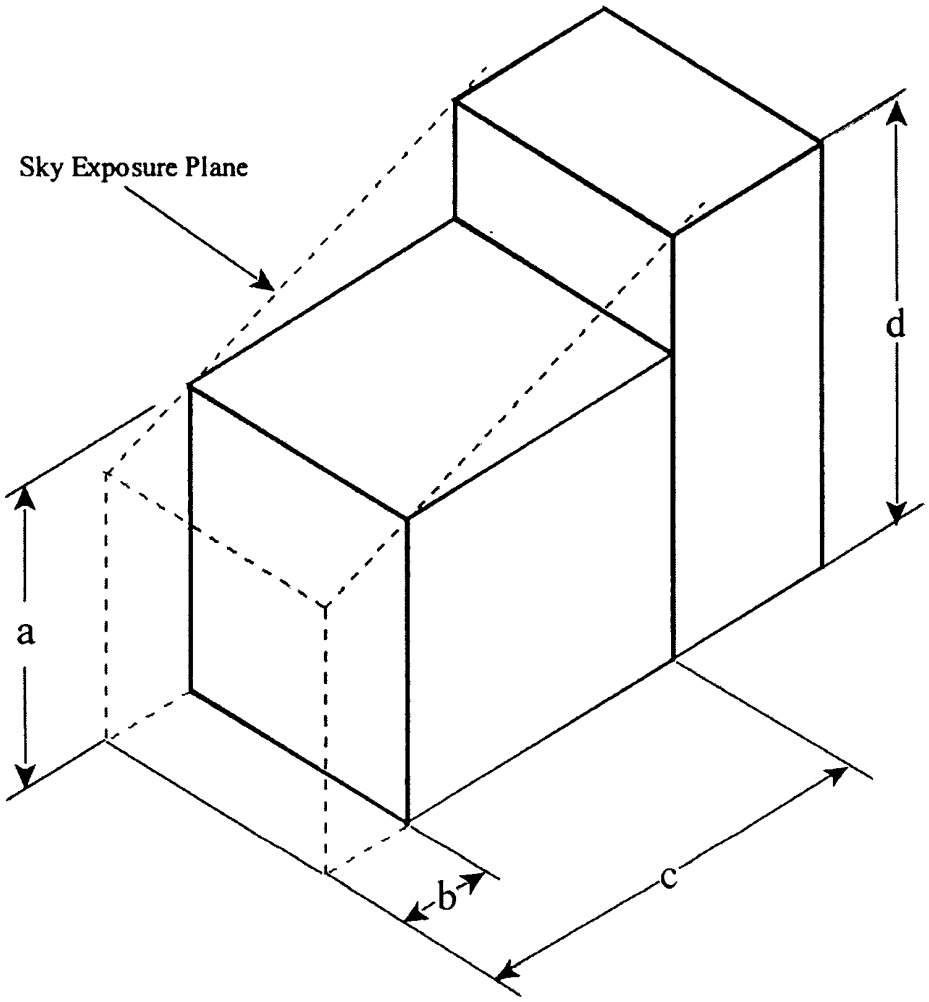
The architectural compatibility and aesthetic harmony of structures within the village center are of critical importance in protecting and promoting the appearance, character, and economic value of the area. Additionally, these standards protect the public from the impact of adverse visual experiences. The intent is to assure respect for the character, integrity, and quality of the built and natural environment of the village center. The corridor review board

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administers the architectural design standards. See Appendix B for the Lady's Island Village Center Design Standards.

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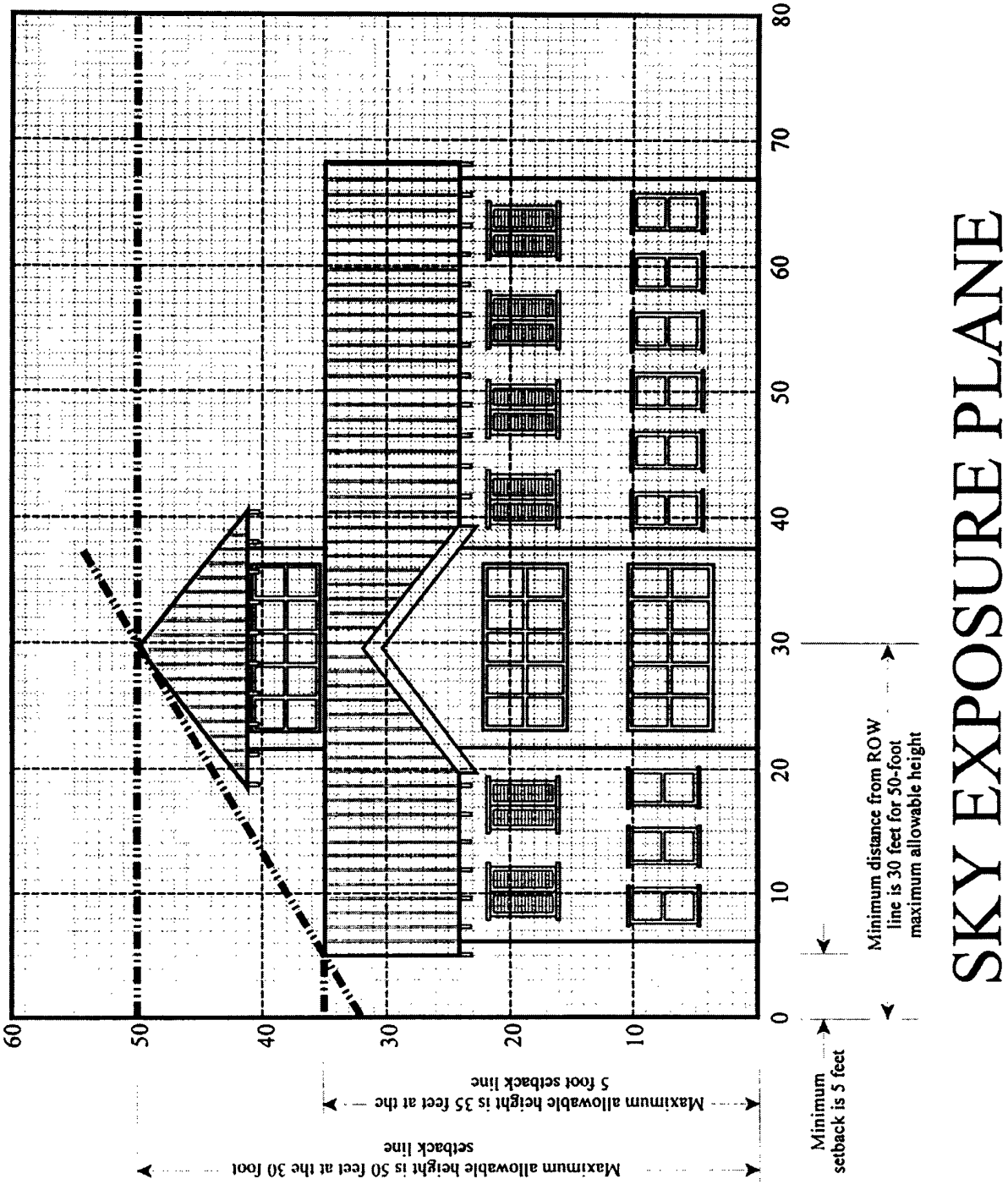
Sky Exposure Plane



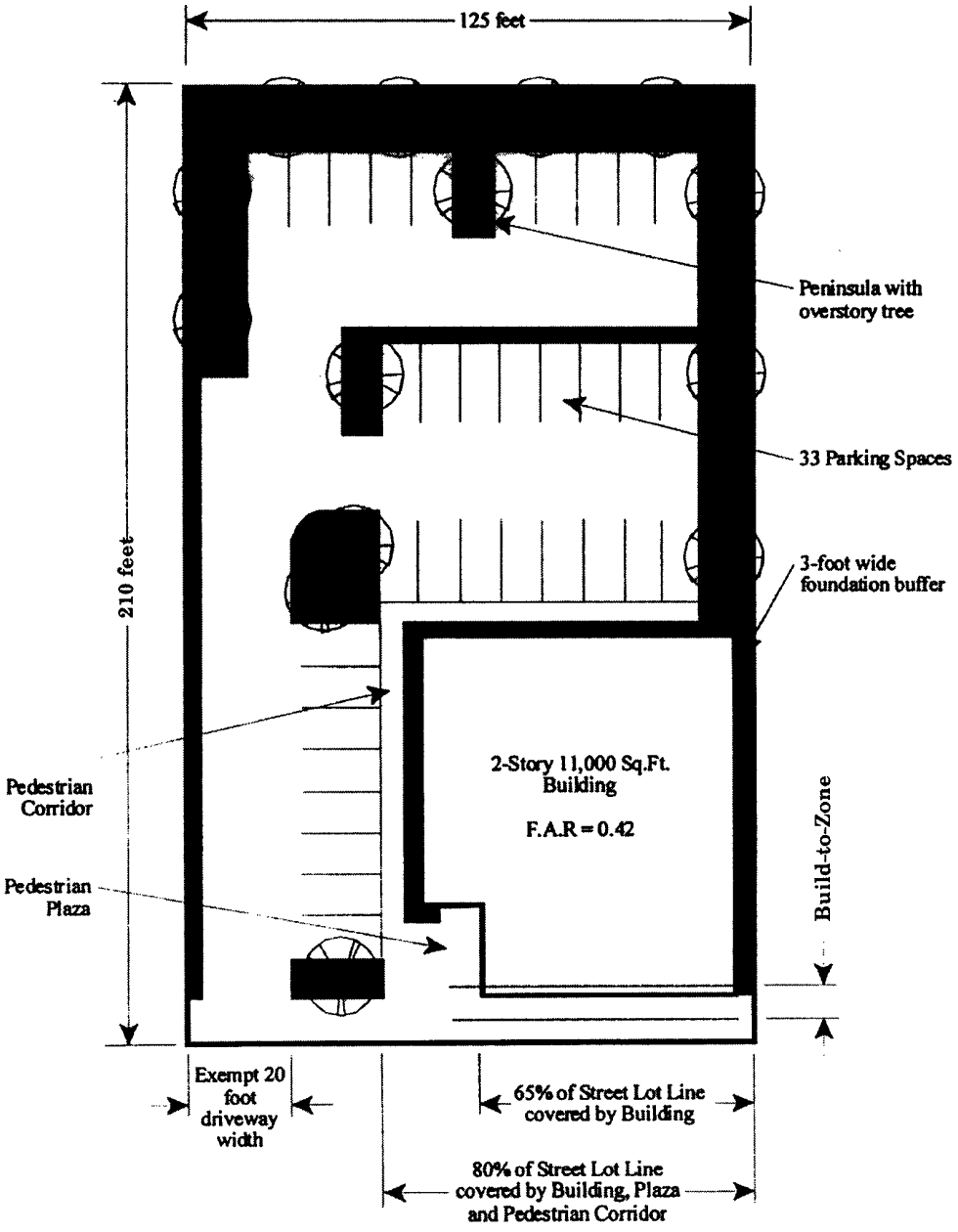
a- Maximum allowable height is 35 feet at the 5-foot minimum setback line.
b- Minimum setback is 5 feet from the right-of-way line
c- Minimum setback is 30 feet for 50-foot maximum allowable building height.
d- Maximum allowable height is 50 feet at 30 feet from the right-of-way line

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SKY EXPOSURE PLANE



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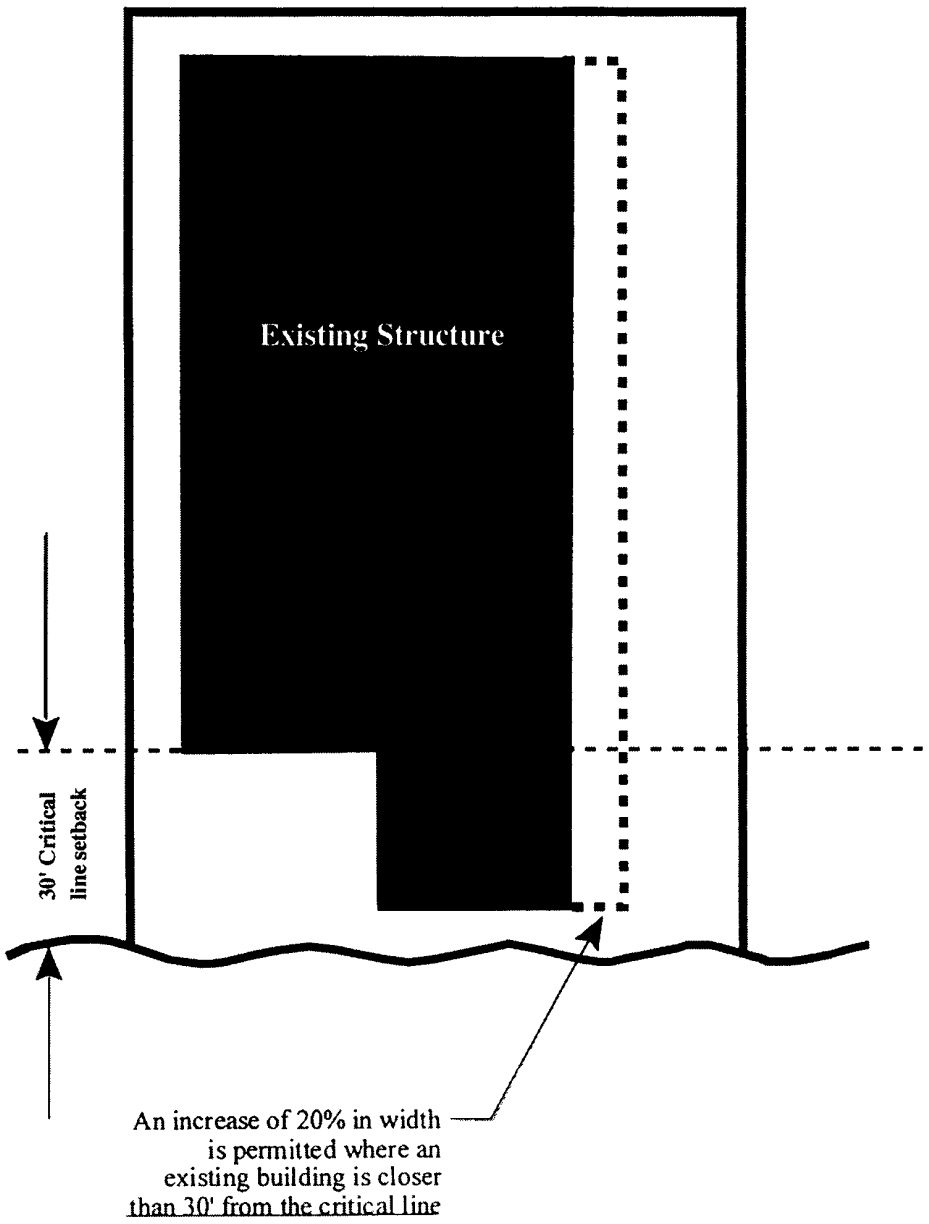


SAMPLE SITE PLAN

Lady's Island Village Center

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"An increase of building frontage for existing buildings closer than 30 feet from the critical line is limited to 20% of the building frontage along the OCRM Critical Line"



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DESIGN GUIDELINES

A. *General guidelines.*

1. Architectural styles should be compatible with architectural styles that exemplify the unique character of the Lowcountry region and conform to general standards of architectural quality. It is not the intention of these guidelines to create replicas or imitations of historic structures.

2. The same level of architectural integrity shall be applied to all four elevations of the building.

3. Building materials not specified below will be permitted on a case-by-case basis if the application of such materials is incorporated in an architecturally sound design and otherwise meets the objectives of this section.

B. *Urban design guidelines.*

1. Site and building design shall emphasize pedestrian needs and develop creative approaches to improving pedestrian interest, access and enjoyment. All buildings shall have a functional entrance at the front elevation.

2. The sequence of continuous pedestrian activity shall not be interrupted. Blank walls and other "dead" or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest. A wall can be articulated with a change in material, a water table, pilasters, or even a trellis attached to the wall to grow plants.

3. Frontage design and signage locations shall be coordinated with streetscape landscaping and street trees.

4. Pedestrian open spaces such as covered walkways, loggias, arcades, courtyards and plazas are encouraged, as well as the development of open and attractive passageways between buildings and blocks.

C. *Exterior materials and architectural elements.*

1. *Roofs:*

   a. *General requirements:* Applied or incomplete mansard roofs are prohibited. Flat flush soffit returns on gabled ends are not permitted (see diagram 1.1). Long, unarticulated roofs are not permitted. Exposed rafter ends or tails at overhangs are strongly recommended.

   b. *Pitch:* Pitched roofs shall have a minimum pitch of 5:12. Buildings having a flat roof shall incorporate a parapet at the front elevation of the building to screen the roof and any equipment located there.

   c. *Materials:* Permitted roof materials include metal (raised seam, galvanized metal, corrugated metal), shingles (slate, multi-layered asphalt, metal).

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d. *Configuration of materials:* Maximum spacing of raised seam metal roofs shall be 24 inches. Panel ends shall be exposed at overhang. Shingles may be square, rectangular, fish scale, or shield.

2. *Building walls:*

a. *General requirements:* Building elevations fronting the street or the waterfront shall have a minimum fenestration (doors and windows) coverage of 50% on the first story and 30% for the entire street front and waterfront elevation. Long, unarticulated or blank facades are not permitted.

b. *Materials:* Permitted materials include wood siding, wood board-and-batten, "Hardie-Plank," concrete masonry units with stucco, reinforced concrete with stucco, and brick (not encouraged).

c. *Configuration of materials:* The width of wood, "Hardie-Plank," and other materials shall conform to traditional or historic uses that these materials are meant to emulate. Stucco surfaces shall be fine sand float or medium sand float according to the Portland Cement Association.

3. *Windows and doors:*

a. *General requirements:* Rectangular windows facing the street shall have vertical orientation.

b. *Materials:* Windows and doors may use framing materials of wood, aluminum, copper, and vinyl clad wood. Windows fronting streets or the waterfront shall use transparent, non-reflective and non-tinted materials.

c. *Window and door types:* Casement and single- and double-hung windows are encouraged. Fixed-frame windows shall have a maximum surface area of 36 square feet. Windows with muttons shall have true divided lights or simulated divided lights. Snap-on muttons are not permitted.

4. *Colors:* Predominant color design shall be compatible with Lowcountry or coastal vernacular palette which include traditional historic colors, earth tones (green, tans, light browns and terra cotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red. Accent color design (i.e. black, dark blue, grays, and other dark, primary colors) may be used on a limited basis as part of an architectural motif, at the discretion of the development review planner and/or the corridor review board.

5. *Other architectural features:*

a. *Columns:* Permitted materials for columns include wood (painted or natural), cast iron, or concrete with smooth finish. Columns may be square or round with a minimum nominal width or nominal diameter of 6 inches. Maximum column spacing shall be no greater than the height of the columns.

b. *Accessory buildings and uses:* The design of accessory buildings shall reflect and coordinate with the general style of architecture inherent in the primary

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structure for the proposed development. Outdoor seating areas and play equipment shall be reviewed for compatible and attractive design that is integrated with the main building architecture.

c. *Fences and walls:* Unscreened chain-link fences or woven metal fences are not permitted. Permitted materials for walls are concrete masonry units with stucco, or reinforced concrete with stucco. Permitted materials for fences are wood, and wrought iron.

d. *Shutters:* Individual shutters, if utilized, shall be real, operable, and cover the entire window when closed.

e. *Pedestrian paving:* Paving materials shall consist of brick, stone, wood, concrete, or oyster shell aggregate concrete.

f. *Towers:* Habitable towers may exceed the building height by up to 35 percent but shall not exceed a height of 50 feet. The maximum footprint allowed for a tower is 150 square feet. One habitable tower per building is permitted.

D. *Landscaping and buffers.* In addition to the following landscaping requirements, the landscaping standards outlined in section 106-1646 et seq. of this chapter apply to all developments in this district. All landscaping required by this section, and approved as part of an application for development, shall be maintained in healthy condition by the property owner. Plant material used for installation shall conform to the standards established by the American Association of Nurserymen in the American Standards for Nursery Stock provisions. Landscaping requirements of this chapter shall not interfere with fire and life safety standards contained in this chapter.

1. *Installation requirements:* Installation and maintenance of landscaping materials shall adhere to section 106-1647 of this chapter.
2. *Existing plant material counted:* The use of existing vegetation and plant species native to the Lowcountry is strongly encouraged, and shall be counted toward the landscaping requirement.
3. *Landscaping along street frontage:* Planters, window boxes, hanging plants and potted plants are strongly encouraged along front elevations of buildings.
4. *Foundation buffers:* A three-foot wide landscaped buffer is required between the side and rear elevations of the building and parking areas, driving areas, and sidewalks. Foundation buffers are not required in loading areas and drive-through facility areas.
5. *Parking lot planting requirements:* The parking lot planting requirements outlined in the landscaping section of the corridor overlay district guidelines in this appendix apply to the Lady's Island Village Center District.

E. *Signage.* Signage, including overall design, materials, colors and illumination must be compatible with the overall design of the main building. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.

1. *Types of signage:* All businesses and other uses in this district may choose to use only one of the two following permanent types of signs: wall signs and projecting signs. One portable sandwich board sign with a maximum height of 48 inches and maximum width of 30 inches is also permitted per business.

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2. *Maximum size of signage:* Wall signs are limited to 40 square feet in area. Projecting signs are limited to 32 square feet in area and may project no more than six feet outward from the wall.

3. *Illumination of signage:* Lighting for signs shall be of a moderate intensity and designed and arranged to minimize glare and reflection. Internally illuminated outdoor signs are not permitted. One interior neon sign is permitted per business. Neon signs are limited to 16 square feet. All other types of internally illuminated interior signs are prohibited.

4. *Special considerations:*

   a. Interior lots. All businesses and other uses located on interior lots and having less than 50 feet of street frontage may utilize a ground sign not exceeding eight feet in overall height with a maximum allowable area of 40 square feet.

   b. Interior lots with multiple tenants or an interior complex may erect one 80-square foot freestanding ground sign, which may be used as an identification sign, directory listing or combination thereof. Individual businesses within a complex may not have separate freestanding signs along Highway 21, Highway 802 or along a High Visibility Site. The multiple listing sign or directory sign may be off-premises provided that it is placed within the complex.

   c. When single occupancy buildings are required by the corridor review board to present a facade of multiple store fronts to eliminate long and unarticulated walls in an effort to meet the village center architecture guidelines, the following shall be applied:

      (1) In addition to a wall sign or projecting sign as allowed under subsection E.1. and 2., one ten square-foot wall sign shall be allowed per store front with the following exceptions:

         (a) The ten square-foot sign may not be placed on the same wall as the 40 square-foot wall sign or on the same walls where projecting signs are placed.

         (b) The number of additional wall signs shall not exceed three ten square-foot signs per single occupancy buildings.

      (2) The additional signs shall advertise only special services offered by the business such as, but not limited to, repairs, rentals, garden supplies, etc. (service sign verbage to be approved by the corridor review board administrator).

      (3) To ensure the sign design complements the building architecture, the sign size (length and width) shall be designed to fit the space in which they are placed. This requirement could mean the square footage may be less than ten square feet per store front. The corridor review board administrator shall review and approve this requirement.

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(4) A single occupancy building may have one 18 square-foot interior neon sign for the entire building or one six square-foot neon sign per store front not to exceed three interior neon signs.

5. *Replacement of nonconforming signs:* Businesses and other uses along High Visibility Sites, not presently built within the Build-to Zone, may replace nonconforming pole signs with a ground sign that does not exceed eight feet in overall height and has a maximum allowable area of 40 square feet.

6. *Gasoline service stations and cinemas:* Gasoline service stations and cinemas may utilize one 80-square foot sign to accommodate a change out copy panel. These signs are subject to the corridor review board approval.

7. *Height bonus:* Signs surrounded by a permanent raised planter may be built to a height of ten feet. The landscaped area surrounding the sign shall be equal to the square footage of the sign and must be maintained with approved landscaping.

F. *Lighting.* The lighting requirements outlined in the Corridor Overlay District guidelines in this appendix apply to the Lady's Island Village Center District.

G. *Additional standards for waterfront properties.* Properties with frontage on Factory Creek shall adhere to the additional standards that are listed below:

1. All buildings shall have a functional entrance at the waterfront elevation in addition to the front (street) elevation.

2. All buildings shall have pitched roofs with a minimum pitch of 6:12. An area of flat roof is permitted only for the purpose of accommodating HVAC and other equipment necessary to the function of the building. The flat roof and equipment shall not be visible from the street, waterfront, or any adjacent pedestrian areas.

3. Pedestrian access to the waterfront and to adjoining properties along the waterfront is required for the purpose of creating a continuous "boardwalk" or "promenade" along Factory Creek. Minimum width of pedestrian access points at the property lines of adjoining properties is ten feet.

4. The use of planters, outdoor seating areas, trash receptacles, trellises, and other features that provide interest to pedestrians is strongly encouraged between the buildings and the waterfront.

H. *Additional standards for specific building types.*

1. *Drive-through windows:* Drive-through elements shall be architecturally integrated into the building, rather than appearing to be applied or "stuck-on" to the building. Drive-through elements shall not be located on the street side of the building and shall be inconspicuous. Safe sight distances for pedestrians and automobile traffic must be maintained where drive-through window traffic exits onto the street.

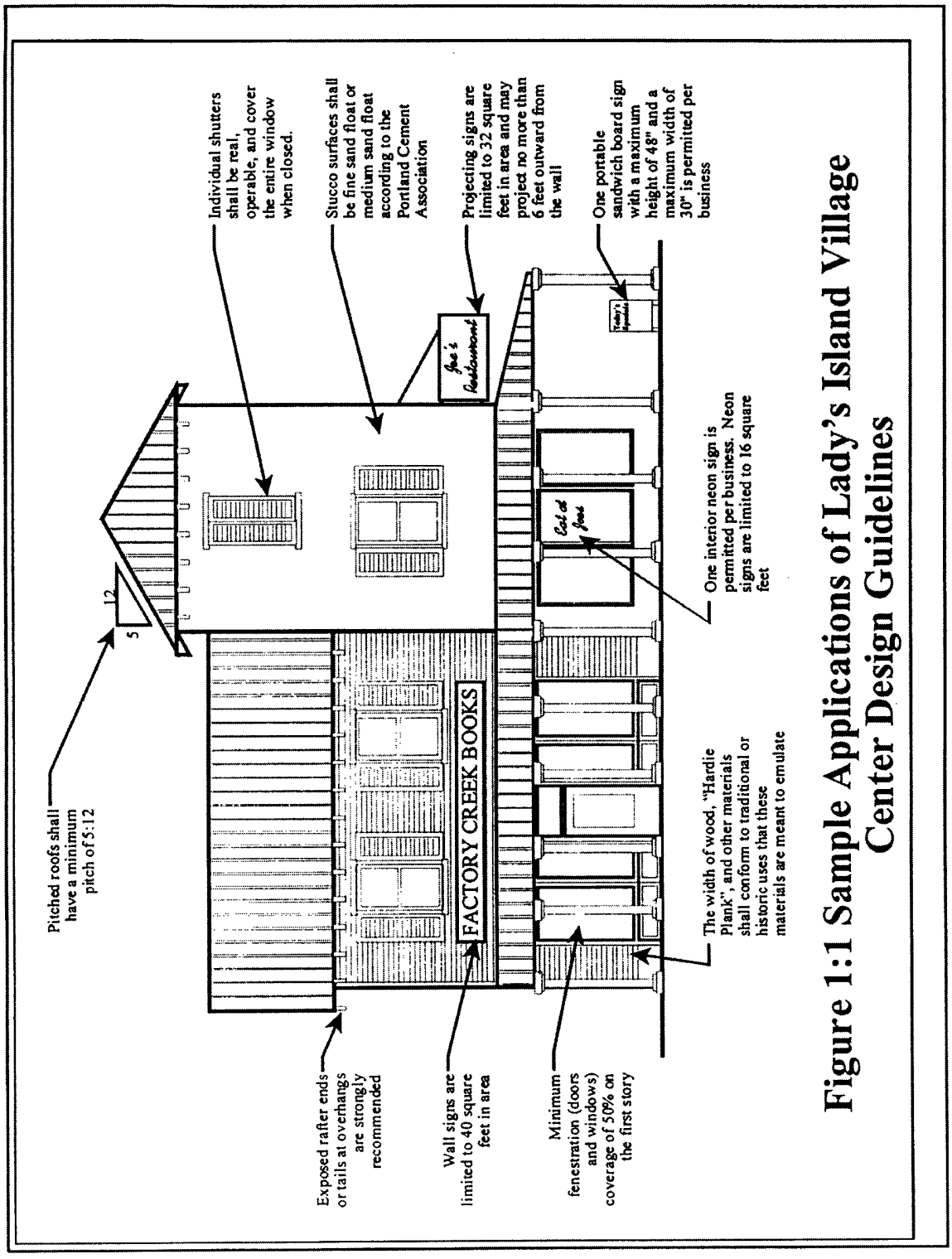
2. *Service stations:* All structures (canopy, carwash, and other accessory uses) shall incorporate consistent architectural details and design elements. Gas pumps shall be

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located at the side or rear of the building. Canopy supports shall be visually proportioned to the massing of the canopies and be incorporated into the design of the canopy and main building. Car washes shall be located at the rear of the building.

(Ord. No. 2003-20, 8-25-2003; Ord. No. 2010/6, 4-12-2010)

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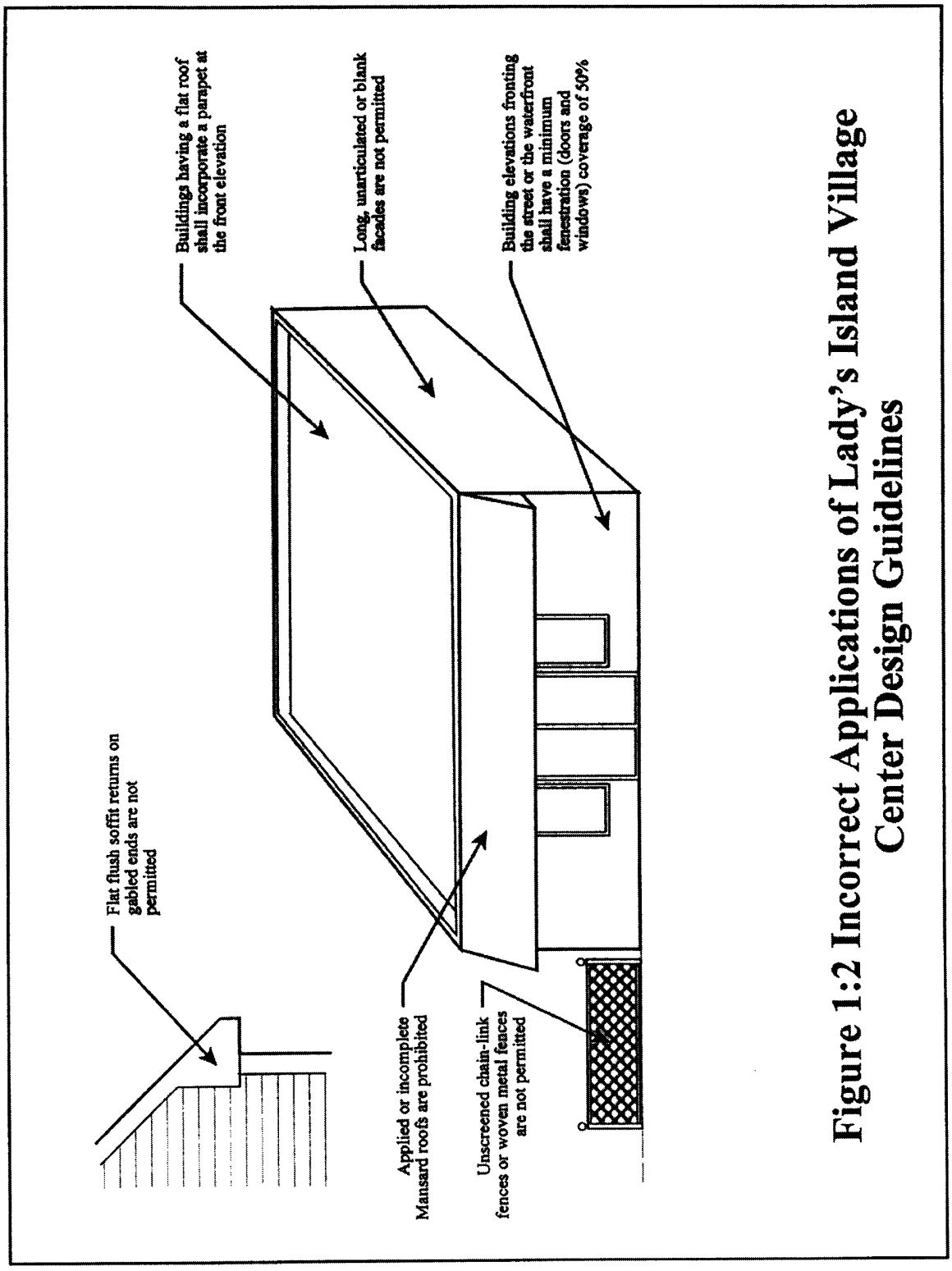


Figure 1:2 Incorrect Applications of Lady's Island Village Center Design Guidelines

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DIVISION 6. REDEVELOPMENT DISTRICT (RD)

Sec. 6.1. Background.

Recent efforts by the Lady's Island Community Preservation (CP) Committee to manage development and to stabilize neighborhoods, as well as to address changing housing needs, have rekindled interest in the redevelopment of vacant and underutilized lands within the CP areas south of Sea Island Parkway and east of Meridian Road. The committee recommends several strategies to make it more feasible for developers to redevelop, as well as to make redevelopment projects more appealing to existing and potential residents. Significant emphasis is placed on overall neighborhood needs and context to ensure successful redevelopment efforts.

The redevelopment area offers convenient access to Lady's Island Middle and Beaufort High Schools; recreational facilities; the proposed Crystal Lake Park; and shopping, service, and employment areas. The committee believes that property owners in the redevelopment area and developers will require both guidelines and incentives that will encourage investment.

Within the redevelopment district a developer has the option of following the current development standards of the base zoning or developing under the redevelopment district standards.
(Ord. No. 2004/13, 5-10-2004)

Sec. 6.2. Purpose.

The development strategies are designed to support the redevelopment objectives of the areas. Specifically:

(1) Encourage infill development that meets the needs of the current and projected future market for residential shelter.

(2) Encourage mixed residential and commercial use where appropriate at or adjacent to the commercial nodes.

(3) Reduce the dependency on vehicles and make it safe for walking and biking in the redevelopment area and throughout the village.

(4) Connect residents to the schools, commercial nodes, parks and other public spaces.

(5) Reinforce the village center as a "place".
(Ord. No. 2004/13, 5-10-2004)

Sec. 6.3. Redevelopment strategies.

(1) Allow for densities that reflect the needs of the market, current and future residents, including a mix of affordable rentals and purchase options in appealing, safe neighborhoods.

(2) Permit a mix of residential uses including multifamily.

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(3) Provide flexibility for set backs, block and street design standards, while reflecting the concept of a transition from higher density near the commercial district toward the lower density single family residential at the edges.
(Ord. No. 2004/13, 5-10-2004)

Sec. 6.4. Applicability.

The redevelopment (RD) district requirements apply to all uses within the redevelopment district boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the RD District unless expressly exempted or otherwise provided for in this section. The corridor overlay district standards shall apply to all development within the corridor overlay district in addition to the RD District requirements.
(Ord. No. 2004/13, 5-10-2004)

Sec. 6.5. District boundaries.

(a) The delineation of areas that fall under the RD district designation is outlined on the official zoning map of Beaufort County. The official zoning map shall be amended to show an RD suffix on any parcel where the RD district has been applied. The RD district may overlay several zoning districts that shall be referred to as base zoning, as well as additional overlay districts.

(b) The redevelopment district boundaries were drawn around areas that:

(1) Due to a lack of private and/or public investment have both buildings and infrastructure that have deteriorated over time;

(2) Are in a status that could reasonably be expected to diminish the stability of surrounding neighborhoods; and

(3) Are unlikely to receive significant improvements through the private investment community without zoning incentives and public infrastructure investment.
(Ord. No. 2004/13, 5-10-2004)

Sec. 6.6. Nonresidential development standards.

(a) *Permitted uses.* Nonresidential uses are limited to those permitted within the base-zoning district and are subject to the standards of the base zoning, except where modified by this section.

(b) *Landscape surface ration (LSR).* The landscape surface ratio (LSR) for nonresidential uses is 35 percent. This standard supersedes the LSR standards of the base zone wherever the base zone requires a higher LSR.
(Ord. No. 2004/13, 5-10-2004)

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Sec. 6.7. Residential development standards.

(a) *Permitted uses.* Residential uses are allowed in all areas overlaid by the RD district subject to the standards of the base zoning, except where modified by this section. A variety of housing types are permitted including:

(1) Single family detached.

(2) Lot-line houses, village houses, patio houses, atrium houses.

(3) Duplexes, twin houses.

(4) Townhouses, weak-link townhouses.

(5) Eight-unit apartment houses.

(6) Accessory dwelling units.

(b) *Density.* The redevelopment district allows for undefined densities.

(c) *Minimum site area.* The development standards of the redevelopment district may apply to any parcel within the district.

(d) *Minimum lot size and building standards.* For single family dwellings, the minimum lot size shall be 3,600 square feet, the minimum lot width shall be 36 feet, and the building setbacks shall be as follows:

Front	20 feet
Side	A total of 15 feet
Rear	15 feet

For single-family attached or multifamily dwellings, the lot and building standards shall comply with table 106-2406. Construction envelopes shall be shown on the subdivision plat.

(e) *Common open space and resource protection.*

(1) Open space ratio (OSR). At least 30 percent of the development shall be preserved as common open space. Of that area, at least half shall be designed as contiguous common open space.

(2) Access to water. Where a residential development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.

(3) Open space reductions in exchange for amenities. Provision of the amenities listed below shall warrant reductions in the required open space as set forth below. These provisions shall not reduce the total open space provided below 10 percent of the site area.

a. Provision of a bike/pedestrian trail or sidewalk shall warrant a five percent reduction in the total amount of required open space for every 25 linear feet of such trail provided the trail is linked to an existing or proposed trail or otherwise

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provides linkage between local streets and destinations such as parks, schools, shopping areas, or other streets. If no such link is provided or if such a link is not possible but a bike/pedestrian trail is provided for the residents, a two and a half percent open space reduction is warranted for every 25 linear feet of such trail. The maximum open space reduction for the provision of a trail shall be 30 percent of the required acreage.

b. When land is dedicated for public recreational facilities such as parks, libraries, community centers, boat ramps or easements allowing access to water, such dedicated or reserved land shall be included in the calculation of open space. Open space reductions for such dedication or reservation shall be subject to the agreement to the reservation or dedication by the county and other public agency responsible for the facility.

c. Affordability. When affordable units are provided in accordance with article IX, an open space reduction of four percent of the total amount of required open space shall be warranted for each affordable unit. The maximum open space reduction for the provision of affordable units shall be 20 percent of the required acreage.

d. Handicapped accessibility. A five percent open space reduction in the total amount of required open space shall be warranted by the provision of each handicapped accessible unit. The maximum reduction for provision of handicapped accessibility shall be ten percent of the required acreage.

e. The total amount of required open space may be reduced by 30 percent for developments that provide direct access to adjacent public parks and public recreational facilities.

(f) *Buffering/transitional use zone.*

(1) Single-family developments. The development of single-family lots below the Lady's Island Community Preservation lot size standards requires a 25-foot vegetative buffer of at least 50 percent opacity along all property boundaries adjacent to platted residential lots. This buffer shall be counted toward the open space requirement.

(2) Multifamily developments. A 50-foot wide transitional use zone shall be established for the development of multi-family uses along that portion of the boundary that is adjacent to an established residential community or platted residential subdivision. The transitional use zone is not required where adjacent areas consist of residences on unplatted parcels having lot sizes at least three times the required minimum lot size in the LICP zoning district, or to undeveloped or nonresidential land.

Two options are available for the Transitional Use Zone.

1. The transitional use zone can be planted as a vegetative buffer at 50 percent opacity and counted toward the open space requirement.

2. Develop as single-family residential lots meeting the minimum lot width, lot size, and setback requirements established in the Lady's Island Community Preservation Zoning District.

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The transitional use zone is reduced to 25 feet along property boundaries adjacent to a local or collector street. The transitional use zone does not apply where the development fronts an arterial street.

(g) *Building height.* Buildings are limited to 35 feet, not to exceed two stories. The height of buildings on the perimeter of the development should be compatible with surrounding residential uses. Taller buildings should be concentrated in the interior of the project.

(h) *Proximity to single-family residences.* Housing types along the perimeter of the development towards its interior should transition from the most compatible to the least compatible. The most compatible being single-family homes decreasing in compatibility from patio homes to zero lot line to duplexes to town house and then to apartments.

(i) *Block requirements.* Large developments (more than 30 units) shall be broken up into smaller development units that mimic block patterns of traditional neighborhoods. Blocks shall be limited to either four acres or no more that 15 lots.

(j) *New streets.* New streets shall be interconnected in clear, direct and understandable patterns. New streets should connect to existing streets wherever possible. Larger-scale developments (more than 30 units) are required to provide stub-streets to adjacent undeveloped or underdeveloped sites. Dead end streets and curved streets are appropriate in response to natural resources.

The development review team may adjust the road standards contained in table 106-2797 if such changes would allow for narrow street profiles and for the use of traffic calming devices to create safer, more comfortable pedestrian environments.

(k) *Architectural standards.*

(1) Detached side or rear entry garages are encouraged. Garages must be sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building facade or the streetscape. When front-entry garages are provided, the garage shall be recessed at least 12 feet behind the building facade.

(2) Buildings shall be sited with front entrances and porches oriented towards streets, plazas and parks, rather than clustered around parking lots.

(3) The development shall provide clear delineation between the public and private spaces.

(l) *Additional design standards for multifamily uses.*

(1) Units Per Building: While multifamily is permitted in the redevelopment district, the majority of multifamily units are expected to occur in structures designed to appear to be large, single-family structures. Multifamily buildings are limited to eight residential units. Multifamily structures should be dispersed among other residential uses rather than concentrated in a designated area.

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(2) Building mass and facade. The width of the front facade of a multifamily structure (excluding townhouses) along public roadways shall be limited to 70 feet.

(3) Building separation. A minimum distance of 20 feet shall separate multifamily structures (excluding duplexes). This standard requires buildings to be separated to ensure light, air and privacy.

(4) Parking lots. Parking lots must be internal to the proposed development. Parking lots must be located behind or next to buildings and screened from view from internal streets.

(5) Architectural design. When located adjacent to single-family dwellings, the design and appearance of multi-family dwellings must have similar massing, and roof pitch. Architectural features such as front porches and architectural embellishments such as shutters and dormers are recommended to create the appearance of single-family dwellings.

(Ord. No. 2004/13, 5-10-2004)

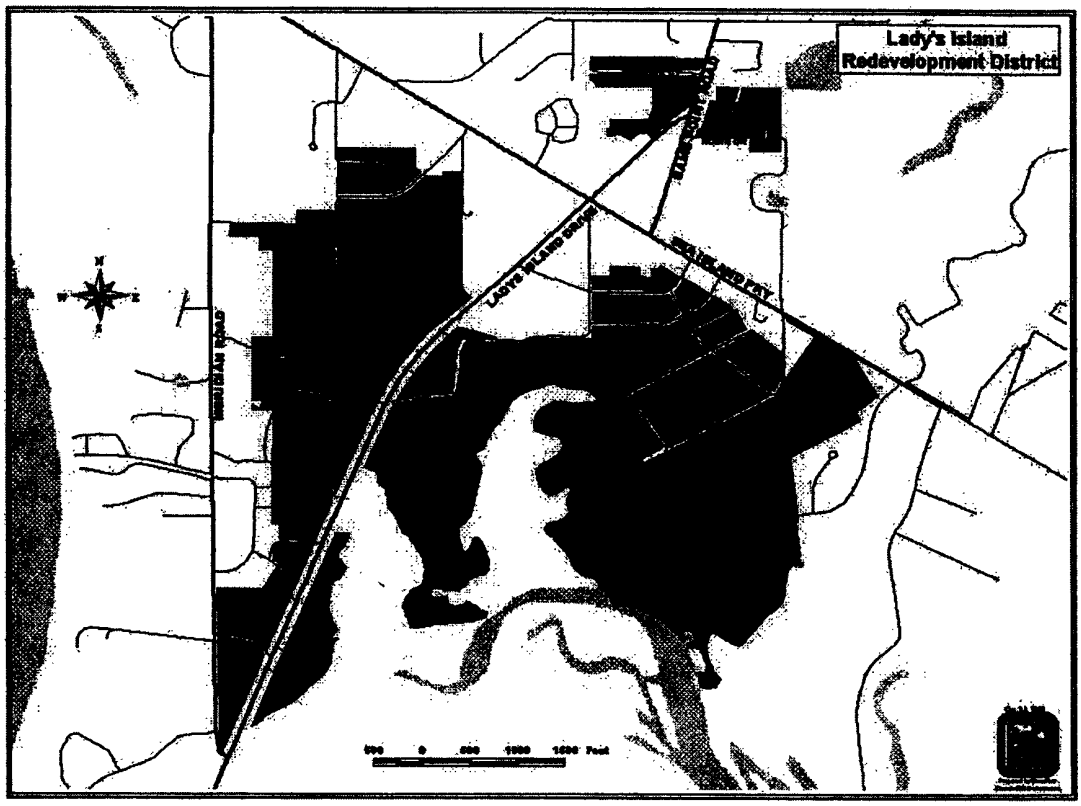
Sec. 6.8. Review process.

(a) *Preapplication.* In order to achieve compatible design and preserve the most sensitive natural resources, a preapplication conference with the development review team (DRT) is required. The DRT shall make a cursory review of the site map and aerial maps and/or the suggested plan and offer recommendations on the following basic issues: circulation, extent or degree of modification from existing requirements and standards, and the relationship to adjacent development, site design and the design and location of required open space. A preliminary determination based upon the pre-application conference does not assure approval of a concept plan. A favorable pre-application conference will, however, provide the petitioner with an indication as to how to proceed for concept approval.

(b) *Use permission.* All major residential developments (subdivisions greater than four lots) and mixed-use developments developed under the redevelopment district standards shall be subject only to a limited review. This overrides the use permission of the base zoning district. The redevelopment district is an overlay district. Where inconsistencies or conflicts exist

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between provisions of the RD standards and provisions of the underlying zoning, the standards of the RD shall apply. Where the requirements of the RD conflict with those of the ZDSO, the RD shall prevail.



Lady's Island Redevelopment District

(Ord. No. 2004/13, 5-10-2004)

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APPENDIX J. DALE COMMUNITY PRESERVATION (DCP)*

[DIVISION 1. GENERALLY]

Sec. 1.1. Purpose.

The purpose of the Dale Community Preservation (DCP) zoning district is to maintain or improve the livability and character of existing residential neighborhoods; to encourage infill of available lands and to accommodate housing types which will relate well with existing neighborhood character, scale and density. Certain structures and uses serving governmental, religious or recreational needs of such areas are permitted by special or limited use subject to restrictions and requirements intended to preserve and protect residential neighborhood. Home uses are specifically provided for, if they conform to the provisions of this section. Multifamily and the planned residential option are limited to areas south of, but not along, Keans Neck Road. The housing types permitted within the Dale CP area are limited to single-family and duplexes, except within a planned development.

Sec. 1.2. Applicability.

The DCP zoning requirements apply to all uses within the DCP boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the CP District, unless expressly exempted or otherwise provided for in this section.

Sec. 1.3. District boundaries.

The DCP zoning standards apply only to the Dale Community Preservation Area. The delineation of areas, which fall under the DCP zoning designation, is outlined on the Official Zoning Map of Beaufort County.

Sec. 1.4. Permitted activities.

The permitted uses are primarily residential. Limited nonresidential uses are allowed generally subject to the special or limited use process. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the Dale CP District:

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*__Editor's note__—Ord. No. 2001-2, adopted Jan. 8, 2001, enacted a new Appendix J to the Zoning and Development Standards. For the ease of indexing, section numbers have been added to main headings, by the editor.

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TABLE 1. LAND USE

Land Use	*Use Definition*	*Use Permission*
Nonresidential Uses		
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below) This use does not include service garages.	Y
Outdoor recreation	1) Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas. 2) Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3) Picnic areas and garden plots.	L
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	S
Bait shop	Establishments engaged in wholesale and/or retail of fishing supplies, bait, ice and other products and services required for fishing. This use is limited to 1,500 square feet.	L
Road side stands	Those activities which involve selling agricultural produce, home made goods or seafood from a truck, wagon, portable stall or tables, but not as part of, or sponsored by a commercial operation on site.	L

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Land Use	*Use Definition*	*Use Permission*
Institutional residential	1) Skilled Nursing Facility - Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing. 2) Assisted Living Facility - Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing. 3) Independent Living Facility - Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing. 4) Sheltered Care Facility or Group Living Facility - Facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)	L
Adult day care	Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly or persons with disability. These establishments provide for the welfare of these individuals in such areas as day care, non-medical home care, social activities, group support, and companionship.	L
Agricultural Uses		
Agriculture	Crop (see below: Clearcutting,) and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Forestry	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)	L
Clearcutting	1) Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2) Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 square feet of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3) Cutting of any tree over eight inches DBH, or any specimen tree. 4) Cultivation of any land as an agricultural use, and gardens of less than 10,000 square feet shall not be considered clearcutting, and shall be a permitted use.	Y
Home Uses		
Daycare, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y

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Land Use	*Use Definition*	*Use Permission*
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	L
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork, personal services and other similar uses. This use permits the sale of agricultural products, traditional home products, such as crafts, cosmetics, and baked goods. Hobby product sales such as coins, stamps, model trains and collectibles are also permitted.	L
Cottage industry	Light industrial or intensive use(s) conducted on a lot with a residential dwelling unit. Up to six employees may be employed in addition to family members. Farm workers are not included. This use includes, but is not limited to, businesses related to agriculture, screened outdoor storage areas, trucking operations, small automotive repair shops, septic system service, well service, carpentry, upholstery, woodworking, limited antique sales (including finishing and repair), potteries, glassworks and other similar uses.	Y
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one family dwelling unit, which complies with the Beaufort County Building Code.	Y
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in section 106-1526.	Y
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y
Planned	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit and shall meet all the open space standards in section 106-1526.	L
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y

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Land Use	*Use Definition*	*Use Permission*
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	Y
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such site shall be cleared within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	Y
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
Institutional Uses		
Schools, neighborhood (elementary and middle schools) and community high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools and senior high schools, or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	S

(Ord. No. 2003-31, 10-13-2003)

Sec. 1.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1. These standards are in addition to other standards required elsewhere in the Beauford County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in article V of the ZDSO. New uses within the Dale CP area shall be consistent with surrounding neighborhood character in size, scale and architecture.

Uses designated as "L" in the use table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the Zoning Board of Appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

NONRESIDENTIAL USES

LOCAL UTILITY

- Reports/studies required. All applications for this use shall include an Area Impact Assessment, Environmental Impact Assessment, and an Archaeological and Historic Impact Assessment.

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- In considering an application for a special use permit, the zoning board of adjustment shall consider the justification for the location of the proposed utility service and any alternative locations which may be available. Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district.
- Additional buffers. The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.
- The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.
- Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited, unless specifically requested and approved as part of the special use permit. Outdoor storage areas shall comply with the screening provisions contained in article 4 of the ZDSO.

OUTDOOR RECREATIONAL

- Any outdoor activity area, swimming pool, or ball field or court, which adjoins a residential use, shall be landscaped in accordance with article VI of the ZDSO.
- Where nighttime lighting of such areas is proposed, large evergreen trees shall be required in a location appropriate to screen adjoining residences. Any such nighttime lighting shall be constructed in accordance with the standards for a residential district contained in article VI of the ZDSO. Exterior lighting shall be compatible with the surrounding neighborhood.
- Additional buffers. The required bufferyard shall be increased by 30 feet along common boundaries with residential uses or zones.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.
- Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance. The scale, massing, and building design should be compatible with the surrounding neighborhood.
- The hours of operation may be restricted through the special use permit.

RELIGIOUS ESTABLISHMENTS (Large)

- Reports/studies required. All applications for this use shall include a community impact statement.

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- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.
- It is the intent of this section to ensure that lots used for assembly and worship uses are large enough to accommodate future expansions, and to maintain the desired character of the surrounding community. Thus, a minimum lot size of at least ten acres shall be required.

RELIGIOUS ESTABLISHMENTS (Small)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- There shall be no minimum lot size.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.

SCHOOLS

- Access. High schools, colleges and professional schools shall have frontage on a collector or arterial and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.
- Reports/studies required. All applications for this use shall include a community impact statement.

FORESTRY

- A forestry plan shall be submitted that demonstrates that the intended forestry activities will not adversely affect flood hazard, river buffer and specimen tree protection requirements of article VI of the ZDSO. In determining this, the ZDA shall review the type of cutting, and site plan for the activity.
- Bufferyards of 50 feet along adjoining streets and districts shall be retained. Where no existing bufferyard is present in the required 50-foot area, the location of the bufferyard may require being placed further inward of the property line. Excessive cutting of the bufferyard shall result in the area having to be replanted as per section 106-1680.
- All State of South Carolina standards for BMPs, buffers and reforestation practices shall be adhered to.
- The landowner shall retain a minimum of at least 25 overstory trees per acre after final harvest, not including the required buffer. The landowner shall immediately pursue planned natural regeneration methods, whereby between four to 12 seed

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harvesting trees are left uncut, or 20 to 30 shelterwood harvesting trees are left uncut. Either method is acceptable as long as the required buffer is provided, and the method recognized by the State of South Carolina for responsible forestry practices.

- Timber harvesting, as defined by the South Carolina Forestry Association shall only require that notice be provided to the ZDA of intended activity, prior to commencement of the activity.

ADULT DAYCARE

- Reports/studies required. All applications for this use shall include a area impact analysis.
- Access shall be provided through frontage on an arterial road, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.
- This use is limited to 18 adults.

ROAD SIDE STANDS

- No permanent structures may be utilized; only temporary pavilions may be utilized for transient merchant operations. All facilities used shall be self-contained and mobile or portable.
- Any and all signs to be utilized on-site must conform to county sign regulations and shall be deemed to be temporary and not a structure, and must be removed upon expiration of the temporary use permit or upon vacation of the site. A sign permit, if required, must be obtained before issuance of a temporary use permit.
- Within ten days from the cessation the use, all items related to the operation shall be removed from the site.
- No operations within road easements shall be permitted.

HOME USES

Under certain unique circumstances, small-scaled nonresidential activity may be an appropriate use within residential areas. The standards and procedure for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.

Home Occupation

- Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation, nor shall these materials be stored inside an

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accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, or stored on the site.

- The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed 5 percent of the finished floor area.
- The street address of the home occupation may be used in advertisements.
- No sign may be placed on the property advertising the home occupation.
- The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.

Home Business

- Home business shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home business.
- The type and volume of traffic generated by a home business shall be consistent with the traffic generation characteristics of other dwellings in the area.

Cottage Industry

- This use shall not exceed 20 percent of the total site area.
- A 50-foot bufferyard of 100 percent opacity shall be required on the entire length of all property boundaries adjoining a residential district.
- Five acres shall be required for this use.

RESIDENTIAL USES

The affordable housing density bonuses allowed in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities within the Dale CP Districts.

Planned

- This option is limited to sites to the south of, but not along Keans Neck Road. Planned residential in which more than 30 percent of the residential units are multiplexes or apartments are prohibited.
- Multifamily structures are limited to two stories in height and six units per building.

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- Where located adjacent to single-family dwellings, the design and appearance of multifamily dwellings must have similar massing, height, roof pitch and architectural features. Multifamily uses shall be consistent with surrounding neighborhood character.
- Bufferyards shall be used around the perimeter and shall be increased by 15 feet in width.
- All applications for this use shall include a community impact statement, which includes a statement from the applicant illustrating how the features and design of the planned project adds to the area sense of community.
- Site design should create a sense of "community" which includes:

  An internal vehicular circulation system reflective of grid system, as opposed to a looped system;

  Buildings sited with front entrances and porches oriented towards streets, plazas and parks, rather than clustered around parking lots;

  Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street;

  Walkways that connect all buildings with parking areas, clubhouses, and sidewalks along adjoining streets, as well as neighboring stores offices, and transit stops;

  Access to transit stops and neighborhood retail centers; and

  Providing a clear delineation between the public and private space within the development.

Accessory Dwelling

- This use is limited to 50 percent of the floor area of the primary structure.

TEMPORARY USES

Construction Staging or Plant

- Reports/studies required. All applications for this use shall include a community impact statement.
- If any one adjoining land use or district is residential, hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.
- Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.
- Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road

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restoration/replacement costs (to be determined by the county engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

(Ord. No. 2003-31, 10-13-2003)

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Sec. 1.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*[1]		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Dale CP								
Single-family	0.20	2.0	3.0	na	na	OS		1ac
Single-family cluster	0.35	2.2	3.2	na	na	OS		5ac
Planned	0.40	4.0	4.8	na	na	CS		20ac
Duplex	0.35	3.0	3.6	na	na	OS		5ac
Other permitted uses	0.40	na	na	0.2	0.46	OS		See limiting standards

[1] Density bonuses allowed for affordable housing in Section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.

TABLE 3. LOT AND BUILDING* STANDARDS

Zoning District and Development Type	*Minimum*					*Maximum*
	Lot Area (ac/sf)	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Dale CP						
Single-family	10,890 sf	80	20	15	20	35 no more than 2 stories
Single-family cluster	7,000 sf	60	15	10*	15	35 no more than 2 stories
Planned	See Table 106-2406					35 no more than 2 stories
Duplex	7,000 sf	80	20	15	20	35 no more than 2 stories
Other permitted uses	na	na	20	20	20	35 no more than 2 stories

[* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.]

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per Feet of ROW	Bufferyard Width (feet) Adjoining Streets			Bufferyard Width (feet) Adjoining District			
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	Commercial	R	Single-Family CP	RR
Dale CP											
Single-family	2/du	5	—	50	20	20	20	—	20	na	—
Single-family cluster	1/du	5	1/10		20	20	20	—	20	na	—
Planned	3/du	5	1/10		30	30	30	na	na	30	na
Duplex	2/du	5	1/10		20	20	20	na	20	25	—
Other permitted uses	6	8	1/10		50	50	50	20	25	30	25

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DIVISION 2. DALE MIXED USE DISTRICT (DMD)

Sec. 2.1. Purpose.

The Dale Mixed Use District is designed to provide for uses to serve recurring household needs and personal service requirements of the Dale community in a manner that encourages community interaction. The corridor stretches from the Albany Store to Davis Elementary School and includes a mix of commercial, institutional and residential uses. Higher intensity commercial and institutional uses are encouraged at both Kean's Neck intersection with Kin Loch Road and Community Center Road. The uses and services that may be located in this corridor will be limited in scale and function. Commercial retail, office, and civic establishments located within this district should provide residents within the Dale community with convenient access to necessary goods, groceries, and other essential items and services rather than attract users from other parts of the county.

It is anticipated that locating small retail and service establishments in close proximity to residential land uses will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as provide increased convenience to all users. The corridor is to remain a pedestrian oriented trade area, where drive through facilities and franchise architecture is prohibited.

Commercial establishments may be limited in size as well as in vehicular access and parking opportunities to assure compatibility with surrounding residential areas. It is further intended that substantial buffering and other design techniques shall be used to prevent negative impacts on nearby or adjacent residential land uses.

Sec. 2.2. Applicability.

The Dale Mixed Use District requirements apply to all uses within the DMD boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within this district, unless expressly exempted or otherwise provided for in this section.

Sec. 2.3. District boundaries.

The DMD standards apply only to the Dale Community Preservation Area. The delineation of areas, which fall under the DMD zoning designation, is outlined on the official zoning map of Beaufort County. Where the DMD zoning district boundary divides a parcel creating a split zoned parcel, the DMD boundary shall be construed to extend no more than 500 feet from the road right-of-way or 500 feet from a road right-of way intersection.

Sec. 2.4. Permitted activities.

The permitted uses are restricted to residential uses and consumer-oriented businesses catering primarily to the needs of the local population. For the purpose of this section, the allowable uses in the DMD zoning district and are controlled by the land use development

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standards of this section, the Beaufort County Comprehensive plan, the ZDSO, and the chart of permitted uses (Table 1). The following are descriptions of permitted uses, permitted accessory uses and structures for DMD districts:

TABLE 1. LAND USES

Land Use	*Use Definition*	*Use Permission*
Agricultural Uses		
Agriculture	Crop (see below: Clearcutting, #4) and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Agricultural support services	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)	Y
Institutional Uses		
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216) or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	Y
Civic and social organizations	Establishments primarily engaged in promoting social welfare activities such as educational, scientific, cultural and health. (NAICS 8132-34)	Y
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below) This use does not include service garages.	Y
Religious establishments (Large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having fifteen thousand or greater square feet of floor area (NAICS 813110).	S
Religious establishments (Small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	L
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services.	L
Nonresidential Uses		
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	Y
Liquor stores, package	Establishment that engages in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor.	L
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	Y

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Land Use	*Use Definition*	*Use Permission*
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	S
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery.(NAICS 812310 and 812320)	Y
Professional and technical services	Establishments that specialize in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering, and specialized design services and consulting services (NAICS 5411-5414). This use includes a contractor's office without exterior storage, and excludes veterinary services.	Y
Services	A variety of commercial services limited to the following: 1) Educational services (NAICS 611, except 611512, 61162). 2) Social assistance (NAICS 624). 3) Veterinary services (NAICS 541940). 4) Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492). 5) Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114). 6) Funeral homes (NAICS 81221).	Y
Real estate services	Establishments that are primarily engaged in renting or leasing real estate to others; managing real estate for others; selling, buying, or renting real estate for others; and providing other real estate services, such as appraisal services. This use permits the employment of up to four real estate agents.	Y
Daycare, commercial	All daycare facilities not classified as "daycare, family" and including more than eight children (NAICS 62441).	Y
Commercial retail, traditional shop	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood-oriented, their maximum size is 2,000 square feet.	Y
Quick service oil, tune-up, brake and muffler shops	Shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	S
Meat and fish market	Establishments primarily engaged in retailing fresh, frozen, or cured meats, poultry, fish or seafood products (NAICS 445220 and 445210).	Y
Nonresidential Uses		
Produce market	Establishments primarily engaged in retailing fresh fruits and vegetables (NAICS44523).	Y
Retail bakery	Establishments primarily in retailing bread and other bakery products not for immediate consumption made on the premises (NAICS 31181).	Y
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants. (NAICS 444220)	Y

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Land Use	*Use Definition*	*Use Permission*
Banquet hall	Establishments primarily engaged in providing single event-based food services. Examples of events catered are graduations, parties, wedding receptions and business or retirement luncheons. These facilities may also be uses by business incubators.	L
Book stores	Establishments primarily engaged in retailing books.	Y
Commercial retail, neighborhood	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1) Food and beverage stores. 2) Boutiques, gift shops, antique shops and drug stores. 3) Garden centers. The maximum size of any neighborhood commercial retail use shall be 2,000 square feet, unless otherwise specified.	Y
Road side stands	Those activities which involve selling agricultural produce, home made goods or seafood from a truck, wagon, portable stall or tables, but not as part of, or sponsored by a commercial operation on site.	L
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	S
Adult daycare	Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly or persons with disability. These establishments provide for the welfare of these individuals in such areas as day care, non-medical home care, social activities, group support, and companionship.	L
Home Uses		
Daycare, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	L
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork, personal services and other similar uses. This use permits the sale of agricultural products, traditional home products, such as crafts, cosmetics, and baked goods. Hobby product sales such as coins, stamps, model trains and collectibles are also permitted.	L
Cottage industry	Light industrial or intensive use(s) conducted on a lot with a residential dwelling unit. Up to six employees may be employed in addition to family members. Farm workers are not included. This use includes, but is not limited to, businesses related to agriculture, screened outdoor storage areas, trucking operations, small automotive repair shops, septic system service, well service, carpentry, upholstery, woodworking, limited antique sales (including finishing and repair), potteries, glassworks and other similar uses.	L

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Land Use	*Use Definition*	*Use Permission*
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in section 106-1526.	Y
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use a s a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	L
Industrial Uses		
Commercial communication towers	A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Speculation towers are prohibited.	S

Mobile extensions or sidewalk displays are permitted directly in front of an establishment, if at least five feet is maintained for adequate and uncluttered pedestrian access.
(Ord. No. 2011/5, 1-24-2011)

Sec. 2.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1. These standards are in addition to other standards required elsewhere in the Beauford County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in article V of the ZDSO. New uses within the DMD shall be consistent with surrounding neighborhood character in size, scale and architecture.

Uses designated as "Y" in the use table are permitted uses. Uses designated as "L" in the use table, are permitted uses; however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and

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must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

NONRESIDENTIAL USES

Gas-convenience Marts

- Fuel pumps shall be located behind the front line of the primary structure. The zoning administrator may grant exceptions because of the shallow depth of a parcel, the location of specimen trees, or other similar circumstances.
- Any canopy over the fuel pumps shall be considered a structure and shall meet the setback requirements for principal structures.
- Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.
- The scale, massing, and building design should be compatible with the surrounding commercial uses, including the fuel canopy. The canopy should have architectural features such as a pitched roof, shingles, and/or clapboard siding to blend the canopy with the residential surroundings. The standard architectural designs of regional or national businesses shall be modified to be compatible with the scale, massing, and design of the area.
- The principal structure shall be oriented toward the street.
- The portion of the principal structure dedicated to sales-related uses shall not exceed 2,500 square feet.
- The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the gasoline station.
- The zoning administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- Parking shall be located to the rear of the building unless impracticable due to the shallow depth of the parcel, the location of specimen trees, or other similar circumstances.
- Lighting shall be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.
- The car wash entrance shall not be oriented toward the public right-of-way.

Quick Service Oil, Tune-up, Brake and Muffler Shops

- All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.
- The exterior display or storage of new or used automobile parts is prohibited.

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- The storage or display of motor vehicles shall not be visible from the public road right-of-way.

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- Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

Recreational Institutional

- Any outdoor activity area, swimming pool, or ball field or court, which adjoins a residential use, shall be landscaped in accordance with article VI of the ZDSO.
- Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences. Any such nighttime lighting shall be constructed in accordance with the standards for a residential district contained in article VI of the ZDSO. Exterior lighting shall be compatible with the surrounding neighborhood.
- Additional buffers. The required bufferyard shall be increased by 30 feet along common boundaries with residential uses or zones.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.
- Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance. The scale, massing, and building design should be compatible with the surrounding neighborhood.
- The hours of operation may be restricted through the special use permit.

Residential Storage Facility

- Reports/studies required. All applications for this use shall include an area impact assessment and a traffic impact assessment.
- This use is limited to low visibility sites.
- No security fencing, security gate, or other obstruction to vehicle access shall be permitted in areas visible from public right-of-ways.
- Door openings for rental units shall face the interior of the site unless impracticable.
- The roof shape and materials shall be compatible with the design and materials of neighboring buildings.
- Views of residential storage from public rights-of-way shall be buffered with vegetative material.
- Additional buffers. An additional 20 feet of bufferyard width shall be provided on all lot sides.
- Storage of toxic, hazardous, flammable, explosive or noxious materials is prohibited.
- Only personal household goods shall be stored in such facilities.

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Banquet Hall

- Reports/studies required. All applications for this use shall include a community impact statement.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.

Religious Establishments (Large)

- Reports/studies required. All applications for this use shall include a community impact statement.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.

Religious Establishments (Small)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- There shall be no minimum lot size.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.

Adult Daycare

- Reports/studies required. All applications for this use shall include a area impact analysis.
- Access shall be provided through frontage on an arterial road, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.
- This use is limited to 18 adults.

Road Side Stands

- No permanent structures may be utilized; only temporary pavilions may be utilized for transient merchant operations. All facilities used shall be self-contained and mobile or portable.
- Any and all signs to be utilized on-site must conform to county sign regulations and shall be deemed to be temporary and not a structure, and must be removed upon expiration of the temporary use permit or upon vacation of the site. A sign permit, if required, must be obtained before issuance of a temporary use permit.
- Within ten days from the cessation the use, all items related to the operation shall be removed from the site.

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- No operations within road easements shall be permitted.

HOME USES

Under certain unique circumstances, small-scaled nonresidential activity may be an appropriate use within residential areas. The standards and procedure for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.

Home Occupation

- Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation, nor shall these materials be stored inside an accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, or stored on the site.
- The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed 5 percent of the finished floor area.
- The street address of the home occupation may be used in advertisements.
- No sign may be placed on the property advertising the home occupation.
- The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.

Home Business

- Home businesses shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home business.
- The type and volume of traffic generated by a home business shall be consistent with the traffic generation characteristics of other dwellings in the area.

Cottage Industry

- This use shall not exceed 20 percent of the total site area.
- A 50-foot bufferyard of 100 percent opacity shall be required on the entire length of all property boundaries adjoining a residential district.

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- Five acres shall be required for this use.

RESIDENTIAL USES

The affordable housing density bonuses allowed in section eight of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities within the Dale CP Districts.

Accessory Dwelling

- This use is limited to 50 percent of the floor area (heated) of the primary structure.

INDUSTRIAL USES

Commercial Communication Towers

- This use must comply with the standards set forth in section 106-1357.

(Ord. No. 2011/5, 1-24-2011)

Sec. 2.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*[2]		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Dale Mixed Use District								
Single-family	0.20	2.0	3.0	na	na	OS		1ac
Single-family cluster	0.35	2.2	3.2	na	na	OS		5ac
Duplex	0.35	3.0	3.6	na	na	OS		5ac
Commercial uses	0.40	na	na	0.20	0.46	OS		na
Other permitted uses	0.40	na	na	0.20	0.46	OS		na

[2] Density bonuses allowed for affordable housing in Section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities within the Dale CP Districts.

TABLE 3. LOT AND BUILDING* STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac/sf)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Dale Mixed Use District						
Single-family	10,890 sf	80	20	15	20	35 no more than 2 stories
Single-family cluster	7,000 sf	60	150	10*	15	35 no more than 2 stories

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	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac/sf)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Duplex	7,000 sf	80	20	15	20	35 no more than 2 stories
Commercial uses	10,890 sf	80	15	15	20	35 no more than 2 stories
Other permitted uses	21,780 sf	80	15	15	20	35 no more than 2 stories

[* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.]

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per Feet of ROW	Bufferyard Width (feet) Adjoining Streets			Bufferyard Width (feet) Adjoining District				
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	Dale Mixed Use District (non-residential use)	Dale Mixed Use District (residential use)	Dale CP	R	RR
Dale Mixed Use District												
Single-family	2/du	5	—	50	20	20	20	none	none	none	none	none
Single-family cluster	1/du	5	1/10		20	20	20	none	none	none	none	none
Duplex	2/du	5	1/10		20	20	20	none	none	none	20	20
Commercial uses	6	8	1/10		15	15	15	none	15	30	30	30
Other permitted uses	6	8	1/10		50	50	50	none	15	30	30	30

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Sec. 2.7. Additional development standards.

PLACEMENT

Nonresidential building size shall be limited to 2,000 square feet except for institutional uses, banquet halls, and commercial day care. For institutional use it is preferable to construct a cluster of buildings instead of one large building or to vary the height of various parts of a single building to make it appear less monumental.

HEIGHT

- Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building.
- Building height shall not exceed 35 feet and buildings are limited to two stories.
- The height limitations shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, chimneys, parapet walls smokestacks, conveyors and derricks.

PARKING

The parking provisions of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply, except that the maximum off-street parking, for retail and service uses is determined at a ratio of three parking spaces per thousand square feet of building space.

- All off-street parking must be to the rear or side. Parking lots in side yards are discouraged. Where unavoidable they shall be limited to 44 feet, and shall be screened from the road right-of-way.
- Alleys are recommended.
- Buildings, trees, hedges or low walls (less than 3½ feet) must screen parking lots from public right-of-ways.
- Corner lot parking lots are prohibited.
- Clearly delineated pedestrian paths to, from and across parking lots are required.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article VI of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

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TABLE 6. ILLUMINATION STANDARDS

Maximum Illumination/Height	
Illumination	Height
R=Regular C=Cutoff Fc=footcandle	R=Regular C=Cutoff Ft=feet
R=2fc *C=4fc*	*R=15ft.* *C=20ft.*

SIGN STANDARDS

The sign provisions of article XV of the Beaufort County Zoning and Development Standards Ordinance shall apply unless otherwise specified. The standards and requirements contained in this section shall apply to all uses within the DMD.

On-Premises Wall Signs

- Wall signs shall generally be placed within an informational band immediately above the storefront.
- Wall signs shall not project more than 15 inches from the building surface.
- Wall signs shall not have an aggregate area of more than one square foot for each linear foot of building face parallel to the street lot line, or 10 percent of the walls area to which it is attached, whichever is less.
- Where more than one sign is attached to the same wall, the sum of the area of all of the signs shall not exceed the total sign size permitted per wall.
- Wall signs shall not extend higher than the eave line or top of the parapet wall.
- Wall signs may only be illuminated with steady, stationary, shielded light source directed solely onto the sign.
- Multiple wall signs advertising several occupants of the same building or building complex shall be of uniform design and shall be of the same material.

On-Premises Projecting Signs

- Projecting signs shall be constructed of wood, with carved, painted, or applied metal lettering and symbols.
- The total area of such projecting signs, measured on one face, shall not exceed eight square feet.
- Such signs shall be hung at right angles to the building.
- Such signs shall have a minimum clearance of eight feet.

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Freestanding Signs

- One freestanding sign may also be placed in front of a building. The sign shall be set back at least five feet from the street right-of-way.
- Such signs shall have a maximum height of seven feet and a maximum area of 12 square feet.
- The sign shall be constructed of wood or painted metal and shall be externally illuminated.

ACCESSORY AND MISCELLANEOUS USE STANDARDS

The standards in Table 7 below supersede the truck and heavy equipment storage standards and the general standards of table 106-1426 of the ZDSO.

TABLE 7. ACCESSORY USE

Type of Accessory Use	*Applicable Standard(s)*
General	Nonresidential uses may have a variety of accessory uses within the principle structure, or in separate structures, subject to the standards, below. No uses or structures shall be located within the front yards. Placement of accessory uses shall be at the landowner's discretion, except for loading and storage, as provided, below. All uses and accessory uses not otherwise permitted in the district shall be prohibited, except where the use is essential to, or traditionally conducted in association with, the principal use which is a permitted use, limited use, or approved special use. Industrial uses shall not be permitted except under a home use option. Accessory storage (open and enclosed) shall not exceed 20% of the floor area of the primary use, including residential uses.

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Type of Accessory Use	*Applicable Standard(s)*
Trucks and heavy equipment, storage	Trucks, their cabs or trailers, construction vehicles or equipment, or commercial vehicles may park on residential lots within the Dale CP Zoning District. These uses are limited to site of one acre or greater and a shall provide 50-foot buffers along the perimeter of the site. A total of two trucks, construction vehicles or commercial vehicles are allowed per site.

(Ord. No. 2008/31, 8-25-2008)

APPENDIX K. CORNERS AREA COMMUNITY PRESERVATION DISTRICT (CPD) AND PUBLIC MARKET DISTRICT (PMD)

DIVISION 1. CORNERS AREA COMMUNITY PRESERVATION DISTRICT (CPD)

Sec. 1. Purpose.

The Corners Area Community Preservation District (CPD) is designed to provide for uses to serve recurring household needs and personal service requirements of the Corners Area in a manner that encourages community interaction. The CP District includes a mix of commercial, institutional and residential uses. High intensity commercial and institutional uses are discouraged. The uses and services that may be located in this district are limited in size, scale and function. Low impact commercial retail, office, and civic establishments located within this district should provide residents within the Corners Area with convenient access to necessary goods, and other essential items and services rather than attract users from other parts of the county.

It is anticipated that locating small retail and service establishments in close proximity to residential land uses will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as provide increased convenience to all users. The node is to remain a pedestrian oriented trade area, where drive through facilities and franchise architecture are prohibited.

Commercial establishments may be limited in size as well as in vehicular access and parking opportunities to assure compatibility with surrounding residential areas. It is further intended that substantial buffering and other design techniques shall be used to prevent negative impacts on nearby or adjacent residential land uses.
(Ord. No. 2002-10, 2-25-2002)

Sec. 2. Applicability.

The Corners Area CPD requirements apply to all uses within the CPD boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all

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development (as defined in Section 01.410) within this district, unless expressly exempted or otherwise provided for in this section. The development and architectural design standards of the CPD shall supersede the development standards of the ZDSO and the Corridor Overlay District. The boundaries of the CPD shall serve as a commercial growth boundary, beyond which rezoning to the CPD designation would be considered inconsistent with the Corners Area Plan. Development within the CPD shall comply with the standards of the Cultural Protection Overlay District.
(Ord. No. 2002-10, 2-25-2002)

Sec. 3. District boundaries.

The CPD standards apply only to the Corners Community Area CP District. The delineation of areas, which fall under the CPD zoning designation, is outlined on the Official Zoning Map

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of Beaufort County. Where the CPD zoning district boundary divides a parcel creating a split zoned parcel, the CPD boundary shall be construed to extend no more than 500 feet from the road right-of-way.
(Ord. No. 2002-10, 2-25-02)

Sec. 4. Permitted activities.

The permitted uses are restricted to residential uses and consumer-oriented businesses catering primarily to the needs of the local population. For the purpose of this section, the allowable uses in the CPD zoning district and are controlled by the land use development standards of this section, the Beaufort County Comprehensive plan, the ZDSO, and the chart of permitted uses (Table 1). Uses not listed are prohibited. Since the CP District is a mixed-use district, home uses (family daycare, home occupation, cottage industry etc) are allowed and these home uses are permitted to conduct retail sales. The following are descriptions of permitted uses, permitted accessory uses and structures for CP districts:

Table 1.

"Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

"L" indicates a use whose permission is limited, depending on locational, design, or other criteria being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

"S" indicates a use permitted only if the zoning board of appeals approves a special use permit. The use must conform to the locational, design, or other conditions. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

CORNERS AREA COMMUNITY PRESERVATION DISTRICT (CPD)

Land Use	*Use Definition*	*Use Permission*
Agricultural Uses		
Agriculture	Crop and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Agricultural Support Services	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)	Y
Institutional Uses		
Government Offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215, 92216) or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	Y
Civic and Social Organizations	Establishments primarily engaged in promoting social welfare activities such as educational, scientific, cultural and health. (NAICS 8132-34)	Y

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Land Use	*Use Definition*	*Use Permission*
Public Services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see Office Uses, below) This use does not include service garages.	Y
Schools, Neighborhood (Elementary and Middle School) and Community (High Schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the County or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	S
Religious Establishments	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools. This use includes cemeteries.	Y
Outdoor Recreation	1. Active recreational activities and supporting services: jogging, cycling, tot-lots, playgrounds. 2. Passive recreational uses consisting of: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas and garden plots.	Y
Cultural/Ecotourism	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park or protected area; 2. Interpretive educational program(s) with guides; 3. Outdoor activities; or 4. Cultural experiences.	Y
Recreational Institutional	Nonprofit organizations chartered to provide community-based recreational services.	L
Institutional Residential Uses		
Skilled Nursing Facility	24-hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.	Y
Assisted Living Facility	Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.	Y
Independent Living Facility	Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.	Y
Sheltered Care Facilities	A facility or a group of living facilities where no more than eight residents live in an institutional environment and are generally under the care or control of staff. This use excludes emergency shelters and residential substance abuse facilities. (NAICS 623, 62422, 62423)	Y
Commercial Uses		
Personal Service Establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals. (NAICS 8121)	Y

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Land Use	*Use Definition*	*Use Permission*
Delicatessens and Restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive-through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	Y
Professional and Technical Services	Establishments that specialize in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering, and specialized design services and consulting services (NAICS 5411—5414). This use includes a contractor's office without exterior storage, and excludes veterinary services.	Y
Services	A variety of commercial services limited to the following: 1. Educational services. (NAICS 611 except 611512, 61162) 2. Social assistance. (NAICS 624) 3. Veterinary service. (NAICS 541940) 4. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492) 5. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114) 6. Funeral homes. (NAICS 81221) 7. Medical clinics.	Y
Real Estate Services	Establishments that are primarily engaged in renting or leasing real estate to others; managing real estate for others; selling, buying, or renting real estate for others; and providing other real estate services, such as appraisal services. This use permits the employment of up to four real estate agents.	Y
Daycare, Commercial	All daycare facilities not classified as Daycare, Family and including more than eight children. (NAICS 62441)	Y
Quick Service Oil, Tune-Up, Brake and Muffler Shops	Quick service oil, tune-up, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	L
Meat and Fish Market	Establishments primarily engaged in retailing fresh, frozen, or cured meats, poultry, fish or seafood products. (NAICS 445220, 445210)	Y
Produce Market	Establishments primarily engaged in retailing fresh fruits and vegetables. (NAICS44523)	Y
Retail Bakery	Establishments primarily in retailing bread and other bakery products not for immediate consumption made on the premises. (NAICS 31181)	Y
Retail Plant Nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants. (NAICS 444220)	Y
Banquet Hall	Establishments primarily engaged in providing single event-based food services. Examples of events catered are graduations, parties, wedding receptions and business or retirement luncheons. These facilities may also be used as business/retail incubators.	L

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Land Use	*Use Definition*	*Use Permission*
Commercial Retail, Neighborhood	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1. Food and beverage stores. 2. Boutiques, gift shops, antique shops and drug stores. 3. Garden centers. The maximum size of any Neighborhood Commercial Retail use shall be 2,000 square feet, unless otherwise specified.	Y
Road Side Stands	Those activities, which involve selling agricultural produce, home made goods, crafts or seafood from a truck, wagon, portable stall or tables, but not as part of, or sponsored by a commercial operation on site.	L
Residential Storage Facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	L
Adult Daycare	Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly or persons with disability. These establishments provide for the welfare of these individuals in such areas as daycare, non-medical home care, social activities, group support, and companionship.	L
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y
Group Home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y
Commercial Apartment	A (one) dwelling unit located above, or attached to the rear of a nonresidential building on the same lot.	Y
Accessory Dwelling Unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50 percent of the principal unit's floor area.	L

(Ord. No. 2002-10, 2-25-02; Ord. No. 2002-24, 8-26-02)

Sec. 5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort

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County Zoning and Development Standards Ordinance, but supercede the limited and special use standards in division 2 of the ZDSO. New uses within the CPD shall be consistent with the surrounding neighborhood character in size, scale and architecture.

Uses designated as "L" in the Use Table are permitted uses that require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district. Commercial uses are limited to lots fronting on U.S. 21.

(a) *Nonresidential uses.*

Quick service oil, tune-up, brake and muffler shops.

(1) All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.

(2) The exterior display or storage of new or used automobile parts is prohibited.

(3) The storage or display of motor vehicles shall not be visible from the public road right-of-way.

(4) Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

Schools.

- Access: High schools, colleges and professional schools shall have frontage on a collector or arterial streets and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.
- Reports/studies required: All applications for this use shall include a community impact statement.

(b) *Recreational institutional.*

(1) Any outdoor activity area, swimming pool, or ball field or court, which adjoins a residential use, shall be landscaped in accordance with article V of the ZDSO.

(2) Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences. Any such nighttime lighting shall be constructed in accordance with the standards for a residential district contained in article V of the ZDSO. Exterior lighting shall be compatible with the surrounding neighborhood.

(3) Additional buffers: The required bufferyard shall be increased by 30 feet along common boundaries with residential uses or zones.

(4) Access shall be provided through frontage on an arterial or collector road, unless the DRT finds that access to an adjoining local road is safer, and provides improved design, benefiting the county.

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(5) Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance. The scale, massing, and building design should be compatible with the surrounding neighborhood.

(6) The hours of operation may be restricted through the special use permit.

(c) *Residential storage facility.*

(1) Reports/studies required: All applications for this use shall include an area impact assessment and a traffic impact assessment.

(2) This use is prohibited on sites adjacent to U.S. 21.

(3) No security fencing, security gate, or other obstruction to vehicle access shall be permitted in areas visible from public right-of-ways.

(4) Door openings for rental units shall face the interior of the site unless impracticable.

(5) The roof shape and materials shall be compatible with the design and materials of neighboring buildings.

(6) Views of residential storage from public rights-of-way shall be buffered with vegetative material.

(7) Additional buffers: An additional 20 feet of bufferyard width shall be provided on all lot sides.

(8) Storage of toxic, hazardous, flammable, explosive or noxious materials is prohibited.

(9) Only personal household goods shall be stored in such facilities.

(d) *Banquet hall.*

(1) Reports/studies required: All applications for this use shall include a community impact statement.

(2) Access shall be provided through frontage on an arterial or collector road, unless the DRT finds that access to an adjoining local road is safer, and provides improved design, benefiting the county.

(e) *Adult daycare.*

(1) Reports/studies required: All applications for this use shall include an area impact analysis.

(2) Access shall be provided through frontage on an arterial road, unless the DRT finds that access to an adjoining local road is safer, and provides improved design, benefitting the county.

(3) This use is limited to 18 adults.

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(f) *Road side stands.*

(1) No permanent structures may be utilized; only temporary pavilions may be utilized for transient merchant operations. All facilities used shall be self-contained and mobile or portable.

(2) Any and all signs to be utilized on-site must conform to the PMD sign regulations and shall be deemed to be temporary and not a structure, and must be removed upon expiration of the temporary use permit or upon vacation of the site. A sign permit, if required, must be obtained before issuance of a temporary use permit.

(3) Within ten days from the cessation, the use and all items related to the operation shall be removed from the site.

(4) No operations within road easements shall be permitted.

(g) *Residential uses, accessory dwelling.*

(1) This use is limited to 50 percent of the heated floor area of the primary structure.

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TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Corner's Community CPD Distrct								
Single-Family	0.20	2.0	2.6	na	na	OS		1ac
Duplex	0.20	2.0	2.6	na	na	OS		1ac
Commercial Uses	0.40	na	na	0.18	0.25	OS		na
Other Permitted Uses	0.40	na	na	0.18	0.25	OS		na

TABLE 3. LOT AND BUILDING STANDARDS

		Minimum				*Maximum*
Zoning District and Development Type	*Lot Area (ac./st)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Corner's Community CPD District						
Single-Family	10,890	80	25	15	20	35 no more than 2 stories
Duplex	See table 106-2406					35 no more than 2 stories
Commercial Uses	10,890	80	15	15	20	35 no more than 2 stories
Other Permitted Uses	21,780	80	15	15	20	35 no more than 2 stories

(Ord. No. 2003-26, 9-8-2003)

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TABLES 4 and 5. BUFFERYARD AND TREE STANDARDS

	Number of Landscaping Canopy or Existing Trees per				Road Tree Spacing per	Bufferyard Width (ft.) Adjoining Roads				Bufferyard Width (ft.) Adjoining District				
Zoning District and Development Type	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local	Corner's Community CPD (nonresidential use)	Corner's Community CPD (residential use)	Public Market PMD (residential use)	R	RR		
Corner's Community CPD District														
Single-Family/Duplexes	2/du	5	—	50	15	15	15	none	none	none	none	none		
Commercial Uses	6	8	1/10	50	15	15	15	none	15	15	30	30		
Other Permitted Uses	6	8	1/10	50	30	30	30	none	15	15	30	30		

(Ord. No. 2002-10, 2-25-2002; Ord. No. 2002-24, 8-26-2002)

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Sec. 6. Additional development standards.

(a) *Placement.* Building size shall be limited to a maximum building footprint of 2,500 square feet except for banquet halls, historic sites, institutional and residential uses. For institutional use, it is preferable to construct a cluster of buildings instead of one large building or to vary the height of various parts of a single building to make it appear less monumental.

(b) *Height.*

- Building height shall not exceed 35 feet and buildings are limited to two stories.
- The height limitations shall not apply to church spires or belfries.

(c) *Parking.* The parking provisions of article V of the Beaufort County Zoning and Development Standards Ordinance shall apply, except that the maximum off-street parking, for retail and service uses is determined at a ratio of three parking spaces per thousand square feet of building space.

- Off-street parking is not permitted within the front yard. Parking lots in side yards are discouraged. Where unavoidable they shall be limited to 44 feet in width along the road, and shall be screened from the road right-of-way.
- Buildings, trees or hedges must screen parking lots from public right-of-ways.

(d) *Landscaping, bufferyards and illumination standards.* The landscaping, bufferyard and illumination standards of article V of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

ILLUMINATION STANDARDS

Maximum Illumination / Height	
Illumination	*Height*
R=Regular C=Cutoff Fc=footcandle	R=Regular C=Cutoff Ft=feet
R=2fc C=4fc	R=15ft. C=20ft.

(e) *Sign standards.* The sign provisions of article XV of the Beaufort County Zoning and Development Standards Ordinance shall apply unless otherwise specified. The sign standards and requirements contained within the Public Market District section shall apply to all commercial uses within the CPD.
(Ord. No. 2002-10, 2-25-02)

DIVISION 2. THE PUBLIC MARKET DISTRICT (PMD)

Sec. 7. Purpose.

The Public Market District includes the existing commercial area around the Corner Community on U.S. 21. This district provides the opportunity for mixed use, which can accept

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residential, commercial, civic and incubator businesses in the context of an important cultural community. Its purpose is to create a pedestrian-friendly commercial and community center that retains the character of a rural crossroads, with open green spaces, scenic vistas, a minimum of paving, preserved historic structures, and community gathering places. Commercial uses should be of a size, scale, and type that will serve people who currently travel nearby roads; but not of a size, scale, and type that will generate a substantial amount of additional traffic. To prevent new buildings from dominating the community's historic structures, the footprint of new buildings visible from the street can be no larger than 5,000 square feet, excluding porches; building height can be no greater than two stories. Drive through facilities are prohibited.

Parking in front of new commercial buildings must be limited to one row, additional parking must be in the rear of the buildings or, if that is not possible, along the side. New buildings should relate in material, scale, and form to the traditional architecture of St. Helena Island, and their design should facilitate the creation of a pedestrian-friendly community center.
(Ord. No. 2002-10, 2-25-02)

Sec. 8. Applicability.

The Public Market District (PMD) requirements apply to all uses within the PMD boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in Section 01.410) within this district, unless expressly exempted or otherwise provided for in this section. The boundaries of the PMD shall serve as a commercial growth boundary, beyond which rezoning to the PMD designation is inconsistent with the Corners Area Plan. Development within the Public Market District shall comply with the standards of the Cultural Protection Overlay District. Development shall be compatible with the public market district purpose and standards as contained within the comprehensive plan and this section.
(Ord. No. 2002-10, 2-25-02)

Sec. 9. District boundaries.

The PMD standards apply only to the Public Market District of the Corners Community CP District. The delineation of areas, which fall under the PMD zoning designation, is outlined on the Official Zoning Map of Beaufort County. Where the PMD zoning district boundary divides a parcel creating a split zoned parcel, the PMD boundary shall be construed to extend no more than 500 feet from the road right-of-way or 500 feet from a road right-of way intersection.
(Ord. No. 2002-10, 2-25-02)

Sec. 10. Permitted activities.

The permitted uses are restricted to residential commercial and civic uses and consumer-oriented businesses catering primarily to the needs of the local population. For the purpose of this section, the allowable uses in the PMD zoning district are controlled by the land use

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development standards of this section, the Beaufort County Comprehensive Plan, the ZDSO, and the chart of permitted uses (Table 1). Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for PM Districts:

Table 1.

"Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

"L" indicates a use whose permission is limited, depending on locational, design, or other criteria being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

"S" indicates a use permitted only if the zoning board of appeals approves a special use permit. The use must conform to the locational, design, or other conditions of Division 03.200. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

PUBLIC MARKET DISTRICT

Land Use	*Use Definition*	*Use Permission*
Agricultural Uses		
Agricultural Support Services	Farm supply services, equipment dealers, veterinary uses for agricultural animals and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)	L
Institutional Uses		
Government Offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 & 92216) or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	Y
Civic and Social Organizations	Establishments primarily engaged in promoting social welfare activities such as educational, scientific, cultural and health. (NAICS 8132-34)	Y
Public Services	These uses include emergency service buildings (e.g., ambulance, fire, police, rescue, and public works) (NAICS 62191, 92212, 92216, see Office uses, below). This use does not include service garages.	Y
Religious Establishments (Small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 square feet of floor area. This use includes cemeteries.	Y
Museums, Libraries, Aquariums, and Cultural or Arts Centers	Establishments engaged in the preservation or exhibition of objects, sites, and natural wonders of historical, cultural, and /or educational value.	L
Historic Sites	Places of historic relevance to the community. Most of which have existed for more than 50 years.	Y
Community Center	Common meeting places used for and providing religious, fraternal, social, recreational, artistic, historical, or educational programs generally open to the public and designed to accommodate and serve significant segments of the community.	Y

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Land Use	*Use Definition*	*Use Permission*
Recreational Uses		
Cultural Tourism	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park or protected area; 2. Interpretive educational program(s) with guides; 3. Outdoor activities; or 4. Cultural experiences.	Y
Outdoor Recreation	1. Active recreational activities and supporting services: jogging, cycling, tot-lots, playgrounds. 2. Passive recreational uses consisting of: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas and garden plots.	Y
Recreational Institutional	Nonprofit organizations chartered to provide community-based recreational services.	Y
Nonresidential Uses		
Local Utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Services	A variety of commercial services including the following: Social assistance (NAICS 624) Veterinary service, excluding the boarding of animals, (NAICS 541940) Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492) Rehabilitation counseling services Medical clinics	Y
Banks	Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.	L
Broker and Investment Services	Establishments that are primarily engaged in one of the following: Underwriting securities issues and/or making markets for securities and commodities Acting as agents between buyers and sellers of securities and commodities Providing other services, such as managing portfolios of assets; providing investment advice and custody services. (NAICS 523) This use permits the employment of up to four agents	Y
Insurance Carriers, Agents, Brokers and Services	Establishments primarily engaged in underwriting annuities and insurance policies and investment premiums. This use permits the employment of up to four agents	Y
Real Estate Services	Establishments that are primarily engaged in renting or leasing real estate to others; managing real estate for others; selling, buying, or renting real estate for others; and providing other real estate services, such as appraisal services. This use permits the employment of up to four real estate agents.	Y

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Land Use	*Use Definition*	*Use Permission*
Educational Services	Establishments that provide instruction and training in a variety of subjects. Instruction is provided by specialized establishments such as schools, colleges, and training centers. This use includes martial arts instruction and dance studios. (NAICS 611 except 611512, 611620)	L
Personal Service Establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	Y
Professional and Technical Services	Establishments that specialize in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering, and specialized design services and consulting services (NAICS 5411—5414). This use includes a contractor's office without exterior storage, and excludes veterinary services.	Y
Dry-Cleaning and Laundry Services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery.(NAICS 812310, 812320)	Y
Day care, Commercial	All day care facilities not classified as "Day care, Family" and including more than eight children (NAICS 62441)	Y
Adult Day care	Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly or persons with disability. These establishments provide for the welfare of these individuals in such areas as day care, nonmedical home care, social activities, group support, and companionship.	Y
Bed and Breakfast	This is any place of lodging in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his or her principal place of residence. (NAICS 721191)	L
Meat and Fish Market	Establishments primarily engaged in retailing fresh, frozen, or cured meats, poultry, fish or seafood products (NAICS 445220, 445210).	Y
Produce Market	Establishments primarily engaged in retailing fresh fruits and vegetables (NAICS 44523).	Y
Retail Bakery	Establishments primarily in retailing bread and other bakery products not for immediate consumption made on the premises (NAICS 31181).	Y
Delicatessens and Restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	L
Liquor Stores	Establishment that engages in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor.	L

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Land Use	*Use Definition*	*Use Permission*
Commercial Retail, Neighborhood	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1. Food and beverage stores; 2. Boutiques, gift shops, antique shops and drug stores; and 3. Garden centers. The maximum size of any Neighborhood Commercial Retail use shall be 3,000 square feet, unless otherwise specified.	L
News Dealers and Newsstands	Establishments primarily engaged in retailing current newspapers, magazines, and other periodicals.	Y
Retail Plant Nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants. (NAICS 444220).	Y
General Retail	General retail uses including but not limited to: Clothing and accessory stores Furniture stores Glass, wallpaper specialty stores Greenhouses (retail only and with garden supplies) Hardware Stores (NAICS 444130) This use excludes home centers (NAICS 44411). Variety stores (NAICS 452990) General retail uses are limited to a building footprint of 5,000 square feet unless otherwise specified.	L
Book Stores	Establishments primarily engaged in retailing books that are not classified as sexually oriented.	Y
Banquet Hall	Establishments primarily engaged in providing single event-based food services. Examples of events catered are graduations, parties, wedding receptions and business or retirement luncheons. These facilities may also be used by business incubators. This use must be part of an institution.	L
Commercial Lodging (hotel and motel)	Hotels, motels, boarding and rooming houses, or a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities. (NAICS 7211, 7213).	L
Outdoor Recreation	1. Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113). 2. Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.	Y
Roadside Stand	Those activities, which involve selling agricultural produce, home made goods, crafts or seafood from a truck, wagon, portable stall or tables, but not as part of, or sponsored by a commercial operation on site. More than one vendor may sell at a single stand.	L
Mixed Use	A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, office, service, residential, institutional, or exhibition center. Residential use must be one of the uses.	L

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Land Use	*Use Definition*	*Use Permission*
Quick Service Oil, Tune-Up, General Service and Hand Car Wash.	Quick service oil, tune-up, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	L
Commercial Outdoor Sales	Outdoor sales of merchandise, by either a storeowner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This use excludes sales associated with a public interest or special event.	Y
Gas-Convenience Marts with no repair bays or facilities	Gas-convenience marts with no repair bays or facilities. There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use single-bay car washes associated with a gas-convenience mart are permitted (NAICS 811191, 811192).	L
Home Uses		
Day care, Family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y
Residential Uses		
Single-family Detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Duplexes	A form of multifamily dwelling with no more than two units per structure.	Y
Family Compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y
Group Home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this Ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y
Commercial Apartment	Dwelling units located above, or to the rear of a nonresidential building on the same lot.	Y
Accessory Dwelling Unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use a s a complete, independent living facility. Maximum building size shall not exceed 50 percent of the principal unit's floor area.	Y
Temporary Uses		
Christmas Tree Sales	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.	Y

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Land Use	*Use Definition*	*Use Permission*
Public Interest	Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization.	Y
Special Events	These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.	L
Contractor's Office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted. Such facilities shall be removed one year after the completion of the project and the site restored.	Y
Miscellaneous Outdoor Sales	Those activities which involve selling goods from a truck, a mobile vendor, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site. This use require an annual permit.	Y

(Ord. No. 2002-10, 2-25-2002; Ord. No. 2009/6, 2-9-2009)

Sec. 11. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in article V, division 2, of the ZDSO. New uses within the PMD shall be consistent with surrounding neighborhood character in size, scale and architecture.

Uses designated as "L" in the use table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

(a) *Agricultural uses.*

Agricultural support services.

- This use does not permit grain silos

(b) *Institutional uses.*

Museums, libraries, aquariums and art centers.

- Reports/studies required: All applications for this use shall include a community impact statement.
- This use is limited to a 12,000 square foot building footprint.

(c) *Nonresidential uses.*

Local utility.

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- Reports/studies required: All applications for this use shall include an area impact assessment, environmental impact assessment, and an archaeological and historic impact assessment.
- In considering an application for a special use permit, the zoning board of appeals shall consider the justification for the location of the proposed utility service and any alternative locations, which may be available. Utility agencies shall submit service radii or other location criteria that demonstrate the need to place facilities in this district.
- Additional buffers: The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.
- The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.
- Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited, unless specifically requested and approved as part of the special use permit. Outdoor storage areas shall comply with the screening provisions contained in article VI, division 4 of the ZDSO.

Banks.

- Reports/studies required: All applications for this use shall include a traffic impact analysis.
- Drive-through facilities are prohibited.

Educational services.

- Reports/studies required: All applications for this use shall include an area impact analysis.
- This use is limited to a 10,000 square foot building footprint.

Bed and breakfast.

- Use standards: Any bed and breakfast use shall have a maximum of six rental rooms. Meals may be served only to registered guests.
- Signs: Bed and breakfast uses are limited to five square feet total sign area. Such signs must be constructed of wood or other durable non-plastic materials.
- Parking: Bed and breakfast uses must provide for all parking off-road, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-road parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

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Delicatessens and restaurants.

- Additional buffers: The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Size: This use is limited to 3,000 square feet.
- Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired. The following standards shall apply to outdoor eating areas:
    1. To allow for pedestrian circulation, a minimum width of five feet of sidewalk between the curb and the entrance to the establishment shall be maintained free of tables, chairs, or other obstacles.
    2. Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
    3. Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade.
    4. Outdoor trash receptacles shall be provided.
    5. Mobile extensions, decks, patios and areas covered by extended awnings and canopies shall not be included in the calculation of floor area or building footprint.

Commercial retail, neighborhood.

- Size: This use is limited to 3,000 square feet, except for food stores and hardware stores which are limited to 40,000 square feet and 5,000 square feet, respectively.

General retail.

- Size: Variety stores may be up to 8,000 square feet, but must front Highway 21.

Liquor stores.

- Size: This use is limited to 1,500 square feet.

Banquet hall.

- Access shall be provided through frontage on an arterial or collector road, unless the DRT finds that access to an adjoining local road is safer, and provides improved design, benefiting the county.

Commercial lodging.

- Reports/studies required: All applications for this use shall include a community impact statement.

Road side stands.

- No permanent structures may be utilized; only temporary pavilions may be utilized for transient merchant operations. All facilities used shall be self-contained and mobile or portable.

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- Any and all signs to be utilized on-site must conform to county sign regulations and shall be deemed to be temporary and not a structure, and must be removed upon expiration of the temporary use permit or upon vacation of the site. A sign permit, if required, must be obtained before issuance of a temporary use permit.
- Within ten days from the cessation of the use, all items related to the operation shall be removed from the site.

Mixed use.

- Residential use must be one of the required uses.
- Residential uses are not permitted at the street level fronting U.S. 21.

Gas-convenience marts.

- Fuel pumps shall be located behind the front line of the primary structure. The zoning administrator may grant exceptions because of the shallow depth of a parcel, the location of specimen trees, or other similar circumstances.
- Any canopy over the fuel pumps shall be considered a structure and shall meet the setback requirements for principal structures.
- Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.
- The scale, massing, and building design should be compatible with the surrounding commercial uses, including the fuel canopy. The canopy should have architectural features such as a pitched roof, shingles, and/or clapboard siding to blend the canopy with the residential surroundings. The standard architectural designs of regional or national businesses shall be modified to be compatible with the scale, massing, and design of the area.
- The principal structure shall be oriented toward the road.
- The portion of the principal structure dedicated to sales-related uses shall not exceed 2,500 square feet.
- The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the gasoline station.
- The zoning administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- Parking shall be located to the rear of the building unless impractical due to the shallow depth of the parcel, the location of specimen trees, or other similar circumstances.
- Lighting shall be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.
- The car wash entrance shall not be oriented toward the public right-of-way.

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Quick service oil and tune-up.

- All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.
- The exterior display or storage of new or used automobile parts is prohibited.
- The storage or display of motor vehicles shall not be visible from the public road right-of-way.
- Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

(d) *Temporary uses.*

Special events.

- All material associated with the event must be removed within 48 hours after the event ends.
- Permits are required.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*		*Floor Area Ratio*		*Sewer*	*ARDR Pending*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
The Public Market District								
Single-Family	0.20	2.0	2.6	na	na	P		1ac
Duplex	0.20	4.0	4.8	na	na	OS		1ac
Commercial Uses	0.15	na	na	0.31	0.39	P		na
Other Permitted Uses	0.15	na	na	0.31	0.39	P		na

Dwelling units that qualify as commercial apartments shall not be included in density calculations.

TABLE 3. LOT AND BUILDING* STANDARDS

		Minimum				*Maximum*
Zoning District and Development Type	*Lot Area (ac./sf.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
The Public Market District						
Single-Family	7,000	50	20	8	20	35 feet no more than 2 stories

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		Minimum				*Maximum*
Zoning District and Development Type	*Lot Area (ac. / sf.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Duplex	See table 106-2406					35 feet no more than 2 stories
Commercial Uses	5,000	50	10	8	20	35 feet no more than 2 stories
Other Permitted Uses	21,780	80	10	8	20	35 feet no more than 2 stories

Dwelling units that qualify as commercial apartments shall not be included in density calculations.

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TABLE 4. BUFFERYARD AND TREE STANDARDS

		Number of Landscaping Canopy or Existing Trees per			*Road Tree Spacing per*	*Bufferyard Width (ft.) Adjoining Roads*			*Bufferyard Width (ft.) Adjoining District*		
Zoning District and Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Feet of ROW*	*U.S. 21*	*Other Roads*	*The Public Market District (nonresidential use)*	*The Public Market District (residential use)*	*CP*	*R*	*RR*
Public Market District											
Single-Family/Duplexes	2/du	5	—	50	20	20	none	none	none	none	none
Commercial Uses	6	2	3/10	50	—	15	none	15	30	30	30
Other Permitted Uses	6	2	3/10	50	—	50	none	15	30	30	30

Existing structures not in compliance with the setback and build-to-line standards shall be regulated as conforming structures, these standards apply to redevelopment and new structures. The expansion of existing structures shall not further a nonconformity.

(Ord. No. 2002-10, 2-25-2002; Ord. No. 2009/6, 2-9-2009)

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Sec. 12. Design standards.

(a) *General guidelines.* The following general provisions apply to all building types. Through these guidelines, the Corners Area PMD will achieve an overall harmony of design and place. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through proper considerations of scale, proportion, detail, materials, color, site planning and landscaping.

(1) The reuse of existing structures is highly encouraged over new construction.

(2) Architectural styles should be compatible with architectural styles that exemplify the unique character of the St. Helena Island and conform to general standards of architectural quality. It is not the intention of these guidelines to create replicas or imitations of historic structures.

(3) The same level of architectural integrity shall be applied to all four elevations of the building.

(4) Building materials not specified below will be permitted on a case-by-case basis. If the application of such materials is incorporated in an architecturally sound design and otherwise meets the objectives of this section.

(b) *Definitions.*

(1) *Elevation:* An architectural drawing showing a orthographic view of a building.

(2) *Fenestration:* The openings or patterns in a wall- ie. Windows and doors.

(c) *Architectural features.*

(1) *Columns, arches and piers:* Permitted materials for columns include brick, wood (painted or natural), cast iron, wrought iron, composite materials, steel pipes, or concrete with smooth finish. Columns may be square or round with a minimum nominal width or nominal diameter of six inches. Arches shall be brick, concrete masonry units with stucco, or reinforced concrete with stucco. Piers shall be brick, concrete masonry units with stucco or reinforced concrete with stucco. Porches (railings and balustrades) shall be wood or wrought iron.

(2) *Fences and walls:* Permitted materials for walls are concrete masonry units with stucco, reinforced concrete with stucco, brick or wood. Fences, garden walls, or hedges are encouraged for screening and privacy. Locations of fences and screening should be carefully considered. Permitted materials for fences are wood, brick, wrought iron, and unscreened chain-link or woven metal.

(3) *Pedestrian paving:* Paving materials shall consist of brick, stone, wood, concrete, oyster shell, aggregate concrete, grass or other natural materials. Permeable materials are preferred for environmental reasons.

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(4) *Porches/colonnades/arcades:* Minimum depth of porches, arcades and colonnades is six feet clear. Minimum height is eight feet clear. Open multi-story verandas, awnings, balconies, and enclosed useable space shall be permitted above the colonnade. Screen porches are permitted on any level.

(5) *Windows and doors:* The patterns, placement, proportions, and materials of windows and doors shall be considered. A functional entrance to the building shall be located on the exterior wall facing the frontage road.

- Plastic glazing is not permitted.
- Drive-through windows will not be allowed.
- Use of highly reflective glass is prohibited.
- Rectangular windows facing the road shall have vertical orientation.
- Windows and doors may be wood, vinyl, or aluminum clad.
- Storefront windows may be aluminum.
- Casement and single and double hung windows are encouraged. Fixed frame windows shall have a maximum surface area of 36 feet, unless the scale of the structures support a larger proportion.

(6) *Awnings/marquees:* Minimum depth of awnings and marquees is four feet. Minimum clear height is eight feet. There is no minimum depth of awnings above the first floor.

(7) *Types:*

- Temporary structures such as space frame structures are allowed.
- Plastic for uses in greenhouses is allowed.
- Log cabins are not allowed.

(d) *Materials.*

(1) *Walls:*

a. *Wood:* Horizontal lap siding and hardi-plank is allowed. Shakes are not allowed. Board and batten is allowed with limited use.

b. *Cement:* Poured in place concrete and split faced block are not allowed. Stucco and Tabby are allowed only if over masonry. Tabby is allowed. CMU blocks are allowed if painted. Stone is only allowed in residences.

c. *Metal:* Metal siding is allowed on commercial buildings.

d. *Brick:* Brick is allowed but limited by forms, height and square footage.

e. *Vinyl:* Vinyl is allowed for residential uses only.

(2) *Roofing:*

a. Sloped roofs shall have a maximum pitch of 12:12.

b. Mansard roofs are not allowed.

c. Flat, mastic roofs are allowed.

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d. Tile is not allowed.

e. Shingles, wood shakes, and slate shingles are allowed.

f. Raised seam metal, galvanized metal, corrugated metal, and copper are allowed.

(3) *Other materials:*

a. Fabric allowed for canopy.

b. Glass (glazing) skylights are allowed.

c. Glass block allowed in residences only.

d. Plexi-glass is not allowed.

e. Security glass is allowed.

(e) *Accessory buildings and uses.* The design of accessory buildings shall reflect and coordinate with the general style of architecture inherent in the primary structure for the proposed development. Outdoor seating areas and play equipment shall be of a compatible design that is integrated with the main building architecture.

(f) *Landscaping.* In addition to the following landscaping requirements, the landscaping standards outlined in section 106-1646 of this chapter applies to all developments in this district. All landscaping required by this section, and approved as part of an application for development, shall be maintained in healthy condition by the property owner. Landscaping requirements of this article shall not interfere with fire and life safety standards contained in the ZDSO.

(1) *Installation requirements:* Installation and maintenance of landscaping materials shall adhere to section 106-1647 of this article.

(2) *Existing plant material counted:* The use of existing vegetation and plant species native to the lowcountry are strongly encouraged, and shall be counted toward the landscaping requirement.

(3) *Landscaping along road frontage:* Planters, window boxes, hanging plants and potted plants are strongly encouraged along front elevations of buildings.

(4) *Foundation buffers:* A three-foot wide landscaped buffer is required between the side and rear elevations of the building and parking areas, driving areas, and sidewalks. Foundation buffers are not required in loading areas.

(5) *Clearing:* Clear-cutting or cutting down of specimen trees must follow established guidelines.

(g) *Lighting.* The lighting requirements outlined in the Corridor Overlay District Guidelines apply to the Corners Community.

(h) *Additional development standards for nonresidential uses.*

(1) *Building orientation:* Commercial structures shall be oriented so that to the extent feasible, loading areas are in no manner visible.

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(2) *Building facade:* Long, unarticulated or blank facades, including but not limited to those characterized by unrelieved repetition of shape or form, will not be permitted on any facade or portion of a facade visible or expected to be visible from a road.

(3) *Elevations:* All elevations of a structure shall be in harmony with one another in terms of scale, proportion, detail, material, color, and quality design.

(4) *Placement:*

a. A minimum setback of ten feet zero inches from the road right-of-way, is established for sites along U.S. 21. Additional buildings may be built on the site provided that this requirement has been met. The zoning and development administrator may grant minor exceptions because of the location of existing mature trees or other similar circumstances.

b. For corner lots, the road definition and built-to-zone requirements shall be met along all road frontages along U.S. 21 and the first 200 feet from intersecting side roads.

c. Interior lots shall maintain a minimum front yard of 20 feet.

d. Building size shall be limited to a maximum building footprint of 5,000 square feet except for institutional uses, supermarkets, churches, banquet halls, historic sites, variety stores, and cultural centers. For institutional use, it is preferable to construct a cluster of buildings instead of one large building or to vary the height of various parts of a single building to make it appear less monumental.

e. The size limitations placed on specific uses throughout this section and Table 1 shall not be used to prohibit the reuse of an existing structure. For example, a liquor store is limited to 1,500 square feet, therefore; it may operate from an existing structure of 2,000 square feet.

f. A functional entrance is to be located at the front of the building.

g. Forty-five percent minimum fenestration of the facade and of wall visible from the road right-of-way.

(5) *Height:*

a. Building height is determined from the vertical distance above the base flood elevation or finish grade, whichever is highest, to the highest finished roof surface, in case of a flat roof or to the top of the facade or to a point at the average height of the highest roof having a pitch.

b. Building height shall not exceed 35 feet. Buildings are limited to two stories.

c. The height limitations shall not apply to church spires and belfries.

(6) *Parking:*

a. The parking provisions of article IV of the Beaufort County Zoning and Development Standards Ordinance shall apply, except that the maximum off-road parking for retail and service uses is determined at a ratio of three parking spaces per 1,000 square feet of building space. Pervious parking is encouraged.

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b. ZDSO section 106-2891 and section 106-2892 apply to food stores or supermarkets in the PMD or CPD. The base ratio is three parking spaces per 1,000 square feet of building space. Additional (bonus or employee) parking must be pervious.

c. One row of parking is allowed within the road yard, not to exceed 15 parking spaces. Parking lots within the side yard are discouraged. Where unavoidable side yard parking shall be limited to 44 feet in width (measured along the road line), and shall be screened from the roadway. Shared parking is encouraged.

d. Alleys are recommended.

e. Buildings, trees, hedges, or low walls (less than 3½ feet) must screen parking lots from public rights-of-way.

f. Corner lot parking lots are prohibited.

(Ord. No. 2002-10, 2-25-2002; Ord. No. 2008/4, 2-11-2008; Ord. No. 2009/6, 2-9-2009)

Sec. 13. Signage.

Purpose: The purpose of this section is to enhance the built environment through appropriately designed signage that safely provides information while protecting the public welfare, such as follows:

Safety: The purpose is to promote the safety of persons and property by providing that signs do not create traffic hazards by distracting or confusing motorists. Also, to not impair motorists' abilities to see pedestrians and other vehicles. Signs should not be an obstacle or prevent the ability for the motorist to read traffic signs. Lastly, signs will not create a hazard due to collapse, fire, collision, decay or abandonment.

Information: The purpose is to promote the efficient transfer of general public and commercial information through the use of signs.

Public welfare: The purpose is to protect the public welfare and enhance the overall appearance and economic value of the landscape. Also, to preserve the unique natural environment that distinguishes Beaufort County while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new industries and cultural facilities.

(a) *Signs regulated.* No sign shall be erected, replaced, relocated or altered without first obtaining a sign permit, except as provided below. Prohibited signs are listed below.

(b) *Prohibited signs.* The following signs are prohibited when visible from a publicly maintained road, road or highway, whether county, state or federal:

- Commercial billboard signs and pole signs.
- Flashing signs.
- Neon signs.
- Internally illuminated signs.
- Moving signs or signs having moving parts.

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- Signs using the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead, confuse or distract a vehicle driver.
- Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any road or highway right-of-way.
- Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on or projected from the roofs of buildings visible from any public thoroughfares.
- No sign of any kind shall be erected or displayed in any salt marsh areas or any land subject to periodic inundation by tidal salt water.
- Vehicle movable commercial signs except business identification painted on or magnetically attached to business cars and trucks (portable sandwich board signs are allowed).
- All signs and supporting structures in conjunction with a business or use which is no longer in business or operation unless a new permit for the sign has been obtained.
- Abandoned or dilapidated signs.

(c) *Off-premises signs are not allowed.*

(d) *Signs exempt from sign permit.* The following signs are exempt from obtaining a sign permit. Similar signs that are larger or other wise violate the provisions of this section shall be required to obtain a permit.

- One nonilluminated "For Sale", "For Rent", or "For Lease" sign not exceeding six square feet in area.
- One nonilluminated home occupation sign not exceeding four square feet in area and mounted flat against the wall of the principal building for each profession or occupation carried on therein.
- Official notices issued by any court, public agency or similar official body.
- Traffic directional, warning or information signs authorized by any public agency.
- Private road or road name signs.
- The changing of characters on any moveable copy sign.
- Signs prohibiting hunting, fishing, loitering, trespassing and similar signs not exceeding one square foot in area.
- One temporary, agricultural food products sales sign not exceeding ten square feet in total area.

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(e) *General sign provisions.* The following provisions shall apply to all signs:

Visibility. The area around the sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.

Finish. Reverse sides of signs must be properly finished with no exposed electrical wires or protrusions and shall be of one color.

Glare. Signs shall not be illuminated so as to impair driver vision.

Location. No sign shall be located so as to obstruct or impair driver vision at business ingress-egress points as at intersections.

Design. Sign shapes shall be composed of standard geometric shapes and/or letters of the alphabet and can be in the shape of a sponsor motif (bottles, hamburgers, human or animal figures, etc.). All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign. Outcrops on signs are allowed.

(f) *On-premises signs.*

Types. All businesses or other uses located in Beaufort County may choose to utilize any two types of the following types of on-premises signs. In no case shall individual types exceed the limitations prescribed herein.

Wall sign. Wall signs shall generally be placed within an informational band immediately above the storefront. Wall signs shall not project more than 15 inches from the building. Where more than one sign is attached to the same wall, the sum of the area of all of the signs shall not exceed the total sign size permitted per wall. Wall signs shall not exceed higher than the eave line or top of the parapet wall. Wall signs may only be illuminated with steady, stationary, shielded light sources directed solely onto the sign. Multiple wall signs advertising several occupants of the same building or building complex shall be of uniform design and shall be of the same material. The maximum sign area shall be the lesser of ten percent of the area of the wall or 32 square feet The area of "letters only" signs shall be computed as the area of an imaginary rectangle enclosing the lettering.

Projecting sign. One projecting sign per business frontage perpendicular to the wall of a building and consisting of an area not exceeding eight sf. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than eight and one-half feet. Projecting signs shall be constructed of wood with carved, painted, or applied metal lettering and symbols. Such signs shall be hung at right angles to the building. Such signs shall have a minimum clearance of eight feet.

Ground sign (free-standing). One per each highway frontage, not exceeding eight feet in overall height, four feet in width, with a maximum allowable area of 18 square feet The sign shall be set back at least five feet from the road right-of-way. The sign shall be constructed of wood, stucco, brick or painted metal and shall be externally illuminated.

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On-premises signs shall be erected so as not to obstruct or impair driver vision at business, or other uses ingress-egress points and intersections.

When necessary to facilitate traffic movement, such on-premise signs as "Enter," "Exit," "Drive-In," "Service Entrance," "No Parking," etc., without any other advertising words or phrases, may be installed without a permit fee after proper notification to the inspection department. Maximum area of each sign not to exceed six square feet.

(g) *Shopping centers or multiple tenant buildings.*

Identification sign. Shopping centers and multiple tenant buildings may erect a free-standing ground sign (which may be used as an identification sign, directory listing, or combination thereof) on each road or highway frontage.

Total maximum allowable area. Shopping centers and/or multiple tenant buildings fronting on one road or highway. Maximum total free-standing area, 32 square feet.

Shopping center and/or multiple tenant buildings fronting on two roads or highways. Maximum total free-standing area, 64 square feet.

Individual businesses within a shopping center and/or multiple tenant building may erect wall and/or projecting signs consistent with the provisions sign standards.

Individual businesses within a complex shall not be allowed to have separate free-standing signs.

(h) *Sign illumination.*

Shielding. Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences, sleeping accommodations, or in the eyes of vehicle drivers.

Unshielded lights—Intensity. Signs incorporating steady, unshielded light bulbs shall utilize bulbs not in excess of 75 watts intensity.

Electrical requirements. Electrical requirements pertaining to signs shall be as prescribed under the adopted National Electrical Code for Beaufort County.

(**Cross Reference**—Adoption of the National Electrical Code and Amendments thereto, Chapter 3.)

(i) *Signage requirements for corridor overlay district.* The following standards for signage are in addition to those prescribed in article XV of this article, and shall be reviewed and require approval by the ZDA.

Sign placement. Any freestanding sign must be no closer than five feet from the highway right-of-way.

Sign design and materials. Changeable copy signs that are permitted must be displayed on a single sign.

Sign illumination. If a sign is to be illuminated, a stationary light directed solely at the sign shall be used. No more than two stationary lights may be used for any one sign

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face. Illuminated signs shall not have a light reflecting background, but may use reflected lettering. Lighting for signs shall be of a moderate intensity and designed and arranged to minimize glare and reflection. Light sources shall be concealed.

Not permitted:

1. Internally illuminated signs and neon signs.
2. Internally illuminated interior signs visible from the highway.

(j) *Temporary signs.*

Types:

- Special event signs which are in the nature of noncommercial advertising;
- "Grand Opening", "Going Out Of Business " and "Sale" signs displayed in businesses and services;
- Signs for work under construction;
- Land subdivision or development signs;
- Signs advertising the sale or lease of property upon which they are located;
- Signs associated with political issues and candidates (i.e. elections).

Area and height:

Area. The total area of temporary signs shall not exceed 32 square feet.

Height. The maximum height of temporary signs shall not exceed eight feet measured from the highest part of any sign or supporting structure and existing ground level except special event promotional banners.

Times they may be erected:

Special event signs. These signs may be erected no sooner than 30 days preceding a special event and shall be removed within 48 hours following the special event.

Grand opening signs. These signs shall be erected for a period not to exceed 30 days.

Going out of business and sale signs. These signs shall be erected for a period not to exceed 30 days.

Work under construction signs. Pertaining to owners, architects, engineers, contractors, development agencies, financial institutions and the like may be erected on the construction site during construction and shall be removed within 30 days following completion of the project.

Political signs. These signs may be erected no sooner than 30 days preceding the election and shall be removed within 48 hours following the election.

Permits. Unless exempted in (d) of this section, temporary signs must be permitted in the same manner as permanent signs under the provision of this section.

(Ord. No. 2002-10, 2-25-02)

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APPENDIX L. SHELL POINT COMMUNITY PRESERVATION DISTRCIT (CPD)*

[DIVISION 1. GENERALLY]

Sec. 1. Purpose.

The purpose of the Shell Point Community Preservation District (CPD) is to foster growth in the Shell Point Community that is consistent with the goals of the Port Royal and Beaufort County Comprehensive Plans while protecting the existing residential areas from the adverse impacts of incompatible land uses.

To protect the integrity of existing neighborhood residential areas, infill development on small, undeveloped parcels in established subdivisions is meant to be compatible with surroundings established neighborhoods.

Larger parcels (five acres and above) have option to do a planned community with mixed uses and housing types. Standards are built in to buffer incompatible uses in planned communities from existing residential. However linkages and integration into existing neighborhoods is encouraged. Planned developments are meant to take on a traditional neighborhood development flavor and be permitted as a limited use.
(Ord. No. 2002-31, 11-25-2002)

Sec. 2. Applicability.

The Shell Point CPD requirements apply to all uses within the CPD boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in Section 01.410) within this district, unless expressly exempted or otherwise provided for in this section.
(Ord. No. 2002-31, 11-25-2002)

Sec. 3. District boundaries.

The CPD standards apply only to the Shell Point CP District. The delineation of areas, which fall under the CPD zoning designation, is outlined on the Official Zoning Map of Beaufort County.
(Ord. No. 2002-31, 11-25-2002)

Sec. 4. Permitted activities.

For the purpose of this section, the allowable uses in the CPD zoning district are controlled by the land use development standards of this section, the Beaufort County Comprehensive

*__Editor's note__—Ord. No. 2002-31, adopted Nov. 25, 2002, enacted a new Appendix L to the Zoning and Development Standards. For the ease of indexing, section numbers and some divisions have been added to main headings, by the editor.

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Plan, the ZDSO, and the chart of permitted uses (Table 1). Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for CPD District:

"Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

"L" indicates a use whose permission is limited, depending on locational, design, or other criteria being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

"S" indicates a use permitted only if the zoning board of appeals approves a special use permit. The use must conform to the locational, design, or other conditions. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

"LC" designates a limited use that is permitted only in the planned community option and meeting all other criteria of this article.

TABLE 1: Shell Point Community Preservation District (CPD)

Land Use	*Use Definition*	*Use Permission*
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Multifamily	This use permits duplexes, townhouses, multiplexes and apartments only.	L
Planned community	A development that consists of a mixture of single-family, multifamily and limited commercial uses that is planned as a unit and complies with the limiting standards outlined in this Appendix.	L
Commercial apartment	A dwelling unit located above, or attached to the rear of a non-residential building on the same lot.	LC
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.	LC

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Land Use	*Use Definition*	*Use Permission*
Home Uses		
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	Y
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. Uses shall be limited to office and services types; wholesale or retail sales are prohibited on premises.	Y
Institutional Uses		
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the County or the State. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	L
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and/or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools) as part of the complex and having less than 15,000 square feet of floor area.	L
Day care, commercial	All day care facilities not classified as day care, family and including more than eight children. (NAICS 62441)	LC
Local utilities	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	Y
Public services	These uses include emergency service, buildings, or garages (e.g. ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses below)	Y
Recreational institutional	Nonprofit organizations chartered to provide community-based recreation services.	L
Commercial Uses		
Bed and breakfast	Any place of lodging in which there are no more than six guest rooms or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than guests, and that the owner resides therein as his principal place or residence.	LC
Commercial retail, neighborhood	Antique shops, art shops and galleries, bakeries, book and stationary shops, candy and confectionery shops, china and crockery shops, coffee shops, delicatessens, hobby and toy shops, ice cream shops, jewelry shops, leather goods and luggage shops, millinery or hat shops, newsstands, office supply stores, photographic and camera supply shops, shoe stores, sporting goods and bicycle shops, towel and linen shops, TV and radio shops, wearing apparel shops.	LC

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Land Use	*Use Definition*	*Use Permission*
Office	Insurance carriers, agents, brokers, and services; real estate services; professional and technical services; business services; health services; educational services; civic and social organizations.	LC
Services	Barber and beauty shops; dressmaking, seamstress, tailoring and millinery shops; health studios and spas; jewelry and watch repair shops; photographic studios; travel and ticket agencies.	LC
Commercial communication towers	A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station uses are regulated as regional utilities. Speculation towers are prohibited.	L
Temporary Uses		
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	Y
Model homes/sales office	A dwelling unit of modular unit in a subdivision used as a sales office for that subdivision.	Y

(Ord. No. 2002-31, 11-25-2002)

Sec. 5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in table 1 [in section 4 of this appendix]. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supercede the limited and special use standards in division 2 of the ZDSO. New uses within the CPD shall be consistent with surrounding neighborhood character in size, scale and architecture.

Uses designated as "L" in the use table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

RESIDENTIAL USES

PLANNED COMMUNITIES

- To the greatest extent feasible require site plan to be designed around existing vegetation.
- The proposed development is consistent with the Beaufort County Comprehensive Plan and the Shell Point Community Preservation Plan.
- The proposed development does not adversely impact the surrounding area.

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- The applicant has demonstrated that there will be no negative impact on public infrastructure such as roads, and water and sewer systems, and public services such as police, fire, EMS, and solid waste collection.
- The internal street network needs to be interconnected and individual block sizes need to be small (average maximum perimeter = 1,500 feet). Alleys that serve as public rights-of-way may count towards this requirement. The individual developments must connect to the established road network of the surrounding neighborhood and provide stub streets to future developments. Streets will equitably serve the needs of the pedestrian, the bicycle, and the automobile.
- Gated communities are discouraged.
- All single-family lots share a frontage line with a street or square. Average lot frontage width must be no greater than 75 feet wide. No more than two adjoining lots may accommodate one house.
- Within the development, similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines.
- Individual houses shall address the street by incorporating such elements as porches and front stoops. Unless vehicular access to dwellings should be via alleys with garages and parking pads located at the rear of the principle dwelling. Where this is not possible, garages and parking pads are to be located behind the front wall of the principle dwelling.
- Parking lots shall be located to the side and rear of commercial buildings.
- Pedestrian linkages between residential lots and active open spaces and other community amenities are required.
- Where present, duplexes, townhouse and apartment buildings shall be integrated into the planned community.
- No more than 30 percent of the total site area can be designated for commercial uses.
- Individual building footprints for commercial uses are limited to 3,000 square feet.
- A ten-foot wide bufferyard shall be provided between single-family uses and multi-family and nonresidential land uses within planned communities.
- A 20-foot wide bufferyard shall be located where nonresidential or multifamily uses within planned communities abut single-family residential uses outside of a planned community.
- All applications for this use shall include a community impact statement.

MULTIFAMILY RESIDENTIAL

- Multifamily residential developments shall be located no further than 500 feet from the centerline of SC 802 and SC 280.
- No more than 20 dwelling units may be constructed in any one building.

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- Individual site plans shall not be approved for more than 150 dwelling units unless there is at least a 25-foot landscaped or natural buffer screen separating the different portions of the plan.
- Detached principal or accessory buildings shall not be placed closer than ten feet from any other building.
- A 20-foot wide bufferyard shall be located where this use abuts single-family residential uses.
- All applications for this use shall include a community impact statement.

ACCESSORY DWELLING UNIT

- Accessory dwelling units are permitted only within planned communities.
- The limited use standards in article V, section 106-1188 apply to all accessory dwelling units located within planned communities.

INSTITUTIONAL USES

SCHOOLS, NEIGHBORHOOD

- Neighborhood schools shall have frontage on a collector or arterial street and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.
- All applications for this use shall include a community impact statement.

RELIGIOUS ESTABLISHMENTS, SMALL

- This use shall have frontage on a collector or arterial street and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.
- All applications for this use shall include a community impact statement.

RECREATIONAL INSTITUTIONAL

- All applications for this use shall include a traffic impact analysis.

COMMERCIAL USES

COMMERCIAL COMMUNICATION TOWERS

- Commercial communication towers are restricted to the expansion or replacement of an existing tower.
- See standards listed in Section 106-1357

(Ord. No. 2002-31, 11-25-2002; Ord. No. 2003-26, 9-8-2003)

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Sec. 6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*[1]		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Shell Point CP District								
Single-family	0.12	2.0	2.6	N.A.	N.A.	OS		1 ac
Multifamily	0.20	8.0	12.0	N.A.	N.A.	OS		5 ac
Planned community	0.20	8.0	12.0	0.18	0.25	OS		5 ac
Other permitted uses	0.40	N.A.	N.A.	0.31	0.39	P		N.A.

[1] Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.

TABLE 3. LOT AND BUILDING STANDARDS

Zoning District and Development Type	*Minimum*					*Maximum*
	Lot Area (ac./sf)	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height*[2] *(feet)*
Shell Point CP District						
Single-family	10,890 sf.	80	25	15	20	35 feet no more than 2½ stories
Multifamily	See table 106-2406					35 feet no more than 2½ stories
Planned community	5,000 sf.	50	15	7	10	35 feet no more than 2½ stories

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	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac./sf)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height*[2] *(feet)*
Other permitted uses	5,000 sf.	50	15	7	10	35 feet no more than 2½ stories

[2] Buildings designated for multifamily dwellings, and nonresidential uses shall be limited to two stories before the eave line of the roof. A third story may be added above the eave line. Mansard roofs are not permitted on multifamily buildings that exceed two stories in height.

TABLE 4. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	*Number of Landscaping Canopy or Existing Trees per*			*Road Tree Spacing per*	*Bufferyard Width (feet) Adjoining Roads*		
	Lot	*Acre Open Space*	*Parking Spaces*	*Feet of ROW*	*Arterial*	*Collector*	*Local*
Shell Point CP District							
Single-family	2/du	5	—	50	None	None	None
Multifamily	6	8	1/8	50	8	8	8
Other permitted uses	6	8	1/8	50	8	8	8

TABLE 5. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	*Bufferyard Width (feet) Adjoining District or Use*				*Municipal Boundary*
	Shell Point Neighborhood Commercial (SPNC)	*Shell Point Commercial Suburban (SPCS)*	*Suburban (S)*	*Commercial Suburban (CS)*	
Single-family	None	None	None	None	None
Multifamily	15	15	20	15	15
Other permitted uses	15	15	15	15	15

(Ord. No. 2002-31, 11-25-2002)

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Sec. 7. Additional development standards.

PARKING

In addition to the following, the parking provisions of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply.

- Parking shall be located to the side and rear of the principle structure. Buildings having a footprint over 25,000 square feet may have parking at the front of the building provided that a minimum of 50 percent of the road frontage is either subdivided into out-parcels, or designated for the location of frontage buildings as part of a future phase.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

- Cutoff lighting fixtures are limited to a maximum lighting level of five foot-candles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot-candles and a maximum mounting height of 15 feet.

DESIGN STANDARDS

With the exception of the following, the design standards outlined in the Corridor Overlay District Guidelines (Appendix B) apply to development within the Shell Point Neighborhood Commercial district that falls within 500 feet of the centerline of SC 802 and SC 280.

- Buildings are encouraged to locate in proximity to the street. Therefore, the highway buffer requirement outlined in Appendix B, Section 5 is waived for developments with a front yard setback of less than 30 feet. Developments are still required to incorporate the 8-foot wide foundation buffer as described in Appendix B, Section 5. One street tree per 50 feet of street frontage is also required.
- Where parking areas have frontage along a street, they shall be buffered from the street with a 15-foot wide landscaped buffer. The buffer shall incorporate a mixture of overstory trees, understory trees, and shrubs.
- Planters, window boxes, hanging plants and potted plants are strongly encouraged along elevations of buildings with pedestrian access.
- To the greatest extent feasible, the functional entrance to the building shall be located on the exterior wall facing the street. Where this cannot be achieved, buildings shall contain elements such as windows, doors, porches, and colonnades that provide visual interest from the street.

SIGN STANDARDS

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The sign provisions of article 16 of the Beaufort County Zoning and Development Standards Ordinance shall apply signage in the CPD district in addition to the following standards.

- All businesses or other uses may choose to utilize one of the following types of on-premise signs:
    1. Wall sign. The maximum sign area shall be the lesser of 15 percent of the area of the wall or 40 square feet. The area of letters only signs shall be computed as the area of an imaginary rectangle enclosing the lettering.
    2. Projecting sign. One projecting sign per business frontage that is situated perpendicular to the wall of a building and consisting of an area not exceeding 32 square feet is permitted. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than 8 1/2 feet.
    3. Ground sign (freestanding). Ground signs are limited to those uses located in structures with a street yard setback exceeding 25 feet. The size of ground signs is limited to 40 square feet in area.

(Ord. No. 2002-31, 11-25-2002)

DIVISION 2. SHELL POINT NEIGHBORHOOD COMMERCIAL (SPNC)

Sec. 8. Purpose.

The purpose of the Shell Point Neighborhood Commercial (SPNC) district is to allow for the continuance of small-scale office, service, limited retail and civic uses along the major corridors of the Shell Point neighborhood. Nonresidential uses in the SPNC are required to blend into the predominant residential character of the area. The permitted office, retail, service and civic activities tend to produce relatively low volume traffic and may maintain compatibility with nearby residential uses. This compatibility is further accomplished by:

- Limiting building size and scale.
- Architectural and land use standards.
- Buffer and setback standards
- Establishing development standards that reflect present patterns.

Chapter 4, Section 4.4.4(d), Mixed Use Development Standards for Neighborhood Commercial, of the Beaufort County Comprehensive Plan provides the framework for the SPNC district.
(Ord. No. 2002-31, 11-25-2002)

Sec. 9. Applicability.

The Shell Point Neighborhood Commercial (SPNC) district requirements apply to all uses within the SPNC boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in Section 106-6) within the SPNC district, unless expressly exempted or otherwise provided for in this section.
(Ord. No. 2002-31, 11-25-2002)

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Sec. 10. District boundaries.

The delineation of areas, which fall under the SPNC zoning designation, is demarcated on the official zoning map of Beaufort County. In the event that the SPNC zoning district boundary line divides a parcel held in one ownership, each part of the parcel shall be used in conformity with the regulations established for that district in which each part is located. (Ord. No. 2002-31, 11-25-2002)

Sec. 11. Permitted activities.

For the purpose of this section, the allowable uses in the SPNC zoning district are controlled by the land use development standards of this section, the Beaufort County Comprehensive Plan, the ZDSO, and the chart of permitted uses (Table 1). Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for SPNC District:

"Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

"L" indicates a use whose permission is limited, depending on locational, design, or other criteria being met for the proposed site. not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

"S" indicates a use permitted only if the zoning board of appeals approves a special use permit. The use must conform to the locational, design, or other conditions of Division 03.200. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

TABLE 6. SHELL POINT NEIGHBORHOOD COMMERCIAL (SPNC)

Land Use	*Use Definition*	*Use Permission*
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Multifamily	This use permits duplexes, townhouses, multiplexes and apartments only.	L
Commercial apartment	A dwelling unit located above, or attached to the rear of a non-residential building on the same lot.	Y
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y

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Land Use	*Use Definition*	*Use Permission*
Home Uses		
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	Y

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Land Use	*Use Definition*	*Use Permission*
Institutional Uses		
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and/or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools) as part of the complex and having less than 15,000 square feet of floor area.	Y
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and/or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools as part of the complex and having more than 15,000 square feet of floor area. (NAICS 813110)	S
Day Care, commercial	All day care facilities not classified as day care, family and including more than eight children. (NAICS) 62441)	Y
Local utilities	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	Y
Public services	These uses include emergency service, buildings, or garages (e.g. ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses below)	Y
Recreational institutional	Nonprofit organizations chartered to provide community-based recreation services.	Y
Commercial Uses		
Bed and breakfast	Any place of lodging in which there are no more than six (6) guest rooms or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than guests, and that the owner resides therein as his principal place or residence.	L
Commercial retail, neighborhood	Antique shops, art shops and galleries, bakeries, book and stationary shops, candy and confectionery shops, china and crockery shops, coffee shops, delicatessens, hobby and toy shops, ice cream shops, jewelry shops, leather goods and luggage shops, millinery or hat shops, newsstands, office supply stores, photographic and camera supply shops, shoe stores, sporting goods and bicycle shops, towel and linen shops, TV and radio shops, wearing apparel shops.	L
Office	Insurance carriers, agents, brokers, and services; real estate services; professional and technical services; business services; health services; educational services; civic and social organizations.	L
Services	Barber and beauty shops; dressmaking, seamstress, tailoring and millinery shops; health studios and spas; jewelry and watch repair shops; photographic studios; travel and ticket agencies.	L
Temporary Uses		
Christmas tree sales	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.	Y

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Land Use	*Use Definition*	*Use Permission*
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	Y
Model homes/sales office	A dwelling unit of modular unit in a subdivision used as a sales office for that subdivision.	Y
Commercial outdoor sales	Outdoor sales of merchandise, by either a storeowner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This excludes sales associated with public interest or special event.	L
Miscellaneous outdoor sales	Those activities which involve selling goods from a truck, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site.	L
Public interest	Public interest. Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization.	L
Special events	Special event. These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.	L

(Ord. No. 2002-31, 11-25-2002)

Sec. 12. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in table 1. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance, but supersede the limited and special use standards in Division 2 of the ZDSO. New uses within the PMD shall be consistent with surrounding neighborhood character in size, scale and architecture.

Uses designated as "L" in the use table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

RESIDENTIAL USES

MULTIFAMILY

- Multifamily residential developments shall be located no further than 500 feet from the centerline of SC 802 and SC 280.
- No more than 20 dwelling units may be constructed in any one building.
- Individual site plans shall not be approved for more than 150 dwelling units unless there is at least a 25-foot landscaped or natural buffer screen separating the different portions of the plan.

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- Detached principal or accessory buildings shall not be placed closer than ten feet from any other building.
- A 20-foot wide bufferyard shall be located where this use abuts single-family residential uses.
- All applications for this use shall include a community impact statement.

INSTITUTIONAL USES

RELIGIOUS ESTABLISHMENTS (Large)

- Reports/studies required. All applications for this use shall include a traffic impact analysis.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, and benefits the county.
- It is the intent of this section to ensure that lots used for religious establishments are large enough to accommodate future expansions, and to maintain the desired character of the surrounding community. Thus a minimum lot size of ten acres shall be required.

COMMERCIAL USES

BED AND BREAKFAST

- Any bed and breakfast use shall have a maximum of six rental rooms. Meals may be served only to registered guests.
- Bed and breakfast uses are limited to five square feet total signage area. Such signs must be constructed of a material that is consistent with the exterior materials of the principle structure.
- Bed and breakfast uses must provide for all parking off-street, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-street parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

COMMERCIAL RETAIL, NEIGHBORHOOD, OFFICE, SERVICES

- Building footprints are limited to 3,000 square feet.
- The size, scale and architecture of commercial buildings shall be compatible with the surrounding residential neighborhoods.

TEMPORARY USES

COMMERCIAL OUTDOOR SALES

- These sales may include farmers' markets or similar temporary uses that are incidental to existing stores, sidewalk-type reduced price or clearance sales, etc.

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- Sales displays shall not interfere with pedestrian flow or traffic safety and shall be arranged to leave at least six feet of clear walkway for pedestrian circulation.

MISCELLANEOUS OUTDOOR SALES

- No such use shall be closer than 15 feet from any public right-of-way.

- Each company or property and all associated franchises and/or divisions are permitted three limited use permits a year. Each limited use permit shall terminate after 72 hours from permit approval.

PUBLIC INTEREST/SPECIAL EVENTS

- The limited use standards outlined in article V, section 106-1398 apply to public interest/special events in the Shell Point Neighborhood Commercial district.

(Ord. No. 2002-31, 11-25-2002)

Sec. 13. Development standards.

TABLE 7. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	*Min. OSR or LSR*	*Density*[1]		*Floor Area Ratio*		*Sewer*	*ARDR Reqd.*	*Min. Site Area*
		Max. Gross	*Max. Net*	*Max. Gross*	*Max. Net*			
Shell Point Neighborhood Commercial								
Single-family	0.12	2.0	2.6	N.A.	N.A.	P		1 ac
Multifamily	0.20	8.0	12.0	N.A.	N.A.	P		5 ac
Commercial uses	0.40	N.A.	N.A.	0.31	0.39	P		21,780 s.f.
Other permitted uses	0.40	N.A.	N.A.	0.31	0.39	P		21,780 s.f.

[1] Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.

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TABLE 8. LOT AND BUILDING STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac./st)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height*[2] *(feet)*
Shell Point Neighborhood Commercial						
Single-family	20,890 sf.	80	25	15	20	35 feet no more than 2½ stories
Multifamily	See table 106-2406					35 feet no more than 2½ stories
Commercial uses	21,780 sf.	50	15	7	15	35 feet no more than 2½ stories
Other permitted uses	21,780 sf.	50	15	7	15	35 feet no more than 2½ stories

[2] Buildings designated for multifamily dwellings, and nonresidential uses shall be limited to two stories before the eave line of the roof. A third story may be added above the eave line. Mansard roofs are not permitted on multifamily buildings that exceed two stories in height.

TABLE 9. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	*Number of Landscaping Canopy or Existing Trees per*			*Road Tree Spacing per*	*Bufferyard Width (feet) Adjoining Roads*	
	Lot	*Acre Open Space*	*Parking Spaces*	*Feet of ROW*	*SC 802 and SC 280*	*Other Roads*
Shell Point CP Neighborhood Commercial						
Single-family	2/du	5	—	50	8	8
Multifamily	6	2	1/8	50	8	8
Other permitted uses	6	8	1/8	50	8	8

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TABLE 10. BUFFERYARD AND TREE STANDARDS

Zoning District and Development Type	*Bufferyard Width (feet) Adjoining District or Use*				
	Shell Point Neighborhood Commercial (SPNC)	*Shell Point Commercial Suburban (SPCS)*	*Suburban (S)*	*Commercial Suburban (CS)*	*Municipal Boundary*
Shell Point Neighborhood Commercial					
Single-family	None	None	None	None	None
Multifamily	20	None	20	None	15
Other permitted uses	15	None	15	None	15

(Ord. No. 2002-31, 11-25-2002)

Sec. 14. Additional development standards.

PARKING

In addition to the following, the parking provisions of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply.

- Parking shall be located to the side and rear of the principle structure. Buildings having a footprint over 25,000 square feet may have parking at the front of the building provided that a minimum of 50 percent of the road frontage is either subdivided into out-parcels, or designated for the location of frontage buildings as part of a future phase.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

- Cutoff lighting fixtures are limited to a maximum lighting level of five footcandles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot candles and a maximum mounting height of 15 feet.

DESIGN STANDARDS

With the exception of the following, the design standards outlined in the Corridor Overlay District Guidelines (Appendix B) apply to development within the Shell Point Neighborhood Commercial district.

- Buildings are encouraged to locate in proximity to the street. Therefore, the highway buffer requirement outlined in Appendix B, Section 5 is waived for developments with

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a front yard setback of less than 30 feet. Developments are still required to incorporate the 8-foot wide foundation buffer as described in appendix B, section 5. One street tree per 50 feet of street frontage is also required.

- Where parking areas have frontage along a street, they shall be buffered from the street with a 15 foot wide landscaped buffer. The buffer shall incorporate a mixture of overstory trees, understory trees, and shrubs.
- Planters, window boxes, hanging plants and potted plants are strongly encouraged along elevations of buildings with pedestrian access.
- To the greatest extent feasible, the functional entrance to the building shall be located on the exterior wall facing the street. Where this cannot be achieved, buildings shall contain elements such as windows, doors, porches, and colonnades that provide visual interest from the street.

SIGN STANDARDS

The sign provisions of article 16 of the Beaufort County Zoning and Development Standards Ordinance shall apply signage in the SPNC district in addition to the following standards.

- All businesses or other uses may choose to utilize one of the following types of on-premise signs:
  1. Wall sign. The maximum sign area shall be the lesser of 15 percent of the area of the wall or 40 square feet. The area of letters only signs shall be computed as the area of an imaginary rectangle enclosing the lettering.
  2. Projecting sign. One projecting sign per business frontage that is situated perpendicular to the wall of a building and consisting of an area not exceeding 32 square feet is permitted. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than eight and one-half feet.
  3. Ground sign (freestanding). Ground signs are limited to those uses located in structures with a street yard setback exceeding 25 feet. The size of ground signs is limited to 40 square feet in area.

(Ord. No. 2002-31, 11-25-2002)

DIVISION 3. SHELL POINT COMMERCIAL SUBURBAN DISTRICT (SPCS)

Sec. 15. Purpose.

The purpose and intent of the Shell Point Commercial Suburban (SPCS) district mirrors the Commercial Suburban District as outlined in article V of this chapter. This unique district is established to provide the framework for future developments to develop address the street and provide an atmosphere that is both conducive to pedestrian and vehicular access.
(Ord. No. 2002-31, 11-25-2002)

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Sec. 16. Applicability.

The Shell Point Commercial Suburban requirements apply to all uses within the SPCS boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 01.410) within this district, unless expressly exempted or otherwise provided for in this section.
(Ord. No. 2002-31, 11-25-2002)

Sec. 17. District boundaries.

The delineation of areas, which fall under the SPCS zoning designation, is outlined on the Official Zoning Map of Beaufort County.
(Ord. No. 2002-31, 11-25-2002

Sec. 18. Permitted activities.

The permitted, limited, and special uses for the Commercial Suburban District as established in article V, table 106-1098 also apply to the Shell Point Commercial Suburban District.
(Ord. No. 2002-31, 11-25-2002)

Sec. 19. Open space and density standards.

The open space and density standards for the Commercial Suburban District as established in article VI, table 106-1526 also apply to the Shell Point Commercial Suburban District with the two following exceptions:

- Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.
- Buildings designated for multifamily dwellings, and nonresidential uses shall be limited to two stories below the eave line of the roof. A third story may be added above the eave line. Mansard roofs are not permitted on multifamily buildings that exceed two stories in height.

(Ord. No. 2002-31, 11-25-2002)

Sec. 20. Lot and building intensity standards.

The lot and building intensity standards for the Commercial Suburban District as established in article VI, table 106-1556 also apply to the Shell Point Commercial Suburban District.
(Ord. No. 2002-31, 11-25-2002)

Sec. 21. Bufferyard and tree standards.

The bufferyard and tree standards for the Commercial Suburban District as established in article VI, table 106-1617 also apply to the Shell Point Commercial Suburban District.
(Ord. No. 2002-31, 11-25-2002)

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Sec. 22. Limited and special use standards.

The limited and special use standards for the Commercial Suburban District as established in article V, division 2 also apply to the Shell Point Commercial Suburban District.
(Ord. No. 2002-31, 11-25-2002)

Sec. 23. Additional development standards.

PARKING

In addition to the following, the parking provisions of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply.

- Parking shall be located to the side and rear of the principle structure. Buildings having a footprint over 25,000 square feet may have parking at the front of the building provided that a minimum of 50 percent of the road frontage is either subdivided into out-parcels, or designated for the location of frontage buildings as part of a future phase.

EXTERIOR STORAGE AND ILLUMINATION STANDARDS

The illumination standards of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:
(Ord. No. 2002-31, 11-25-2002)

Sec. 24. Design standards.

With the exception of the following, the design standards outlined in the Corridor Overlay District Guidelines (Appendix B) apply to development within the Shell Point Neighborhood Commercial district that falls within 500 feet of the centerline of SC 802 and SC 280.

- Buildings are encouraged to locate in proximity to the street. Therefore, the highway buffer requirement outlined in appendix B, section 5 is waived for developments with a front yard setback of less than 30 feet. Developments are still required to incorporate the eight-foot wide foundation buffer as described in appendix B, section 5. One street tree per 50 feet of street frontage is also required.
- Where parking areas have frontage along a street, they shall be buffered from the street with a 15 foot wide landscaped buffer. The buffer shall incorporate a mixture of overstory trees, understory trees, and shrubs.
- Planters, window boxes, hanging plants and potted plants are strongly encouraged along elevations of buildings with pedestrian access.
- To the greatest extent feasible, the functional entrance to the building shall be located on the exterior wall facing the street. Where this cannot be achieved, buildings shall contain elements such as windows, doors, porches, colonnades that provide visual interest from the street.

(Ord. No. 2002-31, 11-25-2002)

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Sec. 25. Sign standards.

The sign provisions of article 16 of the Beaufort County Zoning and Development Standards Ordinance shall apply to all development in the Shell Point Commercial Suburban District. (Ord. No. 2002-31, 11-25-2002)

APPENDIX M. THE SEABROOK-STUART POINT COMMUNITY PRESERVATION DISTRICT*

DIVISION 1. SEABROOK-STUART POINT RESIDENTIAL

Sec. 1.1. Purpose and intent.

The Seabrook-Stuart Point (SSP) area consist of rural residential communities with a mix of single-family residential development, woodlands, farm fields, churches, and areas of significant historic and cultural value. This residential zone offers the benefits of a rural lifestyle, while still maintaining access to employment, schools, social and cultural activities. There are, however, environmental and social impacts from these developments that must be carefully managed. The purpose of this district is to provide for low density, single-family detached residential development in areas of existing residential development, together with facilities and accessory uses normally compatible with rural residential surroundings and, at the same time, to permit agricultural uses, to preserve open spaces and to retain a semirural residential character without the maintenance of farm size acreage.

The Seabrook-Stuart Point Residential Zone accommodates residential and nonresidential development that is strictly limited in area and compatible with the rural character. This district encourages the development and maintenance of rural single-family detached residential living combined with limited agricultural and nonresidential activities. Large lot sizes or cluster developments are recommended to maintain the low-density rural character and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity. The nonresidential uses and structures are those that are designed to serve the recreational, educational, civic, religious, and social needs of the community in a manner that maintains the rural character and minimizes conflicts with agricultural uses. Limited commercial uses are allowed in historic structures as a tool for preservation.

Planned developments are permitted in an effort to maintain properly coordinated open spaces, floodplains, wooded tracts, reduced street distances and to encourage the perpetuation of farming activity. Planned development principles are included to help maintain and retain the rural character. This concept concentrates small pockets of development, with a consistent

*Editor's note—Ord. No. 2003-24, adopted Aug. 25, 2003, enacted a new Appendix M to the Zoning and Development Standards. For the ease of indexing, section numbers have been added to main headings, by the editor.

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rural scale and appearance, in specific locations so that larger agricultural, open space, or environmentally sensitive areas can be preserved. Buffers standards are included to prevent conflict with adjacent agricultural or nonresidential uses.

The Seabrook-Stuart Point Residential Zone allows greater flexibility for certain requirements pertaining to farming and rural activities. It is the intent of the Seabrook-Stuart Point Residential zone to provide opportunities for those whose lifestyles include farming activities to locate in such a district.
(Ord. No. 2003-24, 8-25-2003)

Sec. 1.2. Applicability.

The Seabrook-Stuart Point Residential Zone requirements apply to all uses within the SSP Residential Zone boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within this District, unless expressly exempted or otherwise provided for in this section. The boundaries of the SSP Residential Zone shall serve as a growth boundary, beyond which rezoning to the SSP designation is not encouraged. The development and architectural design standards of the SSP shall supersede the development standards of the ZDSO and the Corridor Overlay District.
(Ord. No. 2003-24, 8-25-2003)

Sec. 1.3. District boundaries.

The SSP standards apply only to the Seabrook-Stuart Point Community Preservation (CP) District. The delineation of areas, which fall under the SSP zoning designation, is outlined on the Official Zoning Map of Beaufort County. Where the SSP zoning district boundary divides a parcel creating a split zoned parcel, the SSP boundary shall be construed to extend no more than 500 feet from the road right-of-way.
(Ord. No. 2003-24, 8-25-2003)

Sec. 1.4. Permitted activities.

The permitted uses are restricted to residential uses and to those nonresidential uses that are designed to serve the recreational, educational, civic, religious, and social needs of the community. For the purpose of this section, the allowable uses in the SSP zoning district are controlled by the land use development standards of this section, the Beaufort County Comprehensive Plan, the ZDSO, and the chart of permitted uses (Table 1). Home uses such as family daycare, home occupation and cottage industry are allowed and these home uses are permitted to conduct limited retail sales. Historic sites are allowed limited commercial uses, subject to section 106-2240 and this section. The Manufactured Home Community standards of section 106-2409 of the ZDSO shall not be applicable within the Seabrook and Stuart Point Community Preservation Districts. Uses not listed are prohibited. The following are descriptions of permitted uses, accessory uses and structures for SSP districts:

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TABLE 1. PERMITTED USES.

Land Use	*Use Definition*	*Use Permission*
Agricultural Uses		
Agriculture	Crop production, tree farms. This use does not include commercial livestock and poultry operations (NAICS 111) but does not exclude the keeping of birds, rabbits, fowl, and similar type animals for noncommercial and domestic use. This also includes the keeping, grazing, and raising of pigs, goats, chickens, horses, cows, sheep and similar type animals for noncommercial and domestic use.	L
Agricultural support services	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals, feed and seed, and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)	L
Institutional Uses		
Schools, neighborhood (elementary and middle school) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, high schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	S
Civic and social organizations	Establishments primarily engaged in promoting social welfare activities such as educational, scientific, cultural and health. (NAICS 8132-34)	Y
Public services	These uses include emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses, below) This use does not include service garages. This use excludes generation facilities, storage of combustibles, regional facilities, and landfills.	S
Religious establishments	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools. This use includes cemeteries.	L
Outdoor recreation	1. Active recreational activities and supporting services: jogging, cycling, tot-lots and playgrounds. 2. Passive recreational uses consisting of arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas and garden plots.	Y
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services.	L
Institutional Residential Uses		
Skilled nursing facility	Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.	Y
Assisted living facility	Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.	Y

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Land Use	*Use Definition*	*Use Permission*
Independent living facility	Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.	Y
Sheltered care facilities	A facility or a group of living facilities where no more than eight residents live in an institutional environment and are generally under the care or control of staff. This use excludes residential substance abuse facilities (NAICS 623, 62422, 62423).	Y
Commercial Uses		
Daycare, commercial	All daycare facilities not classified as daycare, family and including more than eight children (NAICS 62441)	Y
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants. (NAICS 444220).	L
Road side stands	Those activities that involve selling agricultural produce, home made goods or seafood from a truck, wagon, portable stall or tables, but not as part of, or sponsored by, a commercial operation on site.	L
Adult day care	Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly or persons with disability. These establishments provide for the welfare of these individuals in such areas as day care, nonmedical home care, social activities, group support, and companionship.	L
Historic Sites	Places of historic relevance that have received state or national historic designations. The commercial uses allowed on these sites include limited retail uses and uses allowed under section 106-2240 of the ZDSO	L
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Planned community	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.	L
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50 percent of the principal unit's floor area.	L

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Land Use	*Use Definition*	*Use Permission*
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this Ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y
Home Uses		
Daycare, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the State for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	L
Home business	A business, profession, occupation or trade operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses include office and service types, carpentry, upholstery, woodworking, potteries, glasswork and personal services. This use permits the sale of agricultural products and traditional home products, such as crafts, cosmetics, and baked goods. Hobby product sales such as coins, stamps, model trains and collectibles are also permitted.	L
Cottage industry	Light industrial use(s), as listed in Table 106-1098, conducted on a lot with a residential dwelling unit. Up to six employees may be employed in addition to family members. Farm workers are not included.	L

(Ord. No. 2003-24, 8-25-2003)

Sec. 1.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance (ZDSO) but supersede the limited and special use standards in division 2 of the ZDSO. New uses within the SSP zoning district shall be consistent with the surrounding neighborhood character in size, scale and architecture.

Uses designated as "L" in the use table are permitted uses that require additional standards from the by-right provisions. Uses designated as "S" in the table are special uses, require more stringent standards and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations.

NONRESIDENTIAL USES

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AGRICULTURE

- Additional vegetative buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer width adjacent to a residential use shall be increased to a minimum of 50 feet.

AGRICULTURE SUPPORT SERVICES

- This use is limited to sites with frontage and access from Highway 21.

PUBLIC SERVICE

- Reports/studies required: All applications for this use shall include an area impact analysis. (Section 106-367 (g)(2) of the ZDSO)

SCHOOLS

- Access: Schools, colleges and professional schools shall have frontage on a collector or arterial roads and shall be required to take access to such streets unless the county engineer believes local streets are safer in the particular conditions of the site and roads.
- Reports/studies required: All applications for this use shall include a community impact statement. (Section 106-367 (g)(2) of the ZDSO)

RECREATIONAL INSTITUTIONAL

- Landscaping: Any outdoor activity area, swimming pool, ball field, or court that adjoins a residential use shall be landscaped in accordance with article V of the ZDSO.
- Lighting: Where exterior nighttime lighting of such areas is proposed, large evergreen trees shall be required in a location appropriate to screen adjoining residences. Any such nighttime lighting shall be constructed in accordance with the standards for a residential district contained in article V of the ZDSO. Exterior lighting shall be compatible with the surrounding neighborhood.
- Additional buffers: The required bufferyard shall be increased by 30 feet along common boundaries with residential uses or zones.
- Access shall be provided through frontage on an arterial or collector road, unless the development review team finds that access to an adjoining local road is safer, and provides improved design, benefiting the county.
- Compatibility: Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance. The scale, massing, and building design should be compatible with the surrounding neighborhood.
- Hours of operation may be restricted through the special use permit.

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RELIGIOUS ESTABLISHMENTS

- Reports/studies required: All applications for this use exceeding 10,000 square feet shall include a traffic impact analysis.
- There shall be no minimum lot size.
- Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer and provides improved design benefitting the county.

ADULT DAY CARE

- Reports/studies required: All applications for this use shall include an area impact analysis. (Section 106-367 (g)(2) of the ZDSO)
- Access shall be provided through frontage on an arterial road, unless the DRT finds that access to an adjoining local road is safer, and provides improved design, benefitting the county.
- This use is limited to 18 adults.

HISTORIC SITES

- Commercial uses within historic sites are limited to the standards of section 106-2243 of the Beaufort County ZDSO.

RETAIL PLANT NURSERIES

- This use is limited to sites with frontage and access from Highway 21.

ROAD SIDE STANDS

- No permanent structures may be utilized; only temporary pavilions may be utilized for transient merchant operations. All facilities used shall be self-contained and mobile or portable.
- Any and all signs to be utilized on-site must conform to the SSP Mixed Use District sign regulations, shall be deemed to be temporary and not a structure, and must be removed when vacating the site. A sign permit, if required, must be obtained before issuance of a use permit.
- Within ten days from the cessation of operation the use and all items related to the operation shall be removed from the site.
- No operations within road rights-of-way shall be permitted.
- Roadside stands shall not exceed 300 square feet and shall be set back at least 15 feet from roadways.
- This use shall meet the off-street parking requirements for roadside stands provided by the ZDSO, except that paved parking shall not be required.

RESIDENTIAL USES

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The affordable housing density bonuses allowed in section eight of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities within the Seabrook-Stuart Point CP Districts.

PLANNED COMMUNITY

A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes and apartments. Such developments shall be master planned. A planned community allows for undefined densities and a mix of housing types, including limited multifamily uses. However, attention to the character and impact of planned developments is essential to ensure that development fits the existing context and gains community acceptance.

PURPOSE

- Encourage the development of large tracts of land as planned neighborhoods, communities or developments.
- Encourage flexible and creative concepts in site planning.
- Preserve the natural amenities of the land by encouraging scenic and open areas.
- Provide an efficient use of land that could result in small networks of utilities and streets.
- Provide an environment of stable character compatible with the surrounding area.
- Provide an environment that encourages nonvehicular circulation.

The residential areas of planned communities shall meet the following standards:

MINIMUM LOT SIZE AND SETBACK REQUIREMENTS

None, subject to compliance with applicable standards for sewage disposal and provision of water.

WHERE PERMITTED

Planned communities are permitted within the Seabrook-Stuart Point Community Preservation Area on sites 35 acres or greater that are within one-half a mile from the boundary of the Whale Branch Middle or Elementary School. Planned Community sites are limited to a maximum of 100 dwelling units per site. An additional 30 affordable housing units may be permitted following the criteria of section 106-2081 of the Beaufort County ZDSO.

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PERMITTED USES

Nonresidential uses are limited to those permitted within the zoning district (Table 1). A variety housing types are permitted. Housing types are categorized as the following:

1. Single family detached
2. Lot-line houses and village houses
3. Duplexes
4. 4 unit apartment houses

While multifamily is permitted, the majority of multifamily units are expected to occur in mixed-use structures or commercial apartments above nonresidential uses. All other multifamily and single-family attached housing shall be in structures designed to appear to be large, single-family structures. Multifamily buildings are limited to four residential units. Multifamily structures should be dispersed among the other residential uses rather than concentrated in a designated area.

Institutional uses, such as churches or schools, are permitted in the residential areas. They may also be permitted in the commercial areas.

DWELLING UNIT MIX REQUIREMENTS

All planned and community developments shall meet the mix requirements regarding the number of different dwelling unit types that must be provided. The mix provides a variety of housing types to meet all residents' needs. If the development is to be phased, each phase shall contain a share of the largest unit types generally proportional to the percentage of the total dwelling units. Where more unit types are provided than required, the developer may determine the percentage of those types to be provided.

DWELLING UNIT MIX REQUIREMENTS

Total Units in Project	*Min. Number of Types of Dwelling units*	*Min. % of Single Family Detached*	*Min. % Any Type*
1—50	2	70	10
51—125	3	60	15

BLOCK REQUIREMENTS

Where environmental conditions, site size and shape permit, the site should be developed using a grid or other formal pattern. Large developments (more than 30 units) shall be broken up into smaller development units that mimic block patterns of traditional neighborhoods. Blocks shall be limited to four acres. The ZDSO recommends that blocks be no longer that 15 lots.

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VEHICULAR ACCESS

The vehicular access to units should be via alleys. This permits the rather narrow building fronts to be free from driveways and garage doors. Where this is impossible, the following shall be used to reduce the impact of driveways and garages (Figure 1):

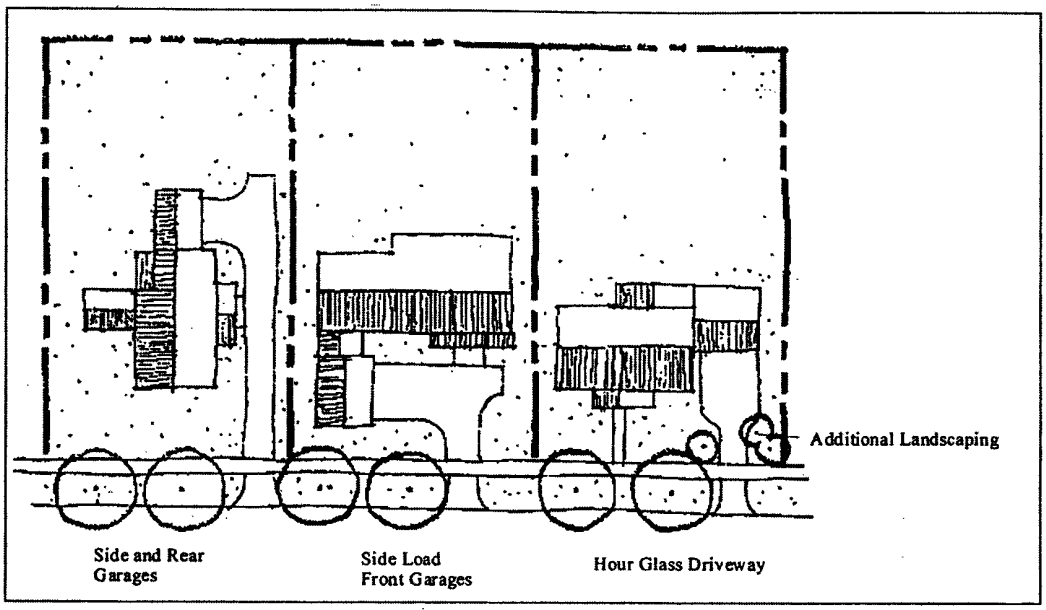


Figure 1: Vehicular Garage Access

1. Garages located to the side and rear with a driveway of no more than ten feet in width providing access.
2. Side load front garages shall be used on at least 40 percent of lots where the garage is not to the rear of the lot.
3. Hourglass driveway design with one additional street tree per driveway shall be used on all front-loading garages.

NEW STREETS

New streets shall be interconnected in clear direct and understandable patterns. New streets should connect to existing streets wherever possible. Larger-scale developments (more than 30 units) are required to provide stub streets to adjacent undeveloped or underdeveloped sites. Dead end streets and curved streets are appropriate in response to natural resources. Cul-de-sacs should be avoided.

The DRT may adjust the road standards if such changes would allow for narrow street profiles and for the use of traffic calming devices to create safer, more comfortable pedestrian and bicycling environments.

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COMMON OPEN SPACE AND RESOURCE PROTECTION

At least 33 percent of the property shown on the site shall be preserved as common open space. Of that area, at least half shall be designed as contiguous common open space.

The construction envelope modulation standards of section 106-3032 of the ZDSO may be utilized to further preserve natural resources and create varied lot sizes. The use of the construction envelope standards also gives more privacy on small clustered lots and helps to maintain the rural character.

Where a planned development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.

OPEN SPACE USES

The common open space shall be useable for low-intensity recreation, agriculture or other passive outdoor living purposes and for preserving the natural features of the site. The uses permitted shall be in accordance with section 106-1867 of the ZDSO.

COMMERCIAL USE REQUIREMENTS

Commercial uses in planned communities shall be limited to the following locations:

1. Along existing arterial and collector streets bordering the planned community.
2. In the interior of a planned community beyond the 75-foot wide transitional use area.

Commercial uses shall not locate on existing local roads that border a planned community.

Nonresidential uses within planned communities shall incorporate shared automobile access, internal automobile and pedestrian circulation, and automobile and pedestrian linkages to the residential uses within the planned community as well as the existing residential uses and roads.

TRANSITIONAL USE ZONE

A 75-foot wide transitional use zone shall be established along the boundaries of the planned community, except for where the planned community fronts an arterial or collector road. Two options are available for the transitional use zone.

1. The transitional use zone can be planted as a vegetative buffer at 70 percent opacity and counted toward the open space requirement.
2. Single family residential lots meeting the minimum lot width, lot size, and setback requirements established in the Seabrook-Stuart Point district.

TRAFFIC CIRCULATION AND CONNECTIVITY

Traffic circulation and connectivity: Planned communities shall provide connectivity to neighboring subdivisions. Where possible, planned communities shall provide a means of ingress and egress on two different existing streets.

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Pedestrian walkways: Planned communities shall provide pedestrian linkages between residential lots and active open spaces and other community amenities.

BUILDING HEIGHT

Buildings are limited to 35 feet and two stories. The height of buildings on the perimeter of the development should be compatible with surrounding residential uses. Taller buildings should be concentrated in the interior of the project.

BUILDING SEPARATION

A minimum distance of 12 feet shall separate all buildings. This standard requires buildings to be separated to ensure light, air and privacy.

SITE LANDSCAPING

Proposed developments shall comply with the required minimum level of landscaping for yards along streets, building foundations and parking areas contained in the Beaufort County ZDSO including, if applicable, Corridor Overlay District Standards. This standard pertains to multifamily and nonresidential uses.

COMPATIBILITY WITH SINGLE-FAMILY RESIDENCES

Special attention shall be given to the perimeter of projects when adjacent to single-family residence or zoning districts. Housing types from the perimeter of the project to its interior should transition from the most compatible to the least compatible. The most compatible being single-family homes decreasing in compatibility from patio homes to zero lot line to duplexes to town house and then to apartments.

ARCHITECTURAL GUIDELINES

Compatibility for multifamily uses may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass, similar relationships to the street, similar window and door patterns or through the use of building materials similar to those existing within the community.

Units should be designed with vertical and horizontal offsets to break up rooflines and define private outdoor areas. Large, blank walls should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest.

Duplexes and attached houses on corner lots can be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a single-family unit when viewed from either street. Each unit of a duplex or attached house should have its address, front door, driveway, and parking area or garage oriented to a separate street frontage.

When located adjacent to single-family dwellings, the design and appearance of multifamily dwellings should have similar massing, height, and roof pitch. Architectural features, such as front porches and architectural embellishments such as shutters and dormers, are recommended to create the appearance of single-family dwellings.

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Garages must be integrated with the building design or sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building facade or the streetscape. Side or rear entry garages are encouraged. When front-entry garages are provided, the garage shall be recessed at least 12 feet behind the building facade.

REVIEW PROCESS

In order to achieve compatible rural design and preserve the most sensitive natural resources, a design review planner and a natural resource planner shall be present at the preapplication conference. The design review planner and the natural resource planner shall make a cursory review of the site map and aerial maps and/or the suggested plan and offer recommendations on the following basic issues: circulation, extent or degree of modification from existing requirements and standards, and the relationship to adjacent development, site design and the design and location of required open space. A preliminary determination based upon the preapplication conference does not assure approval of the plan. A favorable preapplication conference will, however, provide petitioner with an indication as to how to proceed for concept approval.

- Reports/studies required: All applications for this use shall include a community impact study. (Section 106-2081 of the Beaufort County ZDSO).

ACCESSORY DWELLING

- This use is limited to 50 percent of the heated floor area of the primary structure.

HOME USES

Under certain unique circumstances, small-scaled nonresidential activity may be an appropriate use within residential areas. The standards and procedure for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.

HOME OCCUPATION

- Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation, nor shall these materials be stored inside an accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, or stored on the site.
- The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed 5 percent of the finished floor area.

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- The street address of the home occupation may be used in advertisements.
- No sign may be placed on the property advertising the home occupation.
- The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.

HOME BUSINESS

- Home business shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change its character as a residence. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- There shall be no outside storage of goods, products, equipment, or other materials associated with the home business.
- The type and volume of traffic generated by a home business shall be consistent with the traffic generation characteristics of other dwellings in the area.

COTTAGE INDUSTRY

- This use shall not exceed 20 percent of the total site area.
- A 50-foot bufferyard of 100 percent capacity shall be required on the entire length of all property boundaries adjoining a residential district.
- Five acres shall be required for this use.

(Ord. No. 2003-26, 9-8-2003)

Sec. 1.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

		Density[1]		*Floor Area Ratio*				
Zoning District and Development Type	*Min. OSR or LSR*	*Max. Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Sewer*	*ARDR Reqd.*	*Min. Site Area*
Seabrook-Stuart Point (SSP) Residential District								
Single-family	0.20	2.0	2.6	na	na	OS		1ac
Nonresidential uses	0.40	na	na	0.30	0.45	OS		na

[1] Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.

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TABLE 3. LOT AND BUILDING STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac./sf.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Seabrook-Stuart Point (SSP) Residential District						
Single-family	18,513 sf.	70	30	15	10	35 no more than 2 stories
Nonresidential users	21,780 sf.	80	15	15	20	35 no more than 2 stories

TABLE 4. BUFFERYARD AND TREE STANDARDS

	Number of landscaping canopy or existing trees per			*Road tree spacing per*	*Bufferyard width (feet) adjoining roads*		
Zoning District and Development Type	*Lot*	*Acre open space*	*Parking spaces*	*Feet of ROW*	*Arterial*	*Collector*	*Local*
Seabrook-Stuart Point (SSP) Residential District							
Single-family	2/du	5	—	50	40	15	15
Nonresidential uses	6	8	2/10	50	50	15	15

TABLE 5. BUFFERYARD AND TREE STANDARDS

	Bufferyard width (feet)					
	Adjoining district or use					
Zoning District and Development Type	SSP residential (nonresidential use)	SSP residential (residential use)	SSP commercial (nonresidential use)	SSP commercial (residential use)	Rural (R)	Rural-residential (RR)
Seabrook-Stuart Point (SSP) Residential District						
Single-family	none	none	none	none	none	none
Nonresidential users	none	20	none	20	30	20

(Ord. No. 2003-24, 8-25-2003)

Sec. 1.07. Additional development standards.

PLACEMENT

- Building size shall be limited to a maximum building footprint of 2,500 square feet except for historic sites, institutional, educational and residential uses. For institutional use, it is preferable to construct a cluster of buildings instead of one large building or to vary the height of various parts of a single building to make it appear less monumental.

HEIGHT

- All structures, residential or commercial, shall have a maximum height of 35 feet 0 inches above the base flood elevation.

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- All structures, residential or commercial, shall be a maximum of two stories.
- Height limitations shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, observation towers not intended for human occupancy, water towers, chimneys, parapet walls smokestacks, conveyors, derricks, and necessary mechanical roof appurtenances.

PARKING

- The parking provisions of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply.
- Off street parking is not permitted within the front yard. Parking lots in side yards are discouraged. Where unavoidable they shall be limited to 44 feet in width along the road, and shall be screened from the road right-of-way.
- Buildings, trees or hedges must screen parking lots from public right-of-ways.

LANDSCAPING, BUFFERYARDS AND ILLUMINATION STANDARDS

The landscaping, bufferyard and illumination standards of article 4 of the Beaufort County ZDSO shall apply unless otherwise specified.

SIGN STANDARDS

The sign provisions of article 16 of the Beaufort County ZDSO shall apply unless otherwise specified. The sign standards and requirements contained within the SSP Mixed Use District section shall apply to all commercial uses within the SSP Residential District.
(Ord. No. 2003-24, 8-25-2003)

DIVISION 2. SEABROOK-STUART POINT MIXED USE DISTRICT (SSPMU)

Sec. 2.1. Purpose.

This district is designed to provide for uses to serve recurring household needs and personal service requirements of the occupants of nearby residential areas in a manner that encourages community interaction. The permitted commercial functions are those which provide for regular local shopping and are frequented by customers. In addition to the commercial activities, certain office and institutional activities are permitted. The principal purpose of this district is to encourage orderly and incremental commercial development in clusters in an effort to prevent strip commercial development. This district is characteristically small to limit strip commercial.

The bulk regulations and buffer standards are established to provide for maximum compatibility between the activities permitted and adjacent residential uses. This district encourages small-scale commercial uses and should include open spaces such as community parks, greenbelts and generous buffers.

Commercial uses should be of a size, scale, and type that will serve people who currently travel nearby roads; but not of a size, scale, and type that will generate a substantial amount

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of additional traffic. To preserve the rural character of the community, the footprint (the building footprint is that portion of a lot which, when viewed directly from above, is or would be covered by a building or any part of a building, excluding porches, balconies and decks) of new buildings (this excludes supermarkets) visible from the street can be no larger than 5,000 square feet, excluding porches. Building height can be no greater than two stories. Franchise architecture is prohibited.

The establishment of a new or expanded district of this nature must be preceded by the development of residential areas capable of supporting the activities proposed.
(Ord. No. 2003-24, 8-25-2003)

Sec. 2.2. Applicability.

The SSPMU District requirements apply to all uses within the SSPMU boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within the SSPMU District, unless expressly exempted or otherwise provided for in this section. The development and architectural design standards of the Seabrook/Stuart Point Mixed Use District shall supersede the development standards of the ZDSO and the Corridor Overlay District.
(Ord. No. 2003-24, 8-25-2003)

Sec. 2.3. District boundaries.

The SSPMU District standards apply only to the Seabrook/Stuart Point Community Preservation Area. The delineation of areas, which fall under the SSPMU zoning designation, is outlined on the official zoning map of Beaufort County. Where the SSPMU zoning district boundary divides a parcel creating a split zoned parcel, the SSPMU boundary shall be construed to extend no more than 500 feet from the road right-of-way.
(Ord. No. 2003-24, 8-25-2003)

Sec. 2.4. Permitted activities.

The permitted uses are restricted to consumer-oriented businesses catering primarily to the needs of the local population. The following are descriptions of permitted uses, permitted accessory uses and structures for SSPMU District:

TABLE 1. PERMITTED USES

"Y" indicates a permitted use, where the use is permitted as a matter of right, subject to all performance standards.

"L" indicates a limited use, depending on locational, design, or other criteria being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

"S" indicates a use permitted only if the zoning board of appeals approves a special use permit. The use must conform to the locational, design, or other conditions of The ZDSO. Not all

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properties may meet these requirements, thus limiting the sites upon which the use may be built.

Land Use	*Use Definition*	*Use Permission*
Institutional Uses		
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216) or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	Y
Civic and social organizations	Establishments primarily engaged in promoting social welfare activities such as educational, scientific, cultural and health. (NAICS 8132-34)	Y
Public services	These uses include emergency service buildings (e.g., ambulance, fire, police, rescue, and public works) (NAICS 62191, 92212, 92216, see office uses, below). This use does not include service garages. This use excludes generation facilities, storage of combustibles, regional facilities, and landfills.	Y
Religious establishments (Small)	Establishments engaged in operating religious organizations, such as churches, religious temples and/or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 square feet of floor area. This use includes cemeteries.	Y
Community center	Common meeting places used for and providing religious, fraternal, social, recreational, artistic, historical, or educational programs generally open to the public and designed to accommodate and serve significant segments of the community.	Y
Recreational Uses		
Outdoor Recreation	1. Active recreational activities and supporting services: jogging, cycling, tot-lots, playgrounds. 2. Passive recreational uses consisting of arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas and garden plots.	Y
Recreational Institutional	Nonprofit organizations chartered to provide community-based recreational services.	Y
Nonresidential Uses		
Local utility	Utility substations or transmission and local distribution facilities, including telephone and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, landfills, and mining operations. (NAICS 221122, 22121)	S
Real estate services	Establishments that are primarily engaged in renting or leasing real estate to others; managing real estate for others; selling, buying, or renting real estate for others; and providing other real estate services, such as appraisal services.	Y
Educational services	Establishments that provide instruction and training in a variety of subjects. Instruction is provided by specialized establishments such as schools, colleges, and training centers. This use includes martial arts instruction and dance studios. (NAICS 611 except 611512 and 611620)	L
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals. (NAICS 8121)	Y

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Land Use	*Use Definition*	*Use Permission*
Professional and technical services	Establishments that specialize in performing professional, administrative, scientific, and technical activities for others. These activities require a high degree of expertise and training. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering, and specialized design services, and consulting services. This use includes a contractor's office without exterior storage, and veterinary services without outdoor facilities and medical offices.	Y
Traditional shop	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood-oriented, their maximum size is 1,500 square feet. Certain limitations to this use are intended to preserve the character of the communities that they serve.	Y
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 75 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	L
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery. (NAICS 812310 and 812320)	Y
Daycare, commercial	All daycare facilities not classified as daycare, family and including more than eight children. (NAICS 62441)	Y
Commercial retail, neighborhood	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1. Food and beverage stores 2. Boutiques, gift shops, antique shops and drug stores 3. Garden centers The maximum size of any neighborhood commercial retail use shall be 3,000 square feet, unless otherwise specified.	L
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants. (NAICS 444220)	Y
General retail	General retail uses including but not limited to: 1. Clothing and accessory stores 2. Furniture stores 3. Glass, wallpaper specialty stores 4. Greenhouses (retail only and with garden supplies) 5. Hardware stores (NAICS 444130) This use excludes home centers (NAICS 44411). General retail uses are limited to a building footprint of 5,000 square feet.	Y
Mixed use	A building or group of buildings arranged around a pedestrian precinct, containing two or more different uses including: commercial retail, office, service, residential, institutional, or exhibition center. Residential use must be one of the uses.	Y
Meat and fish market	Establishments primarily engaged in retailing fresh, frozen, or cured meats, poultry, fish or seafood products.(NAICS 445220 and 445210)	Y

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Land Use	*Use Definition*	*Use Permission*
Produce market	Establishments primarily engaged in retailing fresh fruits and vegetables. (NAICS 44523)	Y
Retail bakery	Establishments primarily engaged in retailing bread and other bakery products not for immediate consumption and made on the premises. (NAICS 31181)	Y
Food stores	Establishments primarily engaged in retailing a general line of food, such as canned and frozen food; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Food stores are limited to 15,000 square feet.	S
Gas-convenience marts with no repair bays or facilities, and hand car wash.	Gas-convenience marts with no repair bays or facilities. There is no towing, vehicle body and engine repair, painting, or exterior overnight vehicle storage permitted with this use single-bay car washes associated with a gas convenience mart are permitted. (NAICS 811191, 811192)	S
Quick service oil, tune-up, brake and muffler shops	Quick service oil, tune-up, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	L
General auto repair and gasoline service stations with repair bays or facilities.	General auto repair facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from, this use.	L
Home Uses		
Daycare, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the State for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	Y
Bed and breakfast	Any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his or her principal place of residence. (NAICS 721191)	L
Residential Uses		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit, which complies with the Beaufort County Building Code.	Y
Duplexes	A form of multifamily dwelling with no more than two units per structure.	L
Family compound	Form of traditional rural development, which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	Y

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Land Use	*Use Definition*	*Use Permission*
Group home	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this Ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, and other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.	Y
Commercial apartment	A maximum of three dwelling units located above, or to the rear of a nonresidential building on the same lot. The minimum unit size is 600 square feet. Commercial apartment units or floor area shall not be used in floor area ratio or density calculations for the site. This is done to encourage the provision of commercial apartments.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	Y
Temporary Uses		
Christmas tree sales	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.	Y
Roadside stand	Those activities which involve selling agricultural produce, home made goods, crafts or seafood from a truck, wagon, portable stall or tables, but not as part of, or sponsored by, a commercial operation on site. More than one vendor may sell at a single stand.	Y
Commercial outdoor sales	Outdoor sales of merchandise, by either a storeowner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This use excludes sales associated with a public interest or special event.	Y
Miscellaneous outdoor sales	Those activities which involve selling goods from a truck, a mobile vendor, temporary outdoor or tented sales area, but not as part of, or sponsored by, a commercial operation on site. This use requires an annual permit.	Y
Public interest	Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization.	Y
Special events	These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.	Y
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted. Such facilities shall be removed one year after the completion of the project and the site restored.	Y

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Mobile extensions or sidewalk displays are permitted directly in front of an establishment, if at least five feet is maintained for adequate and uncluttered pedestrian access.
(Ord. No. 2003-24, 8-25-2003)

Sec. 2.5. Limited and special use standards.

This section describes the standards governing limited and special uses as designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County Zoning and Development Standards Ordinance (ZDSO), but supersede the limited and special use standards in article 3 of the ZDSO.

Uses designated as "L" in the use table are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the use table are special uses that require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). If a limited or special use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

LOCAL UTILITY

- Reports/studies required: All applications for this use shall include an area impact assessment, environmental impact assessment, and an archaeological and historic impact assessment. (Section 106-367(g) of the Beaufort County ZDSO).
- In considering an application for a special use permit, the zoning board of appeals shall consider the justification for the location of the proposed utility service and any alternative locations which may be available. Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district.
- Additional buffers: The required bufferyard shall be increased by ten feet along common boundaries with residential uses or zones.
- Screening and buffering consistent with the ZDSO shall be required, unless specifically modified as part of the approved limited or special use permit.
- The minimum lot size may be reduced as part of approval of the special use permit provided all setback and bufferyard requirements are met and all other dimensional requirements are achieved.
- Outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited, unless specifically requested and approved as part of the special use permit. Outdoor storage areas shall comply with the screening provisions contained in article 4 of the ZDSO.

GAS-CONVENIENCE MARTS AND SERVICE STATIONS

- All structures (canopy, carwash, and other accessory uses) shall incorporate consistent architectural details and design elements.

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- Canopy supports shall be visually proportioned to the massing of the canopies and be incorporated into the design of the canopy and main building.
- Car washes are permitted, although special consideration should be given to architecturally blend with the main building.
- Fuel pumps shall be located behind the front line of the primary structure. The zoning administrator may grant exceptions because of the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
- Any canopy over the fuel pumps shall be considered a structure and shall meet the setback requirements for principal structures.
- Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.
- The scale, massing, and building design should be compatible with the surrounding commercial uses, including the fuel canopy. The canopy should have architectural features such as a pitched roof, shingles, and/or clapboard siding to blend the canopy with the residential surroundings. The standard architectural designs of regional or national businesses shall be modified to be compatible with the scale, massing, and design of the area.
- The principal structure shall be oriented toward the street.
- The portion of the principal structure dedicated to sales-related uses shall not exceed 2,500 square feet.
- The street elevation of the principal structure shall have at least one street-oriented entrance, and contain the principal windows of the gasoline station.
- The zoning administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- Parking shall be located behind the front building line unless impracticable due to the shallow depth of the parcel, the location of existing mature trees, or other similar circumstances.
- Lighting shall be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.
- Service bay doors shall not be oriented toward the public right-of-way. They shall face the rear of the site.
- This use shall be located no closer to one another than three miles along an arterial road as classified on the Beaufort County Road Function Classification Map.

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QUICK SERVICE OIL, TUNE-UP, BRAKE AND MUFFLER SHOPS AND GENERAL AUTO REPAIRS

- All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard.
- The exterior display or storage of new or used automobile parts is prohibited.
- The storage or display of motor vehicles shall not be visible from the public road right-of-way.
- Bay doors to the garage shall not be oriented toward the public right-of-way. They shall face the rear of the site.

FOOD STORES

- Reports/studies required: All applications for this use shall include a community impact statement. (Section 106-367(g)(1) of the Beaufort County ZDSO).

DELICATESSENS AND RESTAURANTS

Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired. The following standards shall apply to outdoor eating areas:

- To allow for pedestrian circulation, a minimum width of five feet of sidewalk between the curb and the entrance to the establishment shall be maintained free of tables, chairs, or other obstacles.
- Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
- Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade.
- Outdoor trash receptacles shall be provided.
- Mobile extensions, decks, patios and areas covered by extended awnings and canopies shall not be included in the calculation of floor area or building footprint.

COMMERCIAL RETAIL, NEIGHBORHOOD

- Size: This use is limited to 3,000 square feet, except for hardware stores which are limited to 9,000 square feet.

RELIGIOUS ESTABLISHMENTS (Small)

- Reports/studies required: All applications for this use shall include a traffic impact analysis. (Section 106-367(g)(4) of the Beaufort County ZDSO).
- There shall be no minimum lot size.

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- Access shall be provided through frontage on an arterial or collector street, unless the development review team finds that access to an adjoining local street is safer, and provides improved design, benefiting the county.

EDUCATIONAL SERVICES

- Reports/studies required: All applications for this use shall include an area impact analysis. (Section 106-367(g)(2) of the Beaufort County ZDSO).
- This use is limited to a 10,000-square foot-building footprint.

BED & BREAKFAST

- Use standards: Any bed and breakfast use shall have a maximum of six rental rooms. Meals may be served only to registered guests.
- Signs: Bed and breakfast uses are limited to five square feet of total sign area. Such signs must be constructed of wood or other durable nonplastic materials.
- Parking: Bed and breakfast uses must provide for all parking off-road, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-road parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

DUPLEXES

- Where located adjacent to single-family dwellings, the design and appearance of a duplex must have similar massing, height, roof pitch and architectural features. Duplexes shall be consistent with surrounding neighborhood character.
- Bufferyards shall be used around the perimeter and shall be increased by 15 feet in width.
- Duplexes are subject to the design standards of the Seabrook/Stuart Point Mixed Use District.

(Ord. No. 2003-24, 8-25-2003)

Sec. 2.6. Development standards.

TABLE 2. OPEN SPACE AND DENSITY STANDARDS

		Density[1]		*Floor Area Ratio*				
Zoning District and Development Type	*Min. OSR or LSR*	*Max. Gross*	*Max. Net*	*Max. Gross*	*Max. Net*	*Sewer*	*ARDR Reqd.*	*Min. Site Area*
Seabrook-Stuart Point (SSP) Mixed Use District								
Single-family	0.20	2.0	2.6	na	na	P/CS	N	1 ac
Nonresidential uses	0.60	na	na	0.07	1.20	P/CS	N	2 ac

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[1] Density bonuses allowed for affordable housing in section 106-2146 of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities.

TABLE 3. LOT AND BUILDING STANDARDS

	Minimum					*Maximum*
Zoning District and Development Type	*Lot Area (ac./sf.)*	*Lot Width (feet)*	*Street Yard (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
Seabrook-Stuart Point (SSP) Mixed Use District						
Residential uses	18,513 sf.	70	30	15	10	35 no more than 2 stories
Nonresidential uses	1 acre	100	30	10	20	35 no more than 2 stories

TABLE 4. BUFFERYARD AND TREE STANDARDS

	Number of landscaping canopy or existing trees per			*Road tree spacing per*	*Bufferyard width (feet) adjoining roads*		
Zoning District and Development Type	*Lot*	*Acre open space*	*Parking spaces*	*Feet of ROW*	*Arterial*	*Collector*	*Local*
Seabrook-Stuart Point (SSP) Mixed Use District							
Nonresidential uses	4/acre	4	1.4/10	40	30	50	50

Nonresidential uses within the Seabrook-Stuart Point Mixed Use District shall provide and maintain a 40-foot bufferyard adjacent to residential uses and adjoining districts. The buffer standards of this section supersede the standards of the Corridor Overlay District and the Zoning and Development Standards Ordinance (ZDSO).

DESIGN GUIDELINES

A. GENERAL GUIDELINES

1. Architectural styles should be compatible with architectural styles that exemplify the unique character of the Lowcountry region and conform to general standards of architectural quality. It is not the intention of these guidelines to create replicas or imitations of historic structures, rather, to create new development that "feels" as if it belongs in this area.

2. The same level of architectural integrity shall be applied to all four elevations of any building.

3. Building materials not specified below will be permitted on a case-by-case basis if the application of such materials is incorporated in an architecturally sound design and otherwise meets the objectives of this section.

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4. The following general provisions apply to all nonresidential building types. Through these guidelines the Seabrook-Stuart Point Community Preservation District strives to achieve an overall harmony of design and place. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through proper considerations of scale, proportion, detail, materials, color, site planning and landscaping.

5. Building designs shall be scaled, massed, and articulated appropriately as to their location and use. Structures shall be limited to two full floors, and any structure larger than 5,000 square feet shall be broken into more than one mass in an attempt to reduce the visual impact.

6. Site and building design shall emphasize pedestrian needs and develop creative approaches to improving pedestrian interest, access and enjoyment. All buildings shall have a functional entrance at the front elevation.

7. The sequence of continuous pedestrian activity shall not be interrupted. Blank walls and other "dead" or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest. A wall can be articulated with a change in fenestration, material, a water table, pilasters, or even a trellis attached to the wall to grow plants.

8. Frontage design and signage locations shall be coordinated with streetscape landscaping and street trees.

9. Pedestrian open spaces such as covered walkways, porches, arcades, courtyards and plazas are encouraged, as well as the development of open and attractive passageways between buildings and blocks.

10. Commercial structures should be designed to be compatible with buildings of residential size, scale, character, and materials.

11. Commercial development may not exceed a scale that will threaten the existing neighborhood fabric.

12. Forty percent minimum fenestration of the facade and wall visible from the road right-of-way.

B. EXTERIOR MATERIALS AND ARCHITECTURAL ELEMENTS

1. *Roofs:*

   a. General requirements: Applied or incomplete mansard roofs, flat flush soffit returns on gabled ends, pork chops and long unarticulated roofs are not permitted. Exposed rafter ends or tails at overhangs are strongly recommended.

   b. Pitch: Pitched roofs, covering the main body of the building, shall have a minimum pitch of 5:12. Secondary roofs may have a lesser pitch. These minimum pitches are general, and each building shall dictate its roof based on proportion, scale, style and overall building aesthetics.

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c. Materials: Permitted roof materials include copper, metal (raised seam, galvanized metal, corrugated metal), shingles (wood, slate, multilayered asphalt, metal, fiberglass) and clay tile.

d. Configuration of materials: Maximum spacing of raised seam metal roofs shall be 24 inches. Panel ends shall be exposed at the overhang. Shingles may be square, rectangular, fish scale, or shield. Seam height and type shall be appropriate for the scale and type of structure.

2. *Building Walls:*

a. General requirements: Building elevations fronting the street or the waterfront shall have minimum fenestration (door and window) coverage of 50 percent on the first story and 30 percent for the second level. Structures using wood siding and details may be reviewed more leniently. (This is due to the inherent articulation of the material/process.) Long, unarticulated or blank facades are not permitted.

b. Configuration of materials: The width of wood, cement fiber siding, and other materials shall conform to traditional or historic uses that these materials are meant to emulate. Stucco surfaces shall be fine sand float or medium sand float according to the Portland Cement Association.

3. *Windows and Doors:*

a. General requirements: Rectangular windows facing the street shall have a vertical orientation.

b. Materials: Windows and doors may use framing material of wood, aluminum, copper, and vinyl clad wood. Windows fronting the streets or the waterfront shall use transparent, nonreflective and nontinted materials.

c. Window and door types: Casement and single and double-hung windows are encouraged. Fixed-frame windows shall have a maximum surface area of 36 square feet. Windows with muttons shall have true divided lights or simulated divided lights. Aluminum storefront windows are allowed. Snap-on muntins are not permitted.

4. *Colors:* Predominant color design shall be compatible with Lowcountry or coastal vernacular palette which include traditional historic colors, earth tones (green, tans, light browns and terra cotta), grays, pale primary and secondary colors (with less than 50 percent color value), white and cream tones, and oxblood red. Accent color design (i.e. black, dark blue, grays, and other dark, primary colors) may be used on a limited basis as part of an architectural motif, at the discretion of the development review planner and/or the corridor review board.

5. Other architectural features:

a. Columns: Permitted materials for columns include wood (painted or natural), cast iron, synthetic, concrete with smooth finish, or tabby finish. Columns may be

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square or round, hollow or solid with a minimum nominal width or nominal diameter of six inches. Maximum column spacing shall be no greater than the height of the columns.

b. Accessory buildings and uses: The design of accessory buildings shall reflect and coordinate with the general style of architecture inherent in the primary structure for the proposed development. These structures should be designed to be secondary outdoor usable areas and play equipment shall be reviewed for compatible and attractive design that is integrated with the main building architecture or sufficient screening.

c. Fences and walls: Unscreened chain-link fences or woven metal fences are not permitted. Permitted materials for walls are brick, concrete masonry units with stucco, or reinforced concrete with stucco. Permitted materials for fences are wood, brick lattice, synthetic, and wrought iron.

d. Shutters: Individual shutters, if utilized, shall be real, operable, and cover the entire window when closed. Wood shutters are preferred, although synthetic shutters may be approved at the discretion of the corridor review board.

e. Pedestrian paving: Paving materials shall consist of brick, stone, gravel, wood, concrete, or oyster shell aggregate concrete. Asphalt is allowed, but not preferred.

C. LANDSCAPING GUIDELINES

LANDSCAPING AND BUFFERS: In addition to the following landscaping requirements, the landscaping standards outlined in section 4.35 of the Beaufort County ZDSO apply to all developments in this district. All landscaping required by this section, and approved as part of an application for development, shall be maintained in healthy condition by the property owner. Plant material used for installation shall conform to the standards established by the American Association of Nurserymen in the "American Standards for Nursery Stock" provisions. Landscaping requirements of this ordinance shall not interfere with fire and life safety standards contained in this ordinance.

1. *Installation requirements:* Installation and maintenance of landscaping materials shall adhere to the standards of the ZDSO.

2. *Existing plant material counted:* The use of existing vegetation and plant species native to the Lowcountry is strongly encouraged, and shall be counted toward the landscaping requirement. This indigenous plant material also makes required maintenance easier and prolongs plant life.

3. *Landscaping along street frontage:* Planters, window boxes, hanging plants and potted plants are strongly encouraged along front elevations of buildings.

4. *Foundation buffers:* A three-foot wide landscaped buffer is required between the side and rear elevations of the building and parking areas, driving areas, and sidewalks. Foundation buffers are not required in loading areas and drive-through facility areas.

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5. *Parking lot planting requirements:* The parking lot planting requirements outlined in the landscaping section of the corridor overlay district guidelines apply to the Seabrook/Stuart Point Community Preservation District.

D. SIGNAGE GUIDELINES

SIGN STANDARDS: The sign provisions of article 16 of the Beaufort County Zoning and Development Standards Ordinance shall apply unless otherwise specified. The standards and requirements contained in this section shall apply to all uses within the Seabrook/Stuart Mixed Use District.

1. *On-premises wall signs:*
   a. Wall signs shall generally be placed within an informational band immediately above the storefront.
   b. Wall signs shall not project more than 15 inches from the building surface.
   c. Wall signs shall not have an aggregate area of more than one square foot for each linear foot of building face parallel to the street lot line, or ten percent of the wall area to which it is attached, whichever is less.
   d. Where more than one sign is attached to the same wall, the sum of the area of all of the signs shall not exceed the total sign size permitted per wall.
   e. Wall signs shall not extend higher than the eave line or the top of the parapet wall.
   f. Wall signs may only be externally illuminated with a steady, stationary, shielded light source directed solely onto the sign.
   g. Multiple wall signs advertising several occupants of the same building or building complex shall be of uniform design and shall be of the same material.
   h. Directory type signs are encouraged for buildings with multiple tenants or businesses.
2. *On-premises projecting signs:*
   a. Projecting signs shall be constructed of wood, with carved, painted, or applied metal lettering and symbols.
   b. The total area of such projecting signs, measured on one face, shall not exceed eight square feet.
   c. Such signs shall be hung at right angles to the building.
   d. Such signs shall have a minimum clearance of eight feet.
3. *Free standing signs:*
   a. One freestanding sign may also be placed in front of a building. The sign shall be set back at least five feet from the street right-of-way.
   b. Such signs shall have a maximum height of six feet and a maximum area of six square feet.

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c. The sign shall be constructed of wood or painted metal and shall be externally illuminated.

d. Sign structures shall be of masonry with smooth stucco or tabby finish, painted or natural wood, or synthetic materials.

e. Sign design should be appropriate to the architectural expression and aesthetics of the building which it belongs.

E. LIGHTING GUIDELINES

ILLUMINATION STANDARDS: The illumination standards of article 4 of the Beaufort County Zoning and Development Standards Ordinance shall apply in addition to the following standards:

ILLUMINATION STANDARDS

Maximum Illumination/Height	
Illumination	Height
Regular = 2 foot candle	Regular = 15 feet
Cutoff = 4 foot candle	Cutoff = 20 feet

1. Any light fixture shall be a cutoff luminaire with the source completely concealed by an opaque housing and shall not be visible from the street.

2. Fixtures shall be utilized in such a manner that the cone of light is not directed at any property line of the site or adjacent roadway.

F. PARKING

1. The parking provisions of the Beaufort County Zoning and Development Standards Ordinance shall apply, except that the maximum off street parking for retail and service uses is determined at a ratio of three parking spaces per thousand square feet of building space.

2. All off-street parking must be to the rear or side. Parking lots in side yards are discouraged. Where unavoidable they shall be limited to 44 feet in width along the street, and shall be screened from the road right-of-way.

3. Alleys are recommended.

4. Buildings, trees, hedges or low walls (less than 31/2 feet) must screen parking lots from public right-of-ways.

5. Corner lot parking lots are prohibited.

6. Clearly delineated pedestrian paths to, from and across parking lots are required.

7. Parking areas are not to appear as large paved areas. Sufficient planting/preservation of trees and native vegetation shall be a guiding force in the design process. These areas should be more usable, livable, and pedestrian friendly.

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G. ADDITIONAL STANDARDS FOR HISTORIC STRUCTURES

1. The Seabrook/ Stuart Point Community Preservation Area has one main area of historic interest, Old Seabrook. This area originally served the people of Seabrook and the railroad that ran through it. The buildings in this area are in decay, but are still viable for restoration and re-use.

2. If redeveloped or restored, the goal of this historic area is to create a low impact area that will not negatively affect the surrounding neighborhoods.

3. The minimum parking requirements may be reduced by the DRT.

4. The restoration process in this area should leave these buildings with the same overall architectural presence they had historically.

5. New structures, if allowed in this area, must be of similar architectural style, massing, materials, and scale. The Beaufort County Historic Preservation Review Board will review these qualities and deem what is appropriate, architecturally as well as siting and overall presence.

6. If rejuvenated, this historic area should become geared toward the pedestrian.

7. The use of planters, outdoor seating areas, trash receptacles, trellises, and other features that provide interest to pedestrians is strongly encouraged between the buildings and on the street.

H. ADDITIONAL STANDARDS FOR SPECIFIC BUILDING TYPES

1. *Drive-through windows:* Drive-through elements shall be architecturally integrated into the building, rather than appearing to be applied or "stuck-on" to the building. Drive-through elements shall not be located on the street side of the building and shall be inconspicuous. Safe sight distances for pedestrians and automobile traffic must be maintained where drive-through window traffic exits onto the street. Drive-through amenities are limited to one lane and one window per business/location.

2. *Franchise architecture:* Franchise/corporate entities are permitted within the Seabrook/ Stuart Point Community Preservation Districts; however, franchise architecture is prohibited on the exterior of structures.

3. *Prefabricated buildings:* Metal buildings are not prohibited, but special consideration should be placed on scale, mass, fenestration, and materials. All of the design/material issues set forth in this document shall be applicable.

4. *Height:*

   a. All structures residential or commercial shall have a maximum height of 35 feet 0 inches above the baseflood elevation.

   b. All structures residential or commercial shall be a maximum of two stories.

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Height limitations shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, chimneys, parapet walls smokestacks, conveyors, derricks, nor to necessary mechanical roof appurtenances.

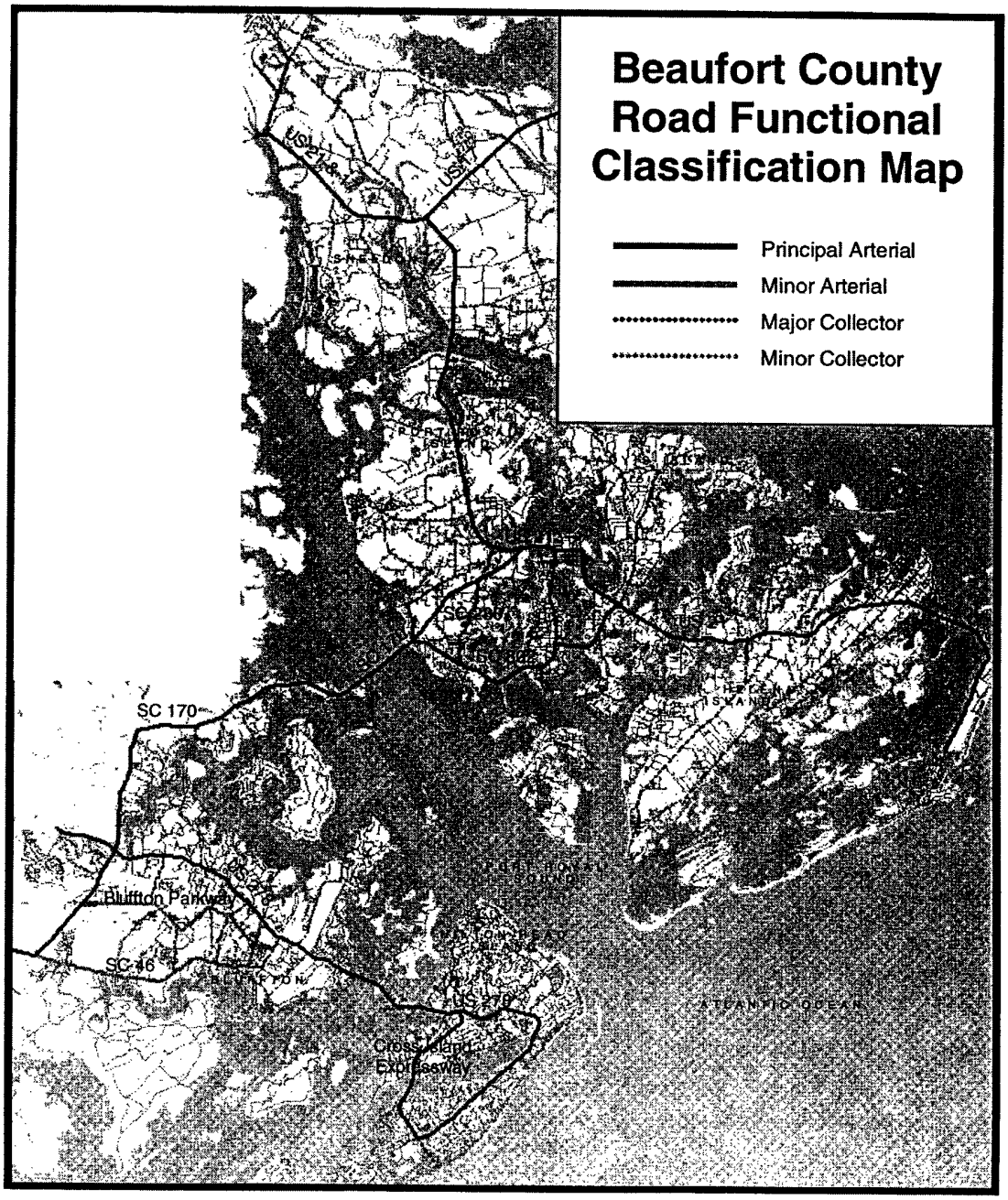
I. ACCESSORY AND MISCELLANEOUS USE STANDARDS FOR THE MIXED USE AND RESIDENTIAL DISTRICTS. The standards in the table below supersede the truck and heavy equipment storage standards and the "general" standards of the ZDSO.

Type of Accessory Use	*Applicable Standard(s)*
Trucks and heavy equipment, storage	Trucks, their cabs or trailers, construction vehicles or equipment, or commercial vehicles may park on residential lots within the Seabrook/Stuart Point CP Zoning Districts. A total of two trucks, construction vehicles or commercial vehicles are allowed per site.

(Ord. No. 2003-24, 8-25-2003)

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APPENDIX N. BEAUFORT COUNTY ROAD FUNCTIONAL CLASSIFICATION MAP



Beaufort County Road Functional Classification Map

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APPENDIX O. ALLJOY ROAD COMMUNITY PRESERVATION (CP) DISTRICT

DIVISION 1. ALLJOY ROAD COMMUNITY PRESERVATION DISTRICT (CPD)

Sec. 1-1. Purpose.

The purpose of the Alljoy Road Community Preservation District (CPD) is to maintain or improve the livability of existing residential neighborhoods. To protect the integrity of existing neighborhood residential areas, infill development on small, undeveloped parcels in established subdivisions is meant to be compatible with surrounding established neighborhoods. It is the express purpose of this district to exclude all commercial buildings and structures, whether operated for profit or otherwise, except home uses specifically provided for, if they conform to the provisions of this section. For the purposes of this district, manufactured home parks (groupings of manufactured homes on a single parcel or contiguous parcels with a single owner in which the homes or portions of the parcel are leased to residents) are considered commercial activity and are also expressly prohibited.
(Ord. No. 2005/14, 4-25-2005)

Sec. 1-2. Applicability.

The Alljoy Road CPD requirements apply to all uses within the CPD boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within this district, unless expressly exempted or otherwise provided for in this section.
(Ord. No. 2005/14, 4-25-2005)

Sec. 1-3. District boundaries.

The delineation of areas that fall under the CPD zoning designation is outlined on the official zoning map of Beaufort County. The Alljoy Road CPD standards and requirements apply to all uses within the CPD boundaries and only those within the CPD boundaries. The ZDSO shall apply to all development (as defined in section 106-6) within this district, unless expressly exempted or otherwise provided for in this section.
(Ord. No. 2005/14, 4-25-2005)

Sec. 1-4. Permitted activities.

The permitted uses in the Alljoy Road CPD are primarily residential. Table 1 includes descriptions of permitted uses for the CPD District. Uses not listed are prohibited.

(a) Uses permitted in the CPD are indicated in Table 1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.

(b) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in Section 5, are met. The "limitations" listed in section 1-5 are in addition to any and

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all limitations for that use that are included in section 106-1156. The zoning and development administrator (ZDA) or the development review team (DRT) issue final approval of limited uses.

(c) Special uses ("S") are permitted only by approval of the zoning board of appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-551—106-555.

(d) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.

(e) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

TABLE 1. ALLJOY ROAD COMMUNITY PRESERVATION DISTRICT (CPD) PERMITTED USES

Land Use	*Use Definition*	*Permitted*
RESIDENTIAL USES		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Duplex	A building containing two single-family dwelling units totally separated from one another by an unpierced wall extending from foundation to roof. All units are to be consistent in design and scale with the surrounding neighborhood.	Y
Family compound	A traditional rural development that allows family members to place additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Family compound regulations in section 106-2105 apply.	Y

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Land Use	*Use Definition*	*Permitted*
Group home	A building that would otherwise be categorized as a single-family home, except that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment in which staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this appendix, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, and other institutional residential and boarding houses.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate but similar in design and appearance to the principal unit. The unit (a complete independent living facility) may be in or added to an existing owner-occupied single-family detached dwelling, or in a separate accessory structure on the same lot as the owner-occupied dwelling. Maximum building size shall not exceed 50 percent of the principal unit's floor area. No more than one unit is permitted per lot. Regulations included in section 106-1188 apply.	Y
Home Uses		
Daycare, home	A facility in a private owner-occupied home that is operated by one or more persons duly licensed by the state for the purpose of providing child daycare for one to not more than eight children at any one time, who are not relatives of the daycare provider. (NAICS 62441)	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	L

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Land Use	*Use Definition*	*Permitted*
Home business	A business, profession, occupation or trade operated out of a single-family residence and/or accessory structures. The employment of up to three unrelated individuals, including independent contractors operating from the facility but not including farm workers, is permitted.	L
Commercial Use		
Bed and Breakfast	A lodging establishment in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
INSTITUTIONAL USES		
Civic and social organizations	Clubs and organizations primarily engaged in promoting the civic and social interests of their members. Establishments may operate bars and restaurants for their members (NAICS 8134).	L
Community center	Common meeting places designed to accommodate and serve significant segments of the community. They are used to provide community-based social, recreational, cultural or educational programs open to the public. Centers may also include fitness and recreational sports centers (NAICS 71394).	Y
Local utility	Utility substations or transmission and local distribution facilities, including electric, telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	Y

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Land Use	*Use Definition*	*Permitted*
Museums, libraries, cultural centers	Establishments engaged in the preservation or exhibition of objects, sites, and natural wonders of historical, cultural, and /or educational value (NAICS 71211). Institutions providing library or archive services (NAICS 519120). Zoos, botanical gardens, aquariums, or aviaries (NAICS 712130).	Y
Outdoor recreation	Active recreational activities and supporting services limited to: jogging, cycling, tot lots, playgrounds, tennis courts, community docks and fishing clubs. Passive recreational uses including, but not limited to: wildlife sanctuaries, forests, and areas for hiking, nature areas. Includes picnic areas and garden plots (NAICS 71219).	S
TRANSPORTATION USE		
Barge landing	Involves the transport and handling of cargo on intracoastal waterways (NAICS 483113 and 483211).	S
TEMPORARY USE		
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
TEMPORARY SALES AND EVENTS		
Miscellaneous outdoor sales	Those activities which involve selling goods from a truck, a mobile vendor, or temporary outdoor or tented sales area, but not as part of or sponsored by, a commercial operation on site.	Y
Public interest	Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization.	Y
Special event	These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties.	Y

Source: NAICS 2002
(Ord. No. 2005/14, 4-25-2005)

Sec. 1-5. Limited and special use standards.

This section describes the standards governing the limited and special uses designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort

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County ZDSO, but supercede the limited and special use standards in Division 2 of the ZDSO. New uses within the CPD shall be consistent with surrounding neighborhood character in size, scale and architecture. Some of the uses listed below include the statement, "The ZDA and/or DRT may require one or more impacts analyses." These analyses include, but are not limited to: a community impact statement (CIS), an area impact assessment (AIA), an environmental impact assessment (EIA), a traffic impact assessment (TIA) and/or an archaeological and historic impact assessment (AHIA). The ZDA and/or DRT may also request additional data or reports from the applicant.

(a) *Home occupation and home business.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Home businesses and occupations shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(3) The owner of the home business or occupation shall reside on the property or immediately adjacent thereto.

(4) The following uses are specifically not allowed: repair, rental or assembly of vehicles, equipment or machinery with internal combustion engines; repair, rental or assembly of large appliances; restaurants; bars; adult entertainment; medical offices or clinics; or veterinary services, including boarding.

(5) The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(6) The maximum floor area permitted for home occupations shall be 25 percent of the finished floor area of the dwelling unit. A maximum of five percent of this floor area may be used for indoor storage.

(7) No more than 1,000 square feet of an accessory building, including garages, shall be used for the home business.

(8) There shall be no outside storage of goods, products, equipment, or other materials associated with the home business or occupation.

(9) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used or stored in conjunction with a home business or occupation.

(10) No outdoor trash receptacles or dumpsters over 55 gallons in capacity shall be permitted. These trash receptacles are limited to one per business and must be screened from view from the road.

(11) One sign no larger than 3 square feet in area may be placed on the property.

(12) The type and volume of traffic generated by a home business or occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. The home business or occupation shall not negatively affect the safety, ambience or character of the neighborhood in any way.

(13) Additional parking for a home business is limited to two parking spaces. These parking spaces must be constructed of pervious materials.

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(14) Additional parking for a home occupation is not permitted.

(15) The owner-operator may park one vehicle and one utility trailer on-site. When on-site, the trailer must be screened from view.

(b) *Barge landing.*

(1) No new barge landings are to be permitted after the adoption of this appendix.

(2) Barge landings in operation at the time of the adoption of this appendix shall be permitted to continue operations with the following conditions:

a. Existing barge operations may only operate at the same location as it was prior to the adoption of this appendix. All operators shall provide proof that applicable federal and state permits have been obtained.

b. Barge landings cannot be used for commercial ferries.

c. Barge landings cannot be used as docks for commercial tour boats, charters, ecotourism, or kayak rental.

d. No more than two barges may dock at a time.

e. No permanent or temporary structures may be erected for the operation of the barge landing.

f. All parking, staging and truck turn-around space must be located on the site and as far from the OCRM critical line as possible.

g. Freight may be stored or staged on the landing for no more than 24 hours. Areas for the temporary outdoor storage or staging of materials shall be as far from the OCRM critical line as possible and screened from view from neighboring properties.

h. Any river buffer impact should be the least extent necessary with a maximum width of 20 feet and shall require on-site mitigation. Mitigation, planting material and slope stabilization shall be as described in ZDSO section 106-1845(d) and (e). All impacts reported by county, state or federal officials shall be remedied as soon as possible or operations shall be stopped.

i. No barge landing site and associated activities shall exceed two acres.

(c) *Bed and breakfast.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Bed and breakfast signs are limited to five square feet total sign area and constructed of wood or other durable nonplastic materials.

(3) When permitted, parking must be off-street unless the DRT finds that on-street can be safely accommodated and that off-street parking would be detrimental to the area's appearance.

(4) Off-street parking must be screened from adjoining land uses by hedges and canopy trees.

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(5) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "lowcountry" architectural design.

(d) *[Civic and social organization buildings.]* Civic and social organization buildings are limited to a maximum floor area of 5,000 square feet.

(Ord. No. 2005/14, 4-25-2005)

Sec. 1-6. Development standards.

Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply. Affordable housing density bonuses described in section 106-2081 of the ZDSO shall not apply in the Alljoy Road CPD.

(a) Lot standards are as follows:

(1) Minimum lot size—14,520 square feet (one-third of an acre) for sites with sewer.

(2) Minimum lot size—21,780 square feet (one-half of an acre) for sites without sewer.

(3) Minimum lot width—80 feet.

(4) Minimum street yard—20 feet.

(5) Minimum side yard—15 feet.

(6) Minimum rear yard—20 feet.

(b) Maximum building height is 35 feet above base flood elevation.

(Ord. No. 2005/14, 4-25-2005)

DIVISION 2. ALLJOY ROAD OFFICE COMMERCIAL/MIXED USE (OC/MU) DISTRICT

Sec. 2-1. Purpose.

The purpose of the Alljoy Road Office Commercial/Mixed Use (OC/MU) District is to allow for the continuance and development of small-scale office, service, limited retail and civic uses along Burnt Church Road at the gateway to the Alljoy Road neighborhood. The size and type of permitted nonresidential uses in the OC/MU District were selected to cause the least impact on local traffic and to be compatible with the neighboring Town of Bluffton.

(Ord. No. 2005/14, 4-25-2005)

Sec. 2-2. Applicability.

The Alljoy Road Office Commercial/Mixed Use (OC/MU) District requirements apply to all uses within the OC/MU boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within this district, unless expressly exempted or otherwise provided for in this section.

(Ord. No. 2005/14, 4-25-2005)

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Sec. 2-3. District boundaries.

The delineation of the area that falls under the Alljoy Road OC/MU zoning designation is outlined on the official zoning map of Beaufort County. The Alljoy Road OC/MU standards and requirements apply to all uses within the OC/MU boundaries and only to those uses within the OC/MU boundaries. The ZDSO shall apply to all development (as defined in section 106-6) within this district, unless expressly exempted or otherwise provided for in this section. (Ord. No. 2005/14, 4-25-2005)

Sec. 2-4. Permitted activities.

The permitted uses in the Alljoy Road OC/MU District are a combination of residential, commercial and office uses. Table 2 includes descriptions of permitted uses for OC/MU District (explanations of symbols used in the table are presented in section 1-4).

(a) All permitted uses shall be consistent in design and scale with surrounding neighborhood character.

(b) All permitted temporary uses, events and sales must obtain all required licenses and/or permits prior to operation and must leave the property clean upon closing.

(c) Uses not listed are prohibited.

TABLE 2. ALLJOY ROAD OFFICE COMMERCIAL/MIXED USE (OC/MU) PERMITTED USES

Land Use	*Use Definition*	*Permitted*
Residential Uses		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Family compound	A traditional rural development that allows family members to place additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Family compounds regulations included in section 106-2105 apply.	Y
Duplex	A building containing two single-family dwelling units totally separated from one another by an unpierced wall extending from foundation to roof. All units are to be consistent in design and scale with the surrounding neighborhood.	Y

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Land Use	*Use Definition*	*Permitted*
Townhouse	A single structure consisting of not less than three or more than six dwelling units each, with no other dwelling or portion of other dwelling directly above or below any other dwelling unit. Each unit has its own front and rear ground level access to the outdoors and each unit is separated from any other unit by one or more vertical common fire-resistant walls with no openings.	Y
Group home	A building that would otherwise be categorized as a single-family home, except that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment in which staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this appendix, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, and other institutional residential and boarding houses.	Y
Accessory dwelling unit	A second dwelling unit, clearly subordinate but similar in design and appearance to the principal unit. The unit (a complete independent living facility) may be in or added to an existing owner-occupied single-family detached dwelling, or in a separate accessory structure on the same lot as the owner-occupied dwelling. Maximum building size shall not exceed 50% of the principal unit's floor area. No more than one unit is permitted per lot.	Y
Commercial apartment	Dwelling units located above, or to the rear of a nonresidential building on the same lot.	S
Planned community	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses and duplexes. Such developments shall be planned as a unit.	S

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Land Use	*Use Definition*	*Permitted*
	Home Uses	
Daycare, home	A facility in a private owner-occupied home that is operated by one or more persons duly licensed by the state for the purpose of providing daycare for children who are not relatives of the daycare provider. No more than eight children may be in the daycare at any one time (NAICS 62441).	Y
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	L
Home business	A business, profession, occupation or trade operated out of a single-family residence and/or accessory structures. The employment of up to three unrelated individuals, including independent contractors operating from the facility but not including farm workers, is permitted.	L
	COMMERCIAL USES AND SERVICES	
Bed and breakfast	A lodging establishment in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
Daycare, adult	Establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly or persons with disability. The welfare of these individuals is provided for through daycare, nonmedical home care, social activities, group support, and companionship (NAICS 62412).	S

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Land Use	*Use Definition*	*Permitted*
Daycare, commercial	A business primarily engaged in providing day care for infants and children. These establishments generally care for preschool children, but may also offer prekindergarten educational programs as well as before- and after-school programs (NAICS 6244).	S
Neighborhood commercial retail and services	These uses include retail and services that primarily serve their immediate neighborhoods. Permitted uses include the following:	

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Land Use	*Use Definition*	*Permitted*
	Ambulatory health care services. Provide health care services directly or indirectly to ambulatory patients and do not usually provide inpatient services. Facilities and equipment are not usually the most significant part of the services. These include a variety of services such as offices of doctors, dentists and optometrists; outpatient care centers; and centers and clinics for surgery, emergency medicine and community health among others (NAICS 621).	Y
	Auto repair. Automotive facilities engaged in providing a wide range of mechanical and electrical repair and maintenance services for passenger cars, trucks, vans and trailers (NAICS 8111).	L
	Broker and investment services. This category includes underwriting securities issues, making markets for securities and commodities, brokering (acting as an agent between buyers and sellers) securities and commodities, managing portfolios of assets and providing investment advice and custody services (NAICS 523).	Y
	Caterers. Establishments primarily engaged in providing single event-based food services. Examples of events are graduations, parties, wedding receptions and business or retirement luncheons. Banquet halls are included (NAICS 72232).	Y
	Dry-cleaning and laundry services. These are facilities with coin operated or similar self-service laundry and dry-cleaning equipment (NAICS 81231). This category also includes establishments engaged in providing dry-cleaning and laundry drop-off and pick-up service with the actual laundering and cleaning done off-site (portions of NAICS 81232).	Y

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Land Use	*Use Definition*	*Permitted*
	Ecotourism/cultural tourism. An establishment devoted to providing primarily outdoor recreation that invites participants to learn about and promote ecological preservation, conservation and sustainability or local cultural and historical heritage. This location serves as a gathering point or trailhead and may include limited related retail sales.	Y
	Educational services. Schools and training centers that provide instruction and training in a variety of subjects. This use includes martial arts instruction and dance studios (NAICS 611).	Y
	Electronic and computer repair. Establishments primarily engaged in repairing and maintaining electronic equipment such as computers; office machines and communication equipment (NAICS 8112).	Y
	Health and exercise clubs. Fitness and recreational sports facilities including aerobic dance or exercise; gymnasiums; handball, racquetball and tennis; skating, swimming or wave pools; and physical fitness centers (NAICS 71394).	Y
	Home health care. Providers of skilled in-home nursing services such as personal care and companion services; physical, occupational and vocational therapy; medical social services; medications, equipment and supplies; counseling, 24-hour home care; and diet and nutrition assistance (NAICS 6216).	Y

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Land Use	*Use Definition*	*Permitted*
	Insurance agents and brokers. Establishments primarily engaged in underwriting annuities, insurance policies, and funds, trusts, and other financial vehicles (NAICS 524, 525).	Y
	Internet service providers. Establishments providing access to the internet, search facilities for the internet, data processing, hosting, and related services (NAICS 518).	Y
	Meat and seafood market. Establishments primarily engaged in retailing fresh, frozen, or cured meats, poultry, fish or seafood products (NAICS 44521 and 44522).	Y
	News dealer and newsstand. Establishments primarily engaged in retailing current newspapers, magazines, and other periodicals (NAICS 451212).	Y
	Periodical publishers. Establishments that carry out the operations necessary for producing and distributing magazines and other periodicals, such as gathering, writing, and editing articles and selling and preparing advertisements (NAICS 511120). Publications are not printed on-site.	Y

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Land Use	*Use Definition*	*Permitted*
	Personal and household goods repair. Comprises shops repairing and servicing home and garden equipment, appliances, furniture (including reupholstery), and shoes and leather goods. Also includes establishments involved in the repair of garments, jewelry, watches, musical instruments, bicycles, motorcycles, and recreational watercraft (NAICS 8114).	L
	Produce market. Establishments primarily engaged in retailing fresh fruits and vegetables (NAICS 44523).	Y
	Professional and technical services. Establishments that specialize in performing professional, scientific, and technical activities that require a high degree of expertise and training. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering, specialized design services, marketing research, photography, translation, other consulting services, scientific research and development, and advertising (NAICS 5411-5419).	Y
	Restaurant and delicatessen. Eating places with limited service (delicatessens, fast food, snack bars and takeout) are permitted (NAICS 72221). Drive-through service is not permitted.	Y
	Retail bakery. Establishments primarily in retailing bread and other bakery products made on the premises but not for immediate consumption (NAICS 445291).	Y

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Land Use	*Use Definition*	*Permitted*
	Retail plant nursery. Establishments primarily engaged in retailing nursery products, such as shrubs, plants, seeds or bulbs that are grown elsewhere. These establishments may sell a limited amount of products grown indoors, on-site. Outside storage is limited to plants (NAICS 44422).	Y
	Real estate services. Establishments that are primarily engaged in renting or leasing real estate to others; managing real estate for others; selling, buying, or renting real estate for others; and providing other real estate services, such as appraisal services (NAICS 5312).	Y
	Social assistance. Providers of services for individuals, families, the disabled and the elderly. Facilities provide community food and housing services, temporary shelters, emergency relief, and vocational rehabilitation. Does not include residential accommodation services except on a short stay basis (NAICS 624).	Y
	Veterinary and pet services. Establishments of licensed practitioners of veterinary medicine and those who provide testing services for veterinarians (NAICS 54194). This also includes establishments providing pet services such as boarding (kennels), grooming and training (NAICS 81291). All kennels must be indoors.	Y
	Wineries. This industry comprises establishments primarily engaged in one or more of the following: (1) growing grapes and manufacturing wines and brandies; (2) manufacturing wines and brandies from grapes and other fruit grown elsewhere; and (3) blending wines and brandies for sale and on-site consumption (NAICS 312130).	Y

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Land Use	*Use Definition*	*Permitted*
INSTITUTIONAL USES		
Civic and social organizations	Clubs and organizations primarily engaged in promoting the civic and social interests of their members. Establishments may operate bars and restaurants for their members (NAICS 8134).	Y
Community center	Common meeting places designed to accommodate and serve significant segments of the community. They are used to provide community-based social, recreational, cultural or educational programs open to the public. Community centers may also include fitness and recreational sports centers (NAICS 71394).	Y
Local utility	Utility substations or transmission and local distribution facilities, including electric, telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations (NAICS 221122, 22121).	Y
Museums, libraries, cultural centers	Establishments engaged in the preservation or exhibition of objects, sites, and natural wonders of historical, cultural, and /or educational value (NAICS 71211). Institutions providing library or archive services (NAICS 519120). Zoos, botanical gardens, aquariums, or aviaries (NAICS 712130).	Y
Outdoor recreation	Active recreational activities and supporting services limited to: jogging, cycling, tot lots, playgrounds, tennis courts, community docks and fishing clubs. Passive recreational uses including, but not limited to: wildlife sanctuaries, forests, and areas for hiking, nature areas. Includes picnic areas and garden plots. (NAICS 71219)	Y

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Land Use	*Use Definition*	*Permitted*
Public services	These include buildings or garages for rescue vehicles and ambulances (NAICS 62191), fire trucks (NAICS 92216), police vehicles (NAICS 92212) and public works vehicles (NAICS 92119) or other areas where these vehicles are stored and dispatched. This use excludes generation facilities, storage of combustibles, regional facilities and landfills.	Y
Religious establishments	Establishments primarily engaged in operating religious organizations, such as churches, religious temples or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (NAICS 813). This use includes cemeteries.	Y
TEMPORARY USES		
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted. This use must be removed upon project completion.	Y
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
TEMPORARY SALES AND EVENTS		
Christmas tree sales	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.	Y
Roadside stand	Those activities that involve selling agricultural produce, home made goods or seafood from a truck, wagon, portable stall or tables, but not as part of or sponsored by, a commercial operation on site. A temporary or permanent structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand.	Y

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Land Use	*Use Definition*	*Permitted*
Commercial outdoor sales	Outdoor sales of merchandise, by either a store owner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or the pedestrian area. This use excludes sales associated with a public interest or special event.	Y
Miscellaneous outdoor sales	Those activities that involve selling goods from a truck, a mobile vendor, or temporary outdoor or tented sales area. This does not include sales as part of, or sponsored by a commercial operation on site.	Y
Public interest	Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or nonprofit organization.	Y
Special event	These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties.	Y

Source: NAICS 2002
(Ord. No. 2005/14, 4-25-2005; Ord. No. 2008/25, 7-28-2008)

Sec. 2-5. Limited and special use standards.

This section describes the standards governing the limited and special uses designated in Table 2. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO, but supercede the limited and special use standards in Division 2 of the ZDSO. New uses within the OC/MU shall be consistent with surrounding neighborhood character in size, scale and architecture. Some of the uses listed below must be reviewed by the DRT and some also include the statement, "The ZDA and/or DRT may require one or more impacts analyses." These analyses are described in section 1-5. The ZDA and/or DRT may also request additional data or reports from the applicant.

(a) *Commercial apartment.*

(1) A maximum of three dwelling units is permitted either above or to the rear of the building on the same lot.

(2) The minimum apartment unit size is 600 square feet.

(3) Second floor commercial apartment units or floor area shall not be used in floor area ratio or density calculations for the site. Apartments on the ground floor are included in area calculations.

(b) *Planned community.*

(1) The applicant must prepare a community impact statement demonstrating that there will be no negative impact on public infrastructure such as roads, and water

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and sewer systems, and public services such as police, fire, EMS, and solid waste collection and illustrating how the features and design of the planned project adds to the Alljoy Road area's sense of community.

(2) The applicant must show how the proposed development is consistent with the Beaufort County Comprehensive Plan and the Alljoy Road Community Preservation Plan.

(3) The proposed development cannot adversely impact the surrounding area.

(4) No commercial uses are permitted in planned communities.

(5) Architectural design should be compatible with the existing community

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(6) All residences must be site-constructed or modular.

(7) To the greatest extent feasible the site plan must be designed around existing vegetation.

(8) Townhouse structures are limited to 35 feet in height and a maximum overall net density of 4 units per acre.

(9) Site design should create a sense of "community" which includes:

a. An internal vehicular circulation system that permits easy access to all portions of the planned community as well as connections to existing and planned external roads.

b. Access to transit stops and neighborhood retail centers.

c. A clear delineation between the public and private spaces within the development.

(10) Pedestrian linkages between residential lots and active open spaces and other community amenities are required.

(11) Where present, duplexes and townhouses shall be integrated into the planned community.

(12) A 20-foot wide bufferyard shall be located where nonresidential uses abut the planned community. Required setbacks may be included within this bufferyard.

(c) *Home occupation and home business.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Home businesses and occupations shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(3) The owner of the home business or occupation shall reside on the property or immediately adjacent thereto.

(4) The following uses are specifically not allowed: repair, rental or assembly of vehicles, equipment or machinery with internal combustion engines; repair, rental or assembly of large appliances; restaurants; bars; adult entertainment; medical offices or clinics; or veterinary services, including boarding.

(5) The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(6) The maximum floor area permitted for home occupations shall be 25 percent of the finished floor area of the dwelling unit. A maximum of five percent of this floor area may be used for indoor storage. No more than 1,000 square feet of an accessory building, including garages, shall be used for the home business.

(7) There shall be no outside storage of goods, products, equipment, or other materials associated with the home business or occupation.

(8) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used or stored in conjunction with a home business or occupation.

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(9) No outdoor trash receptacles or dumpsters over 55 gallons in capacity shall be permitted. These trash receptacles are limited to one per business and must be screened from view from the road.

(10) One sign no larger than three square feet in area may be placed on the property.

(11) The type and volume of traffic generated by a home business or occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. The home business or occupation shall not negatively affect the safety, ambience or character of the neighborhood in any way.

(12) Additional parking for a home business is limited to two parking spaces. These parking spaces must be constructed of pervious materials.

(13) Additional parking for a home occupation is not permitted.

(14) The owner-operator may park one vehicle and one utility trailer on-site. When on-site, the trailer must be screened from view.

(d) *Bed and breakfast.*

(1) This use must be reviewed by the DRT. The DRT may require one or more impacts analyses.

(2) Bed and breakfast signs are limited to five square feet total sign area and constructed of wood or other durable nonplastic materials.

(3) Parking must be off-street along Burnt Church Road. On other District streets, the DRT may find that some on-street parking can be safely accommodated and that off-street parking would be detrimental to the area's appearance.

(4) When permitted, off-street parking must be screened from adjoining land uses by hedges and canopy trees.

(5) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "lowcountry" architectural design.

(e) *Daycare, commercial or adult.*

(1) This use must be reviewed by the DRT. The DRT may require one or more impacts analyses.

(2) Lot size is a minimum of 20,000 square feet or 1,000 square feet per person (all staff and students).

(3) In the interests of safety, all parking must be off-street.

(f) *Auto repair and personal and household goods repair.*

(1) These uses may not adversely affect community safety, traffic or neighboring uses.

(2) ZDA and/or DRT review must address any potential impacts from the use and handling of hazardous materials.

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(3) The ZDA and/or DRT may require one or more impacts analyses.

(4) This use is not permitted adjacent to or with direct traffic access to Burnt Church Road, but must be located on an interior lot. In addition, no structure used for auto, motorcycle or watercraft repair is to be visible from Burnt Church Road. Extensive plantings and screenings may be required to achieve this.

(5) All vehicles, boats, motorcycles, and large items under repair that are stored on the premises in excess of 24 hours shall be placed in a screened storage yard and shall not be visible from the public road right-of-way.

(6) Exterior storage of vehicles or large goods shall not exceed seven days. Exterior storage of boats may not exceed 30 days.

(7) The exterior display or storage of any materials is prohibited.

(8) Bay doors and garage doors shall not be oriented toward the public right-of-way, but shall face the rear of the site.

(9) All maintenance and repairs are made in fully enclosed bays.

(10) No noise may be discernable beyond the property after daylight hours.

(Ord. No. 2005/14, 4-25-2005)

Sec. 2-6. Development standards.

Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply. Affordable housing density bonuses described in section 106-2081 of the ZDSO shall not apply in the Alljoy Road OC/MU.

(a) Lot standards for planned communities are defined in ZDSO Table 106-2406. All other lot standards are as follows:

(1) Minimum lot size for single-family and duplex structures is one-third acre (14,780 square feet).

(2) Minimum lot size for all other uses is one-fourth acre (10,890 square feet).

(3) Minimum lot width is 80 feet for all uses.

(4) Minimum street yard is 20 feet for residential uses and ten feet for all other uses.

(5) Minimum side yard is 15 feet for residential uses and ten feet for all other uses.

(6) Minimum rear yard is 20 feet for all uses.

(b) Maximum building height is 35 feet above base flood elevation.

(c) Maximum commercial building footprint is 5,000 square feet.

(d) Minimum open space standards are as follows:

(1) Single family—ten percent.

(2) Duplex and townhouse—20 percent.

(3) Planned community—20 percent

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(4) Other permitted uses—ten percent.

(e) Parking requirements included in the Beaufort County ZDSO shall apply with the added preference to parking lot sharing by time-compatible businesses. In addition, all parking lots along Burnt Church Road shall be connected in such a way as to provide a measure of access similar to a frontage road.

(f) Tree standards are as follows:

(1) A minimum of two trees per dwelling unit for all residential uses.

(2) A minimum of five trees per acre for all residential uses.

(3) A minimum of three trees per lot and six trees per acre of open space for commercial uses.

(4) A minimum of one tree per parking space for all uses.

(5) Street tree spacing shall be a minimum of one tree per 50 feet of right of way.

(g) River buffer requirements included in the Beaufort County ZDSO shall apply.

(h) Items in permitted outdoor storage shall not exceed 12 feet in height or ten percent of total floor area. All permitted outdoor storage areas must be screened from view.

(i) Reserved.

(j) Bufferyard standards are as follows:

(1) A minimum of 15 feet for commercial uses along Burnt Church Road.

(2) A minimum of 15 feet between OC/MU office and commercial uses and the CPD.

(3) A minimum of 20 feet between OC/MU office and commercial uses and Beaufort County Rural and Rural Residential Districts.

(4) A minimum of 20 feet between OC/MU residential uses and the Town of Bluffton Village Commercial District.

(5) A minimum of 15 feet between OC/MU office and commercial uses and Town of Bluffton Village Commercial District.

(6) Bufferyards are not required along roads.

(7) Setbacks may be included in the bufferyard minimums.

(k) Cutoff lighting fixtures are limited to a maximum lighting level of five foot-candles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot-candles and a maximum mounting height of 15 feet.

(l) Sign standards are as follows:

(1) The sign standards outlined in the Corridor Overlay District Guidelines (ZDSO Appendix B) apply to development within the Alljoy Road OC/MU District that falls within 500 feet of the centerline of Burnt Church Road.

(2) The sign provisions of the ZDSO shall apply to signage in the OC/MU district that falls outside the Corridor Overlay District.

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(3) Temporary off-premises signs, except real estate signs, are prohibited.
(Ord. No. 2005/14, 4-25-2005)

APPENDIX P. BUCKINGHAM LANDING COMMUNITY PRESERVATION (CP) DISTRICT

DIVISION 1. BUCKINGHAM LANDING COMMUNITY PRESERVATION DISTRICT (BLCP)

Sec. 1.1. Purpose.

The purpose of the Buckingham Landing Community Preservation District (BLCP) is to conserve the existing residential neighborhood and to improve the quality of life and public safety for their residents.
(Ord. No. 2007/25, 6-25-2007)

Sec. 1.2. Applicability.

The Buckingham Landing Community Preservation District requirements apply to all uses within the BLCP boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development (as defined in section 106-6) within this district, unless expressly exempted or otherwise provided for in this section.
(Ord. No. 2007/25, 6-25-2007)

Sec. 1.3. District boundaries.

The delineation of areas that fall under the BLCP zoning designation is outlined on the Official Zoning Map of Beaufort County. BLCP standards and requirements apply to all uses within the BLCP boundaries and only those within the BLCP boundaries.
(Ord. No. 2007/25, 6-25-2007)

Sec. 1.4. Permitted uses.

The permitted uses in the BLCP are primarily residential. Table 1 includes descriptions of permitted uses for the BLCP District. Uses not listed are prohibited.

(a) Uses permitted in the BLCP are indicated in Table 1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.

(b) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in section 1.5, are met. The "limitations" listed in section 1.5 are in addition to any and all limitations for that use that are included in section 106-1156. The Zoning and Development Administrator (ZDA) or the Development Review Team (DRT) issue final approval of limited uses.

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(c) Special uses ("S") are permitted only by approval of the Zoning Board of Appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-551 through 106-555.

(d) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.

(e) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

(f) Unless otherwise indicated, the following definitions of uses supersede those in other sections of the ZDSO.

TABLE 1. PERMITTED USES

Land Use	*Use Definition*	*Permitted*
Residential and Home Uses		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Duplex	A building containing two single-family dwelling units totally separated from one another by an unpierced wall extending from foundation to roof. All units are to be consistent in design and scale with the surrounding neighborhood.	L
Accessory dwelling unit	A second dwelling unit, clearly subordinate but similar in design and appearance to the principal unit. The unit (a complete independent living facility) may be in or added to an existing owner-occupied single-family detached dwelling, or in a separate accessory structure on the same lot as the owner-occupied dwelling. An accessory dwelling unit may be leased or rented, but not sold. Neither manufactured homes nor recreational vehicles may be used as accessory dwelling units. This definition supersedes that included in section 106-1188.	L
Bed and breakfast	A lodging establishment in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
Group home	Less than eight unrelated persons residing in a dwelling unit categorized as a single-family unit. The group's operations are controlled by the residents in a family living environment. Further definition is provided in section 106-1098.	Y
Home day care, child	A facility in a private owner-occupied home that is operated by one or more persons duly licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441) Hours of operation are limited to between 6:00 A.M. and 9:00 P.M.	Y
Home-based business	A business, profession, or trade operated out of a single-family residence and/or accessory structures. The employment of up to three unrelated individuals including independent contractors operating from the facility, but not including farm workers is permitted.	L

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Land Use	*Use Definition*	*Permitted*
Institutional Uses		
Local utility	Utility substations or transmission and local distribution facilities, including electric, telephone, wastewater and water treatment plants and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121) Utility agencies shall submit service radii and other locational criteria that demonstrate the need to place facilities as requested.	Y
Public boat landing	Facilities designed to launch and retrieve recreational watercraft from a trailer. Structures are not permitted.	Y

Source: NAICS 2002
(Ord. No. 2007/25, 6-25-2007)

Sec. 1.5. Limited and special use standards.

This section describes the standards governing the limited and special uses designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO, but supersede the limited and special use standards in Division 2 of the ZDSO. New uses within the BLCP shall be consistent with surrounding neighborhood character in size, scale and architecture.

(a) *Duplex.*

(1) When located adjacent to single-family dwellings, the design and appearance of a duplex must have similar massing, height, roof pitch and architectural features.

(b) *Accessory dwelling unit.*

(1) The regulations for accessory dwelling units in this zoning district supersede the ordinances for accessory dwelling units found in section 106-1188 in the Beaufort County ZDSO.

(2) The property owner must occupy the principal unit as his/her permanent or seasonal residence.

(3) No more than one accessory dwelling unit is permitted per lot.

(4) An accessory dwelling unit may be rented or leased, but not sold.

(5) An attached dwelling unit shall be designed to maintain the architectural design (facade, roof pitch, siding and windows) of the principle unit. An unattached dwelling unit shall maintain the design and character of the principle dwelling unit.

(6) An accessory dwelling unit may be located above a garage.

(7) One additional off-street parking space shall be provided on-site.

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(c) *Bed and breakfast.*

(1) One sign is permitted per bed and breakfast (this number is not to be interpreted as one sign per room). Signs must be constructed of solid wood or other durable, non-plastic materials and cannot exceed four square feet in size.

(2) Parking must be off-street and screened from adjoining properties.

(3) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "Lowcountry" design.

(4) A ten-foot wide planted buffer is required within the setback.

(d) *Home-based business.*

(1) The regulations for home-based businesses in this zoning district supersede the ordinances for home businesses and home occupations found in the Beaufort County Zoning and Development Standards Ordinance (ZDSO).

(2) The owner of the home-based business shall reside on the property or immediately adjacent thereto.

(3) Home-based businesses shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(4) The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.

(5) Customer/client visits shall be limited to the hours between 6:00 A.M. and 9:00 P.M.

(6) The following uses are specifically not allowed:

a. Restaurants, bars or clubs.

b. Adult entertainment.

c. Mortuaries and funeral parlors.

d. Repair of appliances, small engines, motor vehicles and motorcycles.

e. Tattooing and body piercing.

f. Trucking companies.

(7) The equipment used by the home-based business and the operations of the home-based business shall not:

a. Create any vibrations, heat, glare, dust, odors or smoke discernable at the property lines.

b. Create any electrical, magnetic or other interference off the premises.

c. Use, store and/or dispose of toxic, explosive, flammable, or other hazardous materials except as directed by the manufacturer, EPA, fire officials, county public works, or other agencies.

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(8) Outside storage of goods, products, equipment, or other materials associated with the home-based business shall be screened from view.

(9) Outside displays of products are not permitted.

(10) Outdoor trash receptacles or dumpsters are limited to one per business and must be screened from view.

(10.1) One sign no larger than four square feet in area may be placed on the property.

(11) The type and volume of traffic generated by a home-based business shall be consistent with the traffic generation characteristics of other dwellings in the area.

(12) Additional parking for a home-based business may be provided, but is limited to two on-site, off-road parking spaces behind all required setbacks and buffers. If paved, parking spaces must be constructed of pervious materials.

(13) On-site employment of up to three unrelated individuals, including independent contractors operating from the facility but not including farm workers, is permitted.

(Ord. No. 2007/25, 6-25-2007)

Sec. 1.6. Development standards.

Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply. Affordable housing density bonuses described in section 106-2081 of the ZDSO shall not apply in the BLCP.

(a) Lot standards are as follows:

(1) Minimum lot size: 10,890 square feet (¼ acre) for sites with sewer.

(2) Minimum lot size: 14,520 square feet (⅓ acre) for sites without sewer.

(3) Minimum lot width: 60 feet.

(4) Minimum front setback: 15 feet.

(5) Minimum side setback: 10 feet.

(6) Minimum rear setback: 20 feet.

(7) Driveways may be placed in setbacks.

(b) Maximum building height is 35 feet.

(c) Residential construction must leave a minimum of ten percent of the lot as pervious open space. The ten percent shall not include land area within required setbacks.

(d) A minimum of two trees (new or existing) are required on all lots.

(e) River buffer requirements included in the ZDSO shall apply to affected lots.

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(f) There shall be no on-street or on right-of-way or off-premises parking permitted in the district. Excluding property owners' vehicles, a maximum of four cars may be temporarily parked on a single lot.

(g) Fences:

(1) All fences shall measure no more than six feet in height.

(2) No fences shall be constructed of, or include in its construction, barbed wire or discarded materials.

(3) Plastic weaving strips on chain link fences are not permitted.

(4) The finished side of the fence shall face outward with mounting poles located on the inside of the fence.

(5) Planting vegetative buffers along fences is encouraged.

(Ord. No. 2007/25, 6-25-2007)

Appendix Q. Gardens Corner Traffic Management Plan

Sec. 1.1 Intersection and access requirements.

(a) *Purpose.* This section contains recommendations and requirements for intersection and access road improvements in the event of future commercial development in the Gardens Corner Rural Business district. The purpose of these recommendations is to ensure that access to local development meets adequate safety and capacity standards.

(b) *Intersection improvements.* Traffic analysis conducted on the roadways in the Gardens Corner area generated the following recommendations for intersection improvements to maintain adequate service levels in the event of further commercial development:

(1) The intersection of U.S. 17 and Dairy Farm Road/Flora Drive may require at a future date:

a. A separate left turn lane on the eastbound approach of U.S. 17 with approximately 200 feet of storage.

b. A separate left turn lane on the westbound approach of U.S. 17 with approximately 200 feet of storage.

c. A separate left turn lane on the northbound approach of Dairy Farm Road with approximately 275 feet of storage.

d. A separate left turn lane on the southbound approach of Flora Drive with approximately 150 feet of storage.

e. Traffic signal control at this intersection when conditions based on guidance provided in MUTCD warrant the installation.

(2) One or more of these improvements may be required as a condition of development plan approval as warranted by a traffic impact analysis.

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(3) Contingent on development of properties in the district that are north of U.S. 17, the intersection of the SCDOT access road and Flora Drive must meet or exceed the county and/or SCDOT's driveway standards for an unsignalized full movement intersection.

(c) *Access.* In order to ensure connectivity and access to developments in the Gardens Corner Rural Business district:

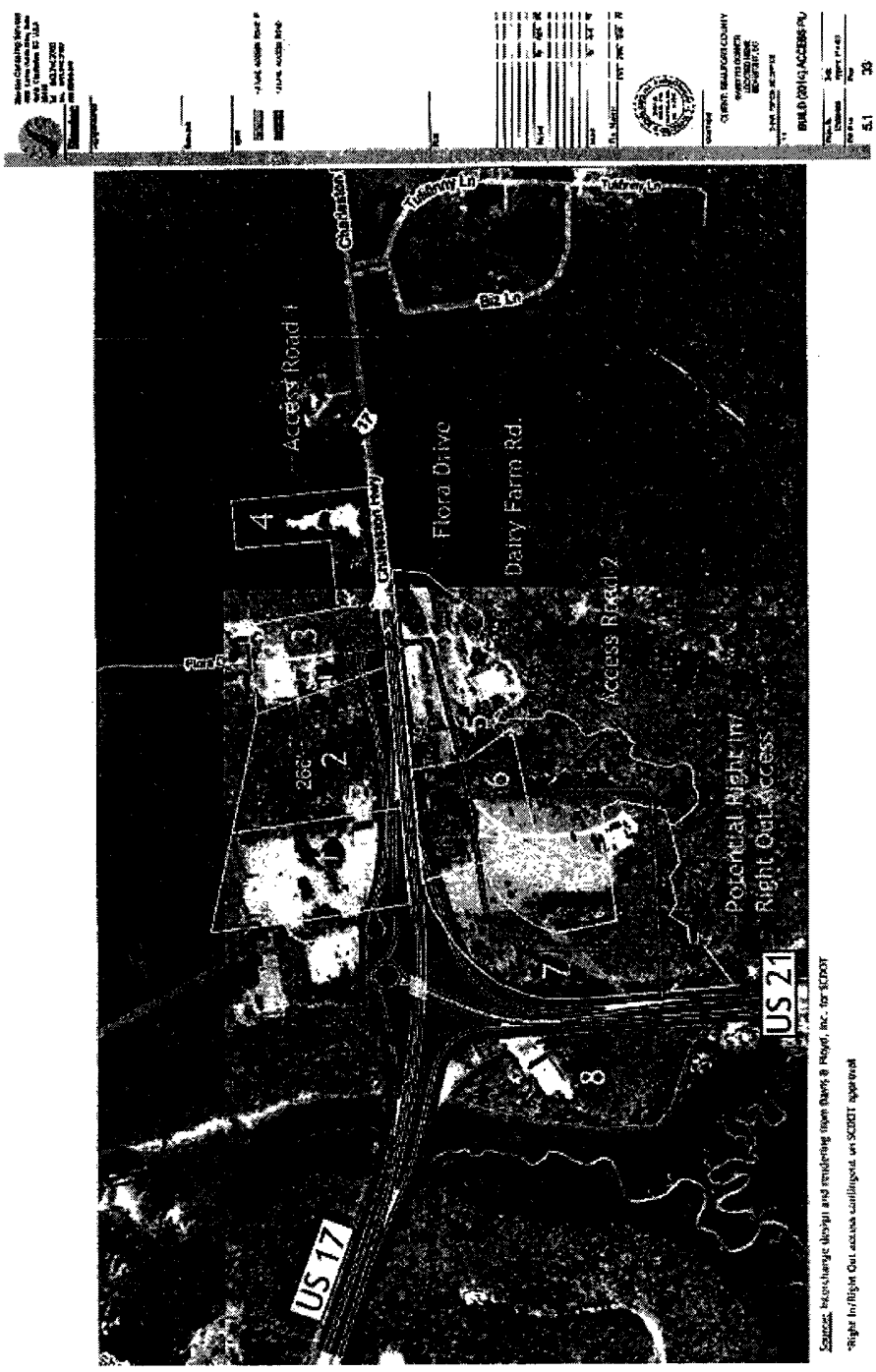
(1) New development in the district must provide side access to adjacent properties in order to secure approval.

(2) New development on properties in the district that are north of U.S. 17 is contingent upon extension of the access road built by SCDOT that intersects with Flora Drive to serve those parcels. A throat length of at least 150 feet must be maintained along Flora Drive in order to accommodate queued traffic.

(3) New development on properties in the district that are south of U.S. 17 and east of U.S. 21 is contingent upon extension of access via Dairy Farm Road. This access should provide a right-in/right-out curb cut onto U.S. 21.

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Sec. 1.2 Map of access requirements.



(Ord. No. 2009/39, 10-12-2009)

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APPENDIX R. MAY RIVER COMMUNITY PRESERVATION (CP) CODE

DIVISION 1. MAY RIVER COMMUNITY PRESERVATION DISTRICT CODE

Sec. 1.0. Purpose.

The May River Community Preservation District (MRCPD) is intended to promote low intensity rural development patterns comprised primarily of residential uses; while encouraging and allowing more urban development to locate outside the district at either end of the corridor.
(Ord. No. 2010/19, 9-27-2010)

Sec. 2.0. Applicability.

The May River Community Preservation District requirements apply to all uses within the May River CP District boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development in this district, unless expressly exempted or otherwise provided for in this section. When in conflict, the development and architectural design standards of the district shall supersede the development standards of the ZDSO and the corridor overlay district.
(Ord. No. 2010/19, 9-27-2010)

Sec. 3.0. District boundaries.

The delineation of areas that fall under the May River Community Preservation District zoning designation are outlined on the official zoning map of Beaufort County.
(Ord. No. 2010/19, 9-27-2010)

Sec. 4.0. Permitted activities.

The permitted uses in the May River Community Preservation District are primarily residential. Table 1 includes descriptions of permitted uses for the CP district. Uses not listed in table 1 are prohibited.

(a) Uses permitted in the CP district are indicated in table 1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.

(b) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in section 5.0 are met. The "limitations" listed in section 5.0 supersede any and all limitations for that use that are included in article V, division 2. The zoning and development administrator (ZDA), or, when applicable the development review team (DRT) issue final approval of limited uses.

(c) Special uses ("S") are permitted only by approval of the zoning board of appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-552.

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(d) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.

(e) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

Table 1. May River CP District Permitted Uses

Land Use	*Use Definition*	*Permitted*
AGRICULTURAL USES		
Agriculture	Crop and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Forestry	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)	Y
Commercial stables	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.	L
RESIDENTIAL USES		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Single-family cluster	A traditional form of neighborhood development that preserves meaningful open spaces by requiring development to be grouped together using a grid or close pattern.	Y
Family compound	A traditional rural development that allows family members to place additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Family compound regulations in section 106-2105 apply.	Y
Outbuilding	A structure used for storage, detached garage, garage with second story residential dwelling, or accessory residential dwelling unit that is located on the same lot but clearly secondary to an existing single-family dwelling.	L

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Land Use	*Use Definition*	*Permitted*
Guest House	A second dwelling unit, clearly subordinate and separate from the principal unit, but otherwise resembling a principle residential unit and functioning as a single-family home. A guest house is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. A guest house is for use by the property owner and his/her family and guests only.	L
HOME USES		
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential structure.	L
COMMERCIAL USES		
Bed and Breakfast	A lodging establishment in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
Roadside stand	A temporary or permanent structure used in the sale of agricultural produce, homemade goods, seafood, and flowers. More than one vendor may sell at a single stand.	Y
RECREATION USES		
Outdoor recreation	Active recreational activities and supporting services limited to: jogging, cycling, tot lots, playgrounds, tennis courts, private docks, community docks and fishing clubs. Passive recreational uses including, but not limited to: wildlife sanctuaries, forests, and areas for hiking, nature areas. Includes picnic areas and garden plots (NAICS 71219).	S
TEMPORARY USE		
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y

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Land Use	*Use Definition*	*Permitted*
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted. This use must be removed upon project completion.	Y

Source: NAICS 2008
(Ord. No. 2010/19, 9-27-2010)

Sec. 5.0. Limited and special use standards.

This section describes the standards governing the limited and special uses designated in table 1. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO, but supersede the limited and special use standards in article V, division 2 of the ZDSO. New uses within the MRCPD shall be consistent with surrounding neighborhood character in size, scale and architecture. Some of the uses listed below include the statement, "The ZDA and/or DRT may require one or more impacts analyses." These analyses include, but are not limited to: a community impact statement (CIS), an area impact assessment (AIA), an environmental impact assessment (EIA), a traffic impact assessment (TIA) and/or an archaeological and historic impact assessment (AHIA). The ZDA and/or DRT may also request additional data or reports from the applicant.

(a) *Commercial stables.*

(1) Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer shall be increased to a minimum of 50 percent of the required setback.

(2) The minimum site area shall be five acres.

(3) A five-foot-high fence is required around paddock areas.

(4) Reports/studies required. All applications for this use shall include an area impact assessment.

(b) *Outbuildings (residential and nonresidential).*

(1) *Residential outbuildings:*

A. Shall be permitted on the north side of May River Road only.

B. Front setback: Minimum 20 feet behind front face of primary building.

C. Side setback: Ten feet minimum.

D. Rear setback: Three feet minimum with rear access lane, ten feet without.

E. Only one residential outbuilding may be created per principal dwelling.

F. The property owner for a lot with a residential outbuilding must hold title to, and occupy the principal unit as their permanent or seasonal residence.

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G. The livable space of residential outbuildings (heated).

H. Residential outbuildings may be located no more than 50 feet from the principal dwelling unit.

I. Residential outbuildings may be rented or leased and shall not count towards the density of the lot.

J. Usable space (heated space) shall not exceed 950 square feet or 35 percent of the principal dwelling's total floor area.

K. The outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.

(2) *Nonresidential outbuildings:*

A. Are permitted on both sides of May River Road.

B. Shall not exceed 35 percent of the principal dwelling's total floor area. However, outbuildings on lots of more than two acres whose main function involves the storage of goods shall not be limited by size.

C. Side setback: Ten feet minimum.

D. Rear setback: Ten feet minimum.

E. Front setback: Minimum 20 feet behind front face of primary building.

F. The outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.

(c) *Guest houses.*

(1) Guest houses shall be permitted South of May River Road.

(2) A guest house shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.

(3) A guest house is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.

(4) A guest house is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.

(5) Existing lots of record that are two to five acres in size are permitted one guest house, not to exceed 2,000 square feet. Lots created after the adoption of the May River CP District that are five acres or more in size are permitted one or more guest houses; however, the total square footage of all guest dwellings (houses)

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may not exceed 75 percent of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5,000 square feet.

(6) Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.

(7) Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

(d) *Home occupation.*

(1) Home occupations shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(2) The owner of the home occupation shall reside on the property, in the residence.

(3) The maximum floor area permitted for home occupations shall be 25 percent of the finished floor area of the dwelling unit. This shall include any area used for indoor storage.

(4) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation.

(5) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used or stored in conjunction with a home occupation.

(6) No outdoor trash receptacles or dumpsters over 55 gallons in capacity shall be permitted.

(7) Signage is limited to ten square feet (see signage below).

(8) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. The home occupation shall not negatively affect the safety, ambience or character of the neighborhood in any way.

(9) Additional parking for a home occupation is limited to two parking spaces constructed of pervious materials.

(e) *Bed and breakfast.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Bed and breakfast signs are limited to ten square feet total sign area (see signage below).

(3) Parking shall be off-street and located behind the principal structure. If a physical constraint prohibits rear-loaded parking for a structure that fronts an arterial road or collector road, the CRB/DRT may approve side loaded parking. If the structure fronts a local road, both side loaded and on-street parking shall be permitted if the design maintains the character of the area and safety is adequately addressed.

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(4) Off-street parking must be screened from adjoining land uses by hedges and canopy trees.

(5) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "lowcountry" architectural design.

(Ord. No. 2010/19, 9-27-2010)

Sec. 6.0. Development standards.

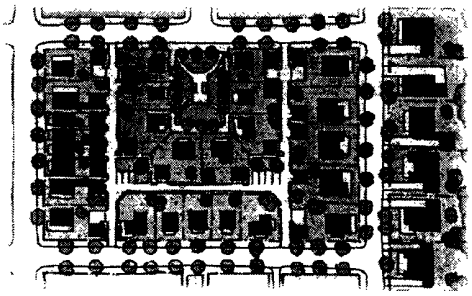
Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply:

Table 1 - Development Standards.

		Density				
Zoning District and Development Type	*Min. OSR or LSR*	*Max. Gross*	*Max. Net*	*Sewer*	*Min. Lot Size*	*Min. Site Area (Acres)*
May River CPD - North Side of May River Road						
Single-Family	0.60	0.34	N/A	OS		6.0 ac.
Single-Family (Traditional Cluster)	0.80	0.50	N/A	P/CS		8.0 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		N/A
May River CPD - South Side of May River Road						
Single-Family	0.60	0.20	N/A	OS		10 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		N/A

Note: The single-family traditional cluster shall allow for a development pattern know as a rural cottage close. The rural cottage close requires a minimum site of eight acres with a minimum of four dwellings and maximum of six dwellings arranged in a traditional close pattern.
Note: A minimum of 50 percent of the required open space shall remain entirely undisturbed.

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Diagrams a. and b. The single-family traditional cluster in the form of a traditional cottage close.

Table 2 - Lot and Building Standards.

	Minimum					*Maximum*
District and Development Type	*Lot Area (sq. ft.)*	*Lot Width (feet)*	*Front Setback (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
May River CPD - North Side of May River Road						
Single-Family	21,780 sq. ft.	100 ft.	Primary and secondary mass min. ⅓ of lot depth	15 ft.	30 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.
Single-Family (Traditional Cluster)	4,000 sq. ft.	40 ft.	18 ft. primary mass 8 ft. secondary mass*	10 ft.	10 ft.	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	10,890 sq. ft.	50 ft.	15 Arterial 15 Collector 50 Local	10 ft.	50 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.

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	Minimum					*Maximum*
District and Development Type	*Lot Area (sq. ft.)*	*Lot Width (feet)*	*Front Setback (feet)*	*Side Yard (feet)*	*Rear Yard (feet)*	*Height (feet)*
May River CPD - South Side of May River Road						
Single-Family	1 ac.	250 ft.	Primary and secondary mass min. 1/3 of lot depth from front parcel line or from the OCRM critical line^	50 ft.	50 ft.	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	21,780 sq. ft.	80 ft.	15 Arterial 15 Collector 50 Local	18 ft.	50 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.

* Secondary Mass - constitutes an open porch or two-story porch without screening.

** Building height shall be measured in number of stories, excluding attics, appurtenances and raised basements and/or the lowest ground elevation to the eave or roof deck. A story constitutes the portion of a building or structure between the upper surface of a floor and the lower surface of the ceiling or exposed roof next above. Each mezzanine that exceeds the percentage of floor area for a mezzanine defined in the South Carolina Building Code is counted as a story for the purposes of measuring height. Each story used exclusively for parking vehicles is also counted as a story.

^ Lots that abut the May River or tributaries shall be treated as if they front the river. In this case the setback from the OCRM critical line shall be in addition to the front setback for the lot, and the rear setback from the rear lot line shall serve as the rear setback. In the case of conflict, the OCRM setback shall supersede any other setback, ensuring that every lot is buildable. The first 50 ft. of the OCRM critical line setback shall remain in a natural state. If a lot extends from May River Road to the May River or tributaries then the principle structure may front whichever corridor is desired. If the principle structure fronts the river or a tidal creek, any outbuildings or guest cottages shall locate on the landward side of the main residence.

^^ Appurtenance - Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

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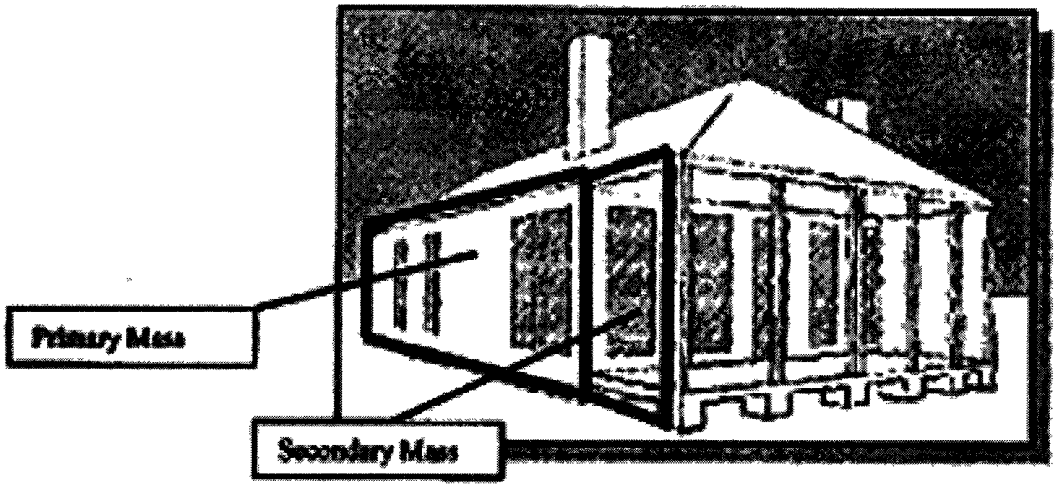


Diagram c. The Primary Mass (Principle Structure) and Secondary Mass (Porch).

Table 3 - Setback, Buffer, and Tree Standards

		Number of Landscaping Canopy or Existing Trees per:		*Road Tree Spacing per:*	*Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads*		
Zoning District and Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Feet of ROW*	*Arterial*	*Collector*	*Local*
May River CPD - North Side of May River Road							
Single-Family (Traditional Cluster)	2 trees per/du	10 trees	N/A	50 ft.	Setback 100 Buffer 75*	Setback 100 Buffer 75*	Setback 100 Buffer 75*
Single-Family	2	5	N/A	N/A	Setback min. ⅓ of lot Buffer** min. ½ of setback	Setback min. ⅓ of lot Buffer** min. ½ of setback	Setback min. ⅓ of lot Buffer** min. ½ of setback
Family Compound	See ZDSO Sec. 106-2105						

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		Number of Landscaping Canopy or Existing Trees per:		*Road Tree Spacing per:*	*Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads*		
Zoning District and Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Feet of ROW*	*Arterial*	*Collector*	*Local*
Commercial Uses	4	8	1/8	50	Setback min. 50 Buffer**	Setback min. 50 Buffer**	Setback min. 50 Buffer**

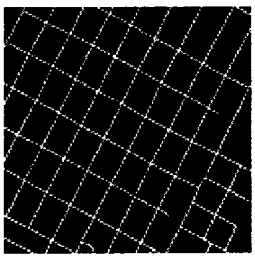
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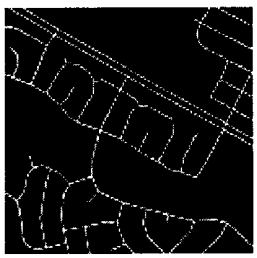
		Number of Landscaping Canopy or Existing Trees per:		*Road Tree Spacing per:*	*Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads*		
Zoning District and Development Type	*Lot*	*Acre Open Space*	*Parking Spaces*	*Feet of ROW*	*Arterial*	*Collector*	*Local*
May River CPD - South Side of May River Road							
Single-Family	2	5	N/A	N/A	Setback min. 1/3 of lot Buffer** min. 1/2 of setback	Setback min. 1/3 of lot Buffer** min. 1/2 of setback	Setback min. 1/3 of lot Buffer** min. 1/2 of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	10	1/8	50	Setback min. 50 Buffer**	Setback min. 50 Buffer**	Setback min. 50 Buffer**

* Vegetated buffer with 80 percent opacity (overstory, understory, and shrubs), the majority of which is comprised of indigenous plantings that shall not require watering.
** Vegetated buffer at 30 percent opacity over 1/2 of the setback, the majority of which is comprised of indigenous plantings that shall not require watering.
(Ord. No. 2010/19, 9-27-2010)

Sec. 7.0. Design standards.

(a) *Block and street requirements.* On the north side of May River Road (neighborhood and traditional cluster) the site shall be developed using a grid, modified grid, or cottage close pattern. Cul-de-sacs, pipe stems and dead ends shall not be permitted unless the natural conditions prohibit more traditional patterns and means of connectivity. Blocks shall be limited to a perimeter of 3,500 feet in a neighborhood and 2,500 feet in a traditional cluster.





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Diagrams d and e. The grid or modified grid and the cul-de-sac, and pipe stem.

(b) *Vehicular access (single-family subdivision and single-family traditional cluster).* Garages shall be located to the side and rear or as part of an outbuilding. The driveway access shall be no more than ten feet in width. At a minimum, 50 percent of the driveway shall be comprised of pervious surface. Front-loading garages shall be detached and set back a minimum of 20 feet behind the front face of the primary building.

(c) *New streets.* New streets shall connect to existing streets wherever possible. Larger-scale developments (more than ten units) are required to provide stub streets to adjacent undeveloped or underdeveloped sites. The DRT may adjust the road standards if such changes would allow for a more rural, narrow street character.

(d) *Open space (single-family subdivision and single-family traditional cluster).*

(1) A minimum of 35 percent of the property required to meet the OSR shall be designed as contiguous common space. Such space may be passive or active and is intended to provide green infrastructure, serve as a gathering place, or provide agricultural resources for the larger community. The construction envelope modulation standards of section 106-3032 of the ZDSO may be utilized to further preserve natural resources and create varied lot sizes. The use of the construction envelope standards also gives more privacy on small clustered lots and helps to maintain the rural character.

(2) Where a single-family subdivision abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.

(3) Common space uses. The common open space shall be useable for low-intensity recreation (path or trail), gathering (fire pit, bench swing, playground), agriculture (community garden) or other passive outdoor living purposes and for preserving the natural features of the site. The uses permitted shall be in accordance with section 106-1876 of the ZDSO.

(e) *Lighting.*

(1) Cutoff lighting fixtures are limited to a maximum lighting level of five foot-candles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot-candles and a maximum mounting height of 15 feet.

(f) *Signage.*

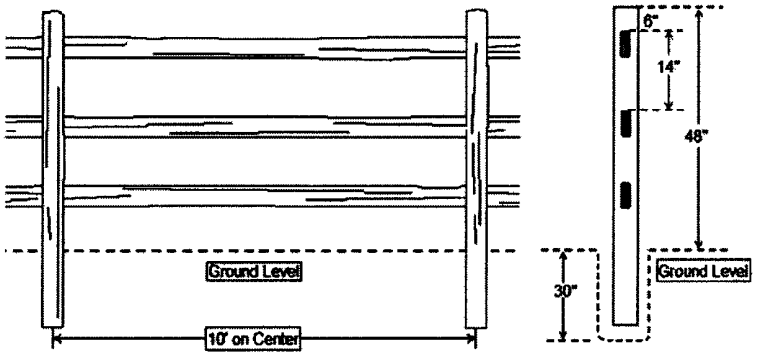
(1) Standards are as follows:

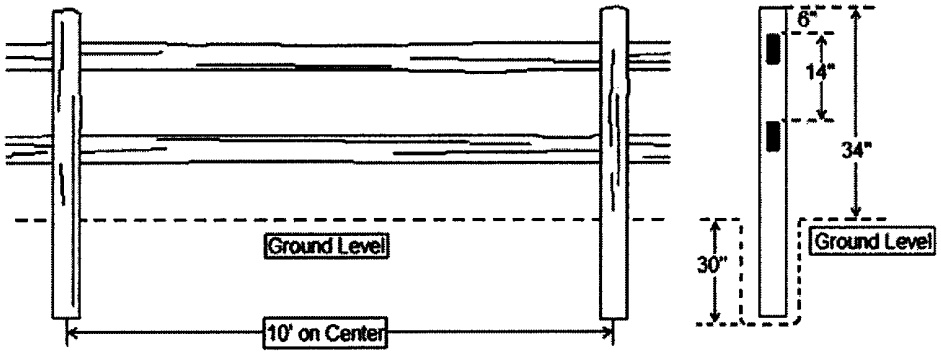
A. Signage shall convey a rural character and be approved by the JCRB.

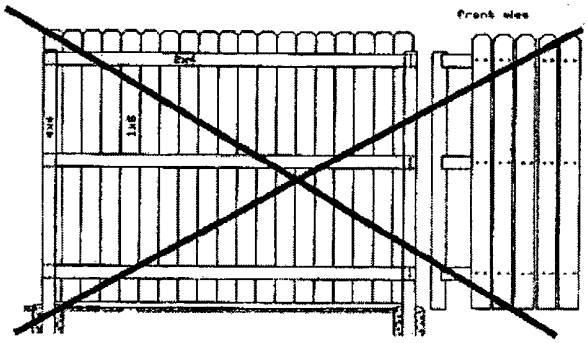
(g) *Fencing.* All fencing shall be split rail (two, three, or four rails) and maintained in its natural condition, or painted white, Charleston green, or black (see below). Living fences composed of wood and wire shall be allowed and encouraged both in neighborhoods and in lieu of privacy fences. Chain link, metal, or so called "privacy" fences are prohibited. Picket fences,

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while filled with character, are more indicative of urban or suburban housing districts. They are prohibited in the May River Road Corridor Overlay. Fencing within the May River Road Corridor Overlay shall be split rail as approved by the JCRB.







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(h) *Entry.*

(1) Private gatehouses or entryways shall be prohibited along May River Road, and all collector and local roads. Entry shall be addressed via a break in the fencing or landscape, a small hanging sign, and possibly a light post.

(2) Those neighborhoods requesting additional entry ornamentation shall locate the ornamentation at least 150 feet from the centerline of the access road. All entry features shall be in keeping with the rural nature of the preservation district, and if located within the May River Road Corridor Overlay shall be approved as part of the JCRB process.

(i) *Docks.* Docks shall be permitted as specified in 106-1912.

(Ord. No. 2010/19, 9-27-2010)

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