

- CODE OF ORDINANCES
Appendix A - ZONING
ARTICLE 8. SPECIAL PURPOSE DISTRICTS

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8:9. Euhaw Overlay District (EOD).

8:9.1 Purpose and intent. The purpose of the Euhaw Overlay District is to maintain the rural character of the area, protect important historic and cultural resources, and minimize the impacts of development on surrounding water resources, particularly the Broad River. Development in this area should respect the existing conditions and minimize the visual impact of buildings on the area through careful site planning, maintaining and enhancing existing vegetation, and vernacular building design.

8:9.2 Application. The standards contained herein shall apply to all land within Euhaw Overlay District (EOD) as indicated on the official zoning map of Jasper County.

Unless a deviation from such restrictions are provided elsewhere in this section 8:9, property within the EOD shall be required to adhere to all provisions of the Jasper County Zoning Ordinance and Land Development Regulations otherwise applicable within the underlying zoning district.

8:9.3 Use regulations.

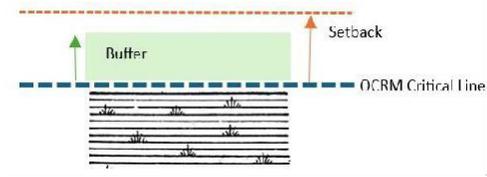
1. Uses shall be governed by the underlying zoning district, provided however than any use that is permitted only in CC, GC, ID, RE, or MB shall be prohibited, except for properties having direct access to US Highway 17 or US Highway 170.
2. Within Euhaw Overlay District (EOD), zoning map amendments shall be evaluated within the following criteria:
 - A. Except for properties having direct access to US Highway 17 or US Highway 170, no property shall be rezoned to a nonresidential district unless it is located at the intersection of a state highway or major roadway with another existing street with access provided by the lower-order street. Those properties having direct access to US Highway 17 or US Highway 170 must comply with the shared access and driveway separation provisions of the Jasper County Land Development Regulations, Article 8.13 (See Also Article 3.9.A.3).

- B. No property shall be zoned to Residential (R) unless designated in a Transition Zone according to the Future Land Use Map.

8:9.4 Design and development standards.

1. Required buffers and private wastewater system setbacks

- A. Riparian buffers. A riparian buffer shall be provided along tidelands, wetlands, streams and rivers. Buffers and setback lines are measured from OCRM designated critical lines for tidelands; delineation lines for wetlands; and from stream banks and riverbanks. Setbacks are inclusive of the required buffer area, as shown in the graphic below.



The buffer area shall remain undeveloped, except for piers, docks and pervious access paths to the water or wetlands bank. Any disturbance of the buffer area shall adhere to OCRM's Best Management Practices (BMPs). Riparian buffers shall also be in accordance with any applicable state and federal regulation.

- B. Private wastewater system setback. Private wastewater systems shall be separated from tidelands, wetlands, streams, rivers, and stormwater facilities. Setback lines are measured from OCRM designated critical lines for tidelands; delineation lines for wetlands; and from stream banks and riverbanks.

Riparian Buffer and Setback Table

| <u>Water Resource</u> | <u>Private Wastewater System Setback Requirements</u> | | <u>Riparian Buffer Requirements</u> | | |
|---|---|---|--|----------------------------------|---|
| | <u>Individual Septic Tank and Drain Field</u> | <u>Multi-Unit Wastewater Treatment System</u> | <u>Primary Structure Buffer ²</u> | <u>Primary Structure Setback</u> | <u>Accessory Building (under 750 square feet) Setback</u> |
| <u>Critical Area (Coastal Waters, Tidelands, Marshes, Beach/Dune System)</u> | <u>125'</u> | <u>1000'</u> | <u>75'</u> | <u>100'</u> | <u>85'</u> |
| <u>Jurisdictional Wetlands</u> | <u>100' ¹</u> | <u>400'</u> | <u>50'</u> | <u>75'</u> | <u>80'</u> |
| <u>Non-Jurisdictional Wetlands</u> | <u>100' ¹</u> | <u>400'</u> | <u>50'</u> | <u>75'</u> | <u>80'</u> |
| <u>Rivers, Streams, including stormwater management facilities such as ditches and stormwater swales</u> | <u>100' ¹</u> | <u>400'</u> | <u>75'</u> | <u>100'</u> | <u>85'</u> |
| ¹ The drain field setback may be reduced to 75' if the applicant can demonstrate the seasonal high-water table is more than 15" below the trench bottom. | | | | | |
| ² The above buffers are total average widths; with no part of the buffer measuring less than 50 percent of the required width. | | | | | |

Maintenance within a riparian buffer will adhere to the following limitations:

- i. Trees can be limbed up to fifteen (15) feet.
- ii. Under brush can be cleared down to no less than four (4) inches above grade.
- iii. Unprotected trees under three-inch caliper can be cut.

2. Requirements for lots served by private wastewater systems

- A. Minimum lot size required. For properties not served by public sewer, no new lot shall be created after the [EFFECTIVE DATE] smaller than one acre in size. For lots with a second dwelling unit, the minimum lot size shall be two acres.

B. Septic Reserve Area required. Properties within the EOD are required to demonstrate an area of the property which is to remain undeveloped for use as a septic reserve area (SRA). The SRA must be shown as a part of the septic system prior to the issuance of a building permit. Lots of record as of [EFFECTIVE DATE] may be exempt from this requirement at the discretion of the DSR based on lot size, natural features, or other physical constraints of the lot.

C. The distance between the septic tank trench bottom and the seasonal high-water shall be a minimum of eighteen (18) inches.

D. Maintenance required.

3. Access management

It is in the best interest of Jasper County to manage access along roadways in the interest of maintaining roadway safety and capacity. Reduction of access points to the corridor is required to the maximum extent possible. The following shall apply:

A. Consolidation of Access Points:

i. Driveway and/or other access separation along the corridor shall be in accordance with the SCDOT, and Roadside Management Standards. In no event, however, shall residential driveways and no Access n-residential full-access curb cuts be permitted at spacing less than as follows:

- a. Principal Arterial road: 1,500 feet
- b. Minor Arterial road: 1000 feet
- c. Major Collector road: 800 feet
- d. Minor Collector road: 400 feet
- e. Residential/Subcollector road: 200 feet

ii. Shared driveways between two or more parcels shall be required where there is not a conflict in use and a shared driveway is not restricted by topography or other existing site features. Shared driveways shall require mutually executed shared access agreements; and

iii. Unless restricted by topography or other natural site features, adjoining parking lots serving non-residential buildings of non-conflicting use shall be connected and shall require mutually executed shared access agreements.

B. Stub Outs:

i. Where an undeveloped adjacent parcel exists, a stub out or cross-access easement for future stub out, shall be required to allow for connection to future parking and/or shared driveways; and

ii. Where a developed adjacent parcel exists, existing stub outs shall be utilized.

4. Stormwater Management

A. The Southern Lowcountry Stormwater Design Manual (SoLoCo) shall be applicable to all new residential subdivisions and nonresidential developments within the EOD. This standard shall be reviewed to determine if this standard creates unreasonable hardships on landowners within this district within 18 months of the adoption date of this ordinance.

5. Fill Restrictions

A. The requirements established in this Division shall apply to all proposed development in the special flood hazard areas subject to inundation by the 1% annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Jasper County, except for the following exemptions:

i. Single-family residential development on lots existing prior to the adoption of this section (date)

- ii. Fill utilized for agriculture and/or property maintenance. For purposes of this section, the term "property maintenance purposes" means landscaping, gardening or farming activities, erosion control, and filling in of washed-out sections of land. Property maintenance purposes shall only include the placement of such quantities of fill not to exceed the limitations specified herein and that do not inhibit the free flow of water.
 - iii. Exemptions from fill requirements for erosion control purposes must be accompanied by a stabilization plan and narrative approved by the DSR providing reasoning why fill is necessary to solve an erosion issue.
 - iv. Public roads, pump stations, stormwater management improvements, levees, and other public facilities that are necessary to provide for health, safety, and public welfare needs.
- B. Fill restriction.
- i. The amount of allowable fill must not increase the existing natural grade of the property by more than three vertical feet.
 - ii. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway and walkway access to the structure; Fill shall taper at a maximum slope of 1:3 from a five-foot perimeter around the outer foundation to the existing site elevation. The minimum amount of fill necessary for grading is permitted for parking, stormwater, and roads.
 - iii. If the lot area is 20 acres or more, in no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot.
 - iv. If a new or reconstructed structure is to be elevated utilizing fill material, any required building elevation standard exceeding the three-foot fill limitation must be achieved through the use of elevation foundations, piers or similar structural elevation techniques that are in compliance with then-applicable county building code requirements as certified by a structural engineer.
 - v. Non-conforming structures may utilize fill to expand up to 15% of the gross floor area in accordance with other development regulations.
 - vi. Any fill project must be designed to limit negative impacts upon adjacent and affected upstream and downstream property owners during flood events to the maximum extent practicable.
 - vii. No fill project shall fill in or obstruct any local drainage channels without an alternative drainage plan design, and shall limit soil erosion and water runoff onto adjacent properties to the maximum practicable extent, and be in compliance with the NPDES standards and stormwater requirements.
 - viii. All fill material that is brought in from offsite and will be placed at elevations below the seasonal high water table or within 1 foot above the seasonal high water table will be required to meet the following clean requirements. Offsite soils brought in for use as fill shall be tested for Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl Benzene, and Xylene (BTEX) and full Toxicity Characteristic Leaching Procedure (TCLP) including ignitability, corrosivity and reactivity. Fill shall contain a maximum of 100 parts per million (ppm) of total petroleum hydrocarbons (TPH) and a maximum of 10 ppm of the sum of Benzene, Toluene, Ethyl Benzene, and Xylene and shall pass the TCPL test. Determine TPH concentrations by using EPA 600/4-79/020 method 1:18.1. Determine BTEX concentrations by using EPA SW-846.3-3 Method 5030/8020. Perform TCLP in accordance with TCLP from a composite sample of material from the borrow site, with at least one test from each borrow site. Within 24 hours of conclusion of physical tests, submit 3 copies of test results, including calibration curves and results of calibration tests. Fill material shall not be brought on site until tests have been approved by the Planning & Building Department or designee.
 - ix. Modulation from Fill Requirements: The DSR may grant flexibility from the fill requirements in the

following cases:

- a. Lots 3 acres or less and all single-family residential lots with sloping terrain may provide greater than 3 feet of fill to provide a level foundation as long as the average fill does not exceed 3 feet.
- b. Where no other suitable site configuration is practicable, depressions, sinkholes, and borrow pits that are not part of the natural drainage of the site that are not delineated as tidal or non- tidal wetlands may be filled to provide for a level foundation.
- c. Single-family residential structures utilizing raised slabs with a masonry or concrete curtain wall may contain more than 3 feet of fill if it is limited to the footprint of the building.

C. Administration

Fill activities in accordance with this section may be permitted upon approval by the DSR. All fill application permits shall be valid for a period of six months from the date of issuance, may be renewed only upon filing of an application for renewal with the Planning Department, and then may only be renewed upon a showing of demonstrated progress towards completion of the fill activity. All fill application permits must be accompanied by a detailed plan describing the area to be filled, the estimated amount of fill to be used and the purpose of the fill project. A professional engineer registered in the state must also submit elevation and topographic data illustrating changes in the topography and estimating impacts upon local flood flows.

Except as provided in sections 8:9.5, adjacent property owners shall be identified and notified of the fill project by the applicant with proof of notification provided to the DSR.

6. Non-Residential Design Standards

Intent. The architectural design of retail, office, and other commercial buildings must consider the desire of Jasper County to create and enhance the community's image. Jasper County's identity and sense of place will be strengthened through thoughtful design and development, reflecting the Lowcountry vernacular.

Architectural design and materials. Generally, architectural design shall contribute to the sense of place of Jasper County and reflect designs, materials, and colors historically present in the region. Building elevations must consider the surrounding area and further enhance community character. Lowcountry architecture is rooted in practicality, climate responsiveness, and a sense of place.

A. Design Principles:

- i. Proportion and Order: Proper proportions are essential for timeless architecture. Buildings should adhere to human scale, emphasizing vertical proportions. Elements should generally be taller than they are wide.
- ii. Exterior Walls: Lowcountry buildings feature raised foundations, deep porches, and simple elegance. Materials should create strong textures and shadow lines.
- iii. Porches and Balconies: Deep porches are iconic in Lowcountry design. They provide shade, encourage outdoor living, and foster community interaction.
- iv. Window and Shutter Design: Windows should be vertically proportioned, reflecting the human scale. Shutters, if used, should be functional and appropriately sized.
- v. Entry and Door Design: Entryways play a significant role in Lowcountry design. They should be welcoming and well-proportioned. Doors can be solid wood or glass, reflecting the overall style.
- vi. Roofs: Roofs should complement the building's proportions. Gabled, hipped, or shed roofs are common. Metal roofing is practical and adds character.
- vii. Fences, Walls, & Gates: Fences and walls define property boundaries. They can be decorative or

- functional. Gates should be well-designed and in harmony with the overall aesthetic.
- viii. Accessory buildings: Outbuildings, such as sheds or storage areas, should blend seamlessly with the main house. Their design should follow the same principles as the primary structure.
 - ix. Trim: Trim details, such as cornices, moldings, and brackets, enhance the overall appearance. Simplicity and craftsmanship are defining elements of Lowcountry buildings.
- B. Siding: Wood clapboard, wood board and batten, wood shingle siding, brick, natural stone, stucco, tabby, faced concrete block, and any artificial siding material which closely resembles the natural materials listed above. Siding may be left natural or painted, stained or, in the case of wood, weathered.
 - C. Roofs: Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam or tiles.
 - D. Features: Pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences.
 - E. Colors: Earth tones (greens, tans, light browns, terra cotta, etc.), grays, pale primary and secondary colors (less than 50 percent color value), white cream tones, and the like. Dramatic accent colors, such as reds or blues, shall be avoided.
 - F. Fencing. Fencing shall be of durable construction using quality material (i.e., brick, stone, other masonry, wood, metal, or any combination thereof) and complimentary to the building design and materials. The finished side of the fence shall face the corridor right-of-way or other adjacent property.

Chain link welded or woven wire, and other similar fencing are not permitted. Such fencing may be permitted for temporary use during construction and site development provided it is removed or replaced with compliant material upon completion of construction. This requirement is for aesthetic purposes only and is not associated with building code requirements or standards.
 - G. Outdoor Storage. All outdoor storage areas shall be located to the side or rear yard and shall be screened with a wooden fence or masonry wall, complimentary to the building design and materials, which is at least eight feet (8') high. One (1) evergreen shrub, with a mature growth of at least 8' in height, shall be installed for every five (5) linear feet of fence or wall on the side of the fence or wall facing a neighboring property or public right-of-way. The minimum shrub shall be a minimum of 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
 - H. Additional requirements.
 - i. The primary building façade shall face the street. When located on a corner, the primary façade shall face the higher order street.
 - ii. All sides of all buildings are to be treated with the same architectural style, materials, and details as the primary façade.
 - iii. A single building or development or multiple buildings within a development must maintain a consistent architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design. This includes, but is not limited to, signage, gasoline pump canopies or other accessory structures.
 - iv. Building elements must not function as signage. The appearance of "franchise architecture", where the building functions as signage is prohibited. Incorporation of franchise or business design elements unique or symbolic of a particular business must be inobtrusive and secondary to the overall architectural design.
 - v. Access ways and parking lots shall be paved or, at the discretion of the Planning Director, may be surfaced using low-impact, contextual materials. Parking shall generally be located to the side of the building.
 - I. Exterior materials and features prohibited:
 - i. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block, plastic and/or metal.

- ii. Partial (less than three sides) mansard roofs, flat roofs without a pediment, unarticulated roofs having a length exceeding 50 feet.
 - iii. Unarticulated facades having a length exceeding 50 feet.
 - iv. Incongruous architectural details or color contrasts as determined by the DSR or BZA.
 - v. Chain link or woven metal fences.
 - vi. Reflective materials, including highly reflective glass. Window painting or view-blocking techniques are generally not permitted.
 - vii. Design elements that may function as signage, roof lights, exposed neon lighting, exposed neon signage, illuminated trim of buildings or building elements, translucent awnings or illumination of translucent awnings, or any other undesirable design element, as determined by the DSR.
- J. Screening.
- i. Mechanical equipment should not be located on the roof of a structure unless the equipment can be screened. The mechanical equipment should be clustered as much as possible. All rooftop equipment must be painted to match the surrounding rooftop color, if anticipated to be visible from any existing or future surrounding building, property or street. All mechanical equipment such as compressors, air conditioners, communications equipment, and any other type of mechanical equipment must be screened on all sides to full height by building parapet walls or other building elements that appear as integral elements of the overall building design, unless approved otherwise by the DSR.
 - ii. Ground level mechanical equipment shall be screened with landscaping and architectural walls using materials compatible with the building.
 - iii. Loading, service, and trash areas must be screened with walls that match the building materials and colors. Screen walls must be of sufficient height to fully screen utility areas from public view.
- K. Building Size in Village Commercial - Non-residential buildings in the Village Commercial (VC) district shall generally be limited to 2,500 square feet of heated floor area. This restriction shall not apply to existing lots of record as of [date of moratorium adoption] where a Zoning Certification Letter was issued and a pre-application conference was held with the DSR prior to [date of moratorium].

8:9.5 Nonconforming lots.

If a lot of record at the time of adoption of this ordinance does not contain sufficient land area and/or lot width to meet the minimum lot size requirements of the EOD, such lot may be used for a residential use, as a building or placement site for a structure permitted in the district provided the following:

- A. There is conformance to the minimum yard setback requirements set forth in this ordinance for the district in which the use is located.
- B. All other standards of the zoning ordinance are met.
- C. Administrative adjustment for nonconforming lots.
 - i. Purpose: Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
 - a. Compatible with surrounding land uses;
 - b. Harmonious with public interest; and
 - c. Consistent with the purposes of this Zoning Ordinance.
 - ii. Applicability: The DSR shall have authority to authorize an adjustment of up to twenty (20) percent of any numerical standard set forth in Article 8. No administrative adjustment shall increase the overall density or intensity of development.

8:9.6 Planned Development District (PDD) Standards

A PDD within the Euhaw Overlay District shall follow the standards and procedures for a PDD as specified in Article 8:1 with the following requirements:

- A. PDD Required – Any proposed subdivision of property greater than ten acres and/or ten dwelling units shall apply for a PDD. The applicant shall demonstrate that the proposed development will not have adverse impacts on existing infrastructure or public services, including but not limited to roadways, public safety, etc.
- B. Density – The maximum net density of a PDD within the EOD shall be one unit per acre.
- C. Buffers – A minimum fifty foot (50') wide continuous landscaped buffer shall be established and maintained parallel and adjacent to the highway corridor. This buffer is separate and distinct from the buffering requirements of Section 12.8 except that, where that section may call for a greater setback from the highway because of a specific activity, the greater setback distance shall be observed. Likewise, should Section 12.8 require total screening because of a specific activity, the fifty foot (50') wide landscaped buffer may be used to accommodate such screening.

Only the following activities shall be permitted within the landscaped buffer:

- i. Vehicular access drives which tie into approved access points as determined by SCDOT and/ or Jasper County, and which run perpendicular to the right-of-way, or as nearly perpendicular as is feasible owing to terrain, horizontal curves and the like.
 - ii. Landscaped walls and fences less than six feet (6') high.
 - iii. Lighting.
 - iv. Landscaping fixtures.
 - v. Signage.
 - vi. Underground utility lines.
 - vii. Overhead utility lines which run perpendicular to the road right-of-way and are consolidated with vehicular access drives wherever possible.
- D. Open Space Protection Area (OSPA)– A minimum of thirty (30) percent of the property shall be maintained as permanently protected open space.
 - i. In instances where natural features (wetlands, waterbodies, forested areas, etc.) are part of a larger system which extends to adjacent property(ies), these areas shall be prioritized for protection. In instances where an adjacent parcel has already established open space preservation areas, the proposed PDD shall include open space protection of natural features contiguous with the adjacent property(ies).
 - ii. The following standards shall apply to the OSPA:
 - a. No more than twenty (20) percent of the OSPA may consist of wetlands and existing waterways;
 - b. Buffers, setbacks, easements, and similar required areas shall not be included in the open space calculations;
 - c. Community swimming pool(s), clubhouse(s), and similar uses may be permitted within the OSPA but may not occupy more than five (5) percent of the required area;
 - d. Recreational amenities, such as walking/biking trails, may be permitted within the OSPA in conformance with applicable state and federal laws. Recreational lakes or ponds used for storm water management and designed as naturalized features may be included in the land designated as open space. Fenced detention or retention areas used for storm water management shall not be included in the calculation of required open space.