

Timings

1: US 17/Speedway Blvd & SC-315/S Okatie Hwy

2028 Build AM (ITE 12th)

Timing Plan: AM Peak

Queue shown is maximum after two cycles.

1 Phase conflict between lane groups.

Splits and Phases: 1: US 17/Speedway Blvd & SC-315/S Okatie Hwy



Intersection						
Int Delay, s/veh	0.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↘	↗	↑↑	↗	↘	↑↑
Traffic Vol, veh/h	8	7	664	61	14	975
Future Vol, veh/h	8	7	664	61	14	975
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	100	200	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	8	722	66	15	1060

Major/Minor	Minor1	Major1	Major2	Minor2	Minor3
Conflicting Flow All	1282	361	0	0	788
Stage 1	722	-	-	-	-
Stage 2	560	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14
Critical Hdwy Stg 1	5.84	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22
Pot Cap-1 Maneuver	157	636	-	-	827
Stage 1	442	-	-	-	-
Stage 2	535	-	-	-	-
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	154	636	-	-	827
Mov Cap-2 Maneuver	154	-	-	-	-
Stage 1	442	-	-	-	-
Stage 2	525	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s/v20.87	-	0	0.13
HCM LOS	C	-	-

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	154	636	827	-
HCM Lane V/C Ratio	-	-	0.056	0.012	0.018	-
HCM Control Delay (s/veh)	-	-	29.7	10.7	9.4	-
HCM Lane LOS	-	-	D	B	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	0.1	-

Intersection

Int Delay, s/veh 0.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↓	↑↑	↓	
Traffic Vol, veh/h	388	24	40	533	14	12
Future Vol, veh/h	388	24	40	533	14	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	200	200	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	422	26	43	579	15	13

Major/Minor

	Major1	Major2	Minor1		
Conflicting Flow All	0	0	448	0	798 211
Stage 1	-	-	-	-	422 -
Stage 2	-	-	-	-	377 -
Critical Hdwy	-	-	4.14	-	6.84 6.94
Critical Hdwy Stg 1	-	-	-	-	5.84 -
Critical Hdwy Stg 2	-	-	-	-	5.84 -
Follow-up Hdwy	-	-	2.22	-	3.52 3.32
Pot Cap-1 Maneuver	-	-	1109	-	323 795
Stage 1	-	-	-	-	630 -
Stage 2	-	-	-	-	664 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1109	-	311 795
Mov Cap-2 Maneuver	-	-	-	-	311 -
Stage 1	-	-	-	-	630 -
Stage 2	-	-	-	-	638 -

Approach

	EB	WB	NB
HCM Control Delay, s/v	0	0.58	13.92
HCM LOS			B

Minor Lane/Major Mvmt

	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	432	-	-	1109	-
HCM Lane V/C Ratio	0.065	-	-	0.039	-
HCM Control Delay (s/veh)	13.9	-	-	8.4	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

Timings
1: US 17/Speedway Blvd & SC-315/S Okatie Hwy

2028 Build PM (ITE 12th)
Timing Plan: PM Peak



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↶	↶	↕	↷	↶	↷
Traffic Volume (vph)	451	20	387	499	27	356
Future Volume (vph)	451	20	387	499	27	356
Lane Group Flow (vph)	460	20	395	509	28	363
Turn Type	Prot	Prot	NA	Perm	Prot	NA
Protected Phases	4l	4	6		5	Free!
Permitted Phases				6		
Detector Phase	4	4	6	6	5	
Switch Phase						
Minimum Initial (s)	8.0	8.0	15.0	15.0	8.0	
Minimum Split (s)	17.1	17.1	22.2	22.2	13.3	
Total Split (s)	33.0	33.0	40.0	40.0	17.0	
Total Split (%)	36.7%	36.7%	44.4%	44.4%	18.9%	
Yellow Time (s)	5.9	5.9	5.7	5.7	3.0	
All-Red Time (s)	3.2	3.2	1.5	1.5	2.3	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)	9.1	9.1	7.2	7.2	5.3	
Lead/Lag			Lag	Lag	Lead	
Lead-Lag Optimize?			Yes	Yes	Yes	
Recall Mode	None	None	Min	Min	None	
Act Effct Green (s)	23.0	23.0	17.3	17.3	8.4	61.6
Actuated g/C Ratio	0.37	0.37	0.28	0.28	0.14	1.00
v/c Ratio	0.69	0.03	0.43	0.66	0.13	0.22
Control Delay (s/veh)	26.2	8.8	21.1	7.0	29.7	0.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay (s/veh)	26.2	8.8	21.1	7.0	29.7	0.3
LOS	C	A	C	A	C	A
Approach Delay (s/veh)	25.5		13.2			2.4
Approach LOS	C		B			A
Queue Length 50th (ft)	109	0	54	0	8	0
Queue Length 95th (ft)	#367	15	118	72	36	0
Internal Link Dist (ft)	564		755			1653
Turn Bay Length (ft)				400	400	
Base Capacity (vph)	707	644	1767	1020	304	1638
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.65	0.03	0.22	0.50	0.09	0.22

Intersection Summary

Cycle Length: 90
 Actuated Cycle Length: 61.6
 Natural Cycle: 65
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.70
 Intersection Signal Delay (s/veh): 14.2
 Intersection Capacity Utilization 58.3%
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

! Phase conflict between lane groups.

Splits and Phases: 1: US 17/Speedway Blvd & SC-315/S Okatie Hwy



Intersection						
Int Delay, s/veh	0.8					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↘	↗	↑↑	↗	↘	↑↑
Traffic Vol, veh/h	27	23	863	18	4	804
Future Vol, veh/h	27	23	863	18	4	804
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	100	200	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	29	25	938	20	4	874

Major/Minor	Minor1	Major1	Major2	Major3	Major4
Conflicting Flow All	1384	469	0	0	958
Stage 1	938	-	-	-	-
Stage 2	446	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14
Critical Hdwy Stg 1	5.84	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22
Pot Cap-1 Maneuver	135	541	-	-	714
Stage 1	341	-	-	-	-
Stage 2	612	-	-	-	-
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	134	541	-	-	714
Mov Cap-2 Maneuver	134	-	-	-	-
Stage 1	341	-	-	-	-
Stage 2	609	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s/v	26.74	0	0.05
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	134	541	714	-
HCM Lane V/C Ratio	-	-	0.219	0.046	0.006	-
HCM Control Delay (s/veh)	-	-	39.3	12	10.1	-
HCM Lane LOS	-	-	E	B	B	-
HCM 95th %tile Q(veh)	-	-	0.8	0.1	0	-

Intersection						
Int Delay, s/veh	1.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↓	↑↑	↓	
Traffic Vol, veh/h	519	7	12	425	47	40
Future Vol, veh/h	519	7	12	425	47	40
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	200	200	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	564	8	13	462	51	43

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	572	0	821 282
Stage 1	-	-	-	-	564 -
Stage 2	-	-	-	-	257 -
Critical Hdwy	-	-	4.14	-	6.84 6.94
Critical Hdwy Stg 1	-	-	-	-	5.84 -
Critical Hdwy Stg 2	-	-	-	-	5.84 -
Follow-up Hdwy	-	-	2.22	-	3.52 3.32
Pot Cap-1 Maneuver	-	-	997	-	313 715
Stage 1	-	-	-	-	533 -
Stage 2	-	-	-	-	762 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	997	-	308 715
Mov Cap-2 Maneuver	-	-	-	-	308 -
Stage 1	-	-	-	-	533 -
Stage 2	-	-	-	-	752 -

Approach	EB	WB	NB
HCM Control Delay, s/v	0	0.24	16.13
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	418	-	-	997	-
HCM Lane V/C Ratio	0.226	-	-	0.013	-
HCM Control Delay (s/veh)	16.1	-	-	8.7	-
HCM Lane LOS	C	-	-	A	-
HCM 95th %tile Q(veh)	0.9	-	-	0	-

Appendix J: HCS Weaving Analysis

HCS Freeway Weaving Report

Project Information

Analyst	LOWE Engineers	Date	03/08/2023
Agency	LOWE Engineers	Analysis Year	2028
Jurisdiction	Jasper County, SC	Time Analyzed	AM Peak Hour
Project Description	Telfair Industrial	Units	U.S. Customary

Geometric Data

Number of Lanes (N), ln	2	Segment Type	Freeway
Segment Length (L _s), ft	350	Number of Maneuver Lanes (NWL), ln	2
Weaving Configuration	One-Sided	Ramp-to-Freeway Lane Changes (LCRF), lc	0
Terrain Type	Level	Freeway-to-Ramp Lane Changes (LCFR), lc	1
Percent Grade, %	-	Ramp-to-Ramp Lane Changes (LCRR), lc	0
Interchange Density (ID), int/mi	0.20	Cross Weaving Managed Lane	No

Adjustment Factors

Driver Population	All Familiar	Final Speed Adjustment Factor (SAF)	1.000
Weather Type	Non-Severe Weather	Demand Adjustment Factor (DAF)	1.000
Incident Type	No Incident	Capacity Adjustment Factor for CAVs, CAFCAV	1.000
Proportion of CAVs in Traffic Stream	0	Final Capacity Adjustment Factor (CAF)	1.000

Demand and Capacity

	FF	RF	RR	FR
Demand Volume (V _i), veh/h	448	520	0	25
Peak Hour Factor (PHF)	0.96	0.96	0.92	0.96
Total Trucks, %	17.00	3.00	0.00	0.00
Heavy Vehicle Adjustment Factor (f _{HV})	0.855	0.971	1.000	1.000
Flow Rate (v _i), pc/h	546	558	0	26
Weaving Flow Rate (v _w), pc/h	584	Ideal Conditions Capacity (c _I FL), pc/h/ln		2290
Non-Weaving Flow Rate (v _{NW}), pc/h	546	Density-Based Capacity (c _I WL × N × f _{HV}), veh/h		3119
Total Flow Rate (v), pc/h	1130	Demand Flow-Based Capacity (c _I W × f _{HV}), veh/h		4250
Volume Ratio (VR)	0.517	Weaving Area Capacity (c _w), veh/h		3119
Minimum Lane Change Rate (LC _{MIN}), lc/h	26	Adjusted Weaving Area Capacity (c _{WA}), veh/h		3119
Maximum Weaving Length (L _{MAX}), ft	8026	Demand-to-Capacity Ratio (v/c)		0.33

Speed and Density

Non-Weaving Vehicle Index (INW)	4	Average Weaving Speed (S _w), mi/h	57.3
Non-Weaving Lane Change Rate (LC _{NW}), lc/h	0	Average Non-Weaving Speed (S _{NW}), mi/h	56.1
Weaving Lane Change Rate (LC _w), lc/h	39	Average Speed (S), mi/h	56.7
Weaving Lane Change Rate (LC _{AI}), lc/h	39	Density (D), pc/mi/ln	10.0
Weaving Intensity Factor (W)	0.040	Level of Service (LOS)	A

HCS Freeway Weaving Report

Project Information

Analyst	LOWE Engineers	Date	03/08/2023
Agency	LOWE Engineers	Analysis Year	2028
Jurisdiction	Jasper County, SC	Time Analyzed	PM Peak Hour
Project Description	Telfair Industrial	Units	U.S. Customary

Geometric Data

Number of Lanes (N), ln	2	Segment Type	Freeway
Segment Length (L _s), ft	350	Number of Maneuver Lanes (NWL), ln	2
Weaving Configuration	One-Sided	Ramp-to-Freeway Lane Changes (LCRF), lc	0
Terrain Type	Level	Freeway-to-Ramp Lane Changes (LCFR), lc	1
Percent Grade, %	-	Ramp-to-Ramp Lane Changes (LCRR), lc	0
Interchange Density (ID), int/mi	0.20	Cross Weaving Managed Lane	No

Adjustment Factors

Driver Population	All Familiar	Final Speed Adjustment Factor (SAF)	1.000
Weather Type	Non-Severe Weather	Demand Adjustment Factor (DAF)	1.000
Incident Type	No Incident	Capacity Adjustment Factor for CAVs, CAFCAV	1.000
Proportion of CAVs in Traffic Stream	0	Final Capacity Adjustment Factor (CAF)	1.000

Demand and Capacity

	FF	RF	RR	FR
Demand Volume (V _i), veh/h	353	418	0	25
Peak Hour Factor (PHF)	0.96	0.96	0.92	0.96
Total Trucks, %	5.00	3.00	0.00	0.00
Heavy Vehicle Adjustment Factor (f _{HV})	0.952	0.971	1.000	1.000
Flow Rate (v _i), pc/h	386	448	0	26
Weaving Flow Rate (v _w), pc/h	474	Ideal Conditions Capacity (c _{IFL}), pc/h/ln		2290
Non-Weaving Flow Rate (v _{NW}), pc/h	386	Density-Based Capacity (c _{WL} × N × f _{HV}), veh/h		3221
Total Flow Rate (v), pc/h	860	Demand Flow-Based Capacity (c _W × f _{HV}), veh/h		4196
Volume Ratio (VR)	0.551	Weaving Area Capacity (c _W), veh/h		3221
Minimum Lane Change Rate (LC _{MIN}), lc/h	26	Adjusted Weaving Area Capacity (c _{WA}), veh/h		3221
Maximum Weaving Length (L _{MAX}), ft	8429	Demand-to-Capacity Ratio (v/c)		0.26

Speed and Density

Non-Weaving Vehicle Index (INW)	3	Average Weaving Speed (S _W), mi/h	57.3
Non-Weaving Lane Change Rate (LC _{NW}), lc/h	0	Average Non-Weaving Speed (S _{NW}), mi/h	56.7
Weaving Lane Change Rate (LC _W), lc/h	39	Average Speed (S), mi/h	57.0
Weaving Lane Change Rate (LC _{AI}), lc/h	39	Density (D), pc/mi/ln	7.5
Weaving Intensity Factor (W)	0.040	Level of Service (LOS)	A

Appendix K: Section 5D-4 Auxiliary Lane Design - SCDOT ARMS

- Based on the capacity analysis, the necessary time for a protected left-turn phase becomes unattainable to meet the level-of-service criteria (average delay per vehicle); and/or
- There is insufficient space to provide the calculated length of a single-turn lane because of site restrictions (e.g., closely spaced intersections).

Dual right-turn lanes do not work as well as dual left-turn lanes because of the more restrictive space available for two-abreast right turns. If practical, the designer should find an alternative means to accommodate the high number of right-turning vehicles.

Triple left-turn lanes require more specific justification and detail in the design than dual left-turn lanes. Because triple left-turn lanes are not common in South Carolina, early coordination with the Traffic Engineering division is recommended.

5D-4 Auxiliary Lane Design

The length of a right-turn and left-turn lane at an intersection should allow for both safe vehicular deceleration and storage of turning vehicles outside of the through lanes. The length of auxiliary lanes will be determined by a combination of its taper length (Figure 5-21) and storage length (Table 5-8 and Table 5-9). When widening is necessary to accommodate a turn lane, the methods presented in Figure A-8 should be used.

Table 5-8: Right-Turn Lane Storage Lengths

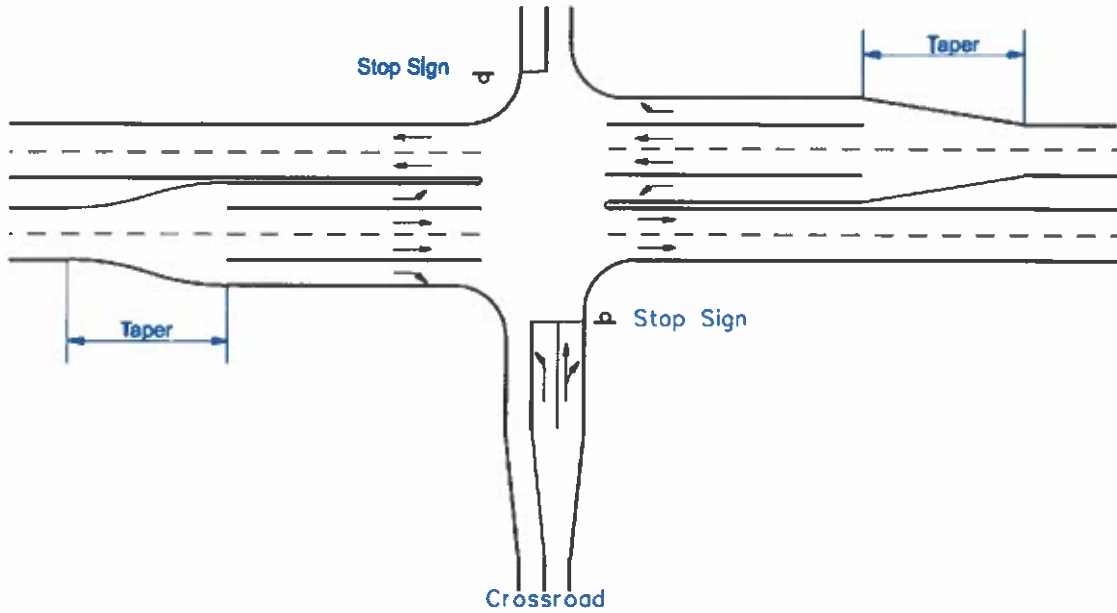
Turning Volume (vph)	Percent of Trucks in Turning Volume				
	0% to 10%	20%	40%	60%	100%
50	Minimum length of 100 ft				
100					
150		125 ft	175 ft	175 ft	175 ft
200	150 ft	175 ft	225 ft	225 ft	250 ft
250	200 ft	225 ft	275 ft	275 ft	325 ft
300	250 ft	275 ft	325 ft	350 ft	400 ft
350	300 ft	325 ft	375 ft	425 ft	475 ft
400	350 ft	375 ft	425 ft	500 ft	550 ft

Table 5-9: Left-Turn Lane Storage Lengths

Turning Volume (vph)	Percent of Trucks in Turning Volume				
	0% to 10%	20%	40%	60%	100%
50	Minimum length of 150 ft. in Urban Areas Minimum length of 200 ft. in Rural Areas				
100					
150			175 ft	175 ft	175 ft
200		175 ft	225 ft	225 ft	250 ft
250	200 ft	225 ft	275 ft	275 ft	325 ft
300	250 ft	275 ft	325 ft	350 ft	400 ft
350	300 ft	325 ft	375 ft	425 ft	475 ft
400	350 ft	375 ft	425 ft	500 ft	550 ft

NOTES: 1) SCDOT Traffic Engineering should review the design to determine if longer turn lane lengths are required. 2) Consider providing dual turn lanes if volumes are greater than 300 vph.

Figure 5-21: Typical Auxiliary Lane Taper Lengths



REVERSE CURVE TAPER				STRAIGHT TAPER		
Design Speed (mph)	Radius (ft)	Auxiliary Lane Widths		Design Speed (mph)	Auxiliary Lane Widths	
		W=11 ft	W=12 ft		W=11 ft	W=12 ft
$V \leq 30$	300	115	120	$V \leq 30$	115	120
31 - 40	480	145	152	31 - 40	145	150
41 - 50	670	171	179	41 - 50	170	180
$51 \leq V$	840	192	201	$51 \leq V$	200	200

Notes:

- 1) Create taper equivalent reverse curves.
- 2) Taper distance is approximately based on tangent alignment
- 3) W=width of turning lane
- 4) Where through road is on a curve, develop a uniform offset taper from the curved mainline.

In-depth design criteria for auxiliary lanes can be found in Section 15.5 of the SCHDM.

EXHIBIT I

Jasper County Zoning Ordinance And Land Development Regulations

Appendix A - ZONING

Footnotes:

--- (1) ---

Editor's note— Printed herein is the Zoning Ordinance of Jasper County, South Carolina, adopted by the county council on November 13, 2007. Former Appendix A pertained to similar subject matter. For a complete history of former Appendix A see the Code Comparative Table. Amendments to the original ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the original ordinance. For stylistic purposes, a uniform system of punctuation, capitalization, headings, catchlines, citation to state statutes, and expression of numbers in text has been used to conform to the Code. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity.

Cross reference— Buildings and building regulations, ch. 6.

ARTICLE 1. - PURPOSE, AUTHORITY

1:1. - Purpose.

The zoning ordinance shall implement the comprehensive plan consistent with South Carolina Code of Laws section 6-29-710(A) Zoning Ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; and section 6-29-720(A). When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan. The zoning ordinance shall create zoning districts of such number, shape, and size as the governing authority determines to be best suited to carry out the purposes of this chapter.

A comprehensive plan must set forth not just the development of land and capital improvements. A comprehensive plan must also anticipate the provision of public services to the citizenry. With Jasper County's era of phenomenal growth having just begun, the delivery of public services must be anticipated as never before. As a significant effort to reinforce the Three Universal Development Principles the provision of public services will also reflect a rural level of service in areas of Jasper County beyond the municipal boundaries of Hardeeville and Ridgeland. To be in the best position to benefit the most from this inevitable development the County has adopted these Three Universal Development Principles as outlined in the Jasper County Comprehensive Plan:

1. Keep Jasper rural.
2. Develop the municipalities.
3. Development pays its own way.

The zoning ordinance shall regulate the location and use of buildings, structures and land, the height of buildings and other structures, the size of yards, the density and distribution of population; create districts for said purposes and establish the boundaries thereof; establish development standards; define certain terms used herein; provide for the method of administration and amendment; and provide for the imposition of penalties for the violation of the provisions of this ordinance.

1:2. - Authority.

The provisions of this ordinance are adopted in accordance with authority conferred by the general statutes of the South Carolina, 1976 Code of Laws, Title 6, and Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended.

1:3. - Jurisdiction.

The regulations set forth in this ordinance shall be applicable within the area designated on the official zoning map.

1:4. - Official zoning map.

The boundaries of each zoning district are shown on a map entitled Official Zoning Map, Jasper County, South Carolina, which is hereby adopted and declared to be a part of this ordinance. The official zoning map and all amendments, certifications, citations, and other matters entered on the official zoning map are hereby a part of this ordinance and have the same legal effect as if fully set out herein. The official zoning map shall be maintained by the Development Services Representatives (DSR) and identified by the signature of the chairman of county council as attested by the county clerk.

1:4.1. *Amendments.* Amendments to the official zoning map shall be made as necessary so that the map at all times portrays the current status of the zoning districts or zoning district boundaries. Portions of Jasper County annexed by any municipality shall be administratively deleted from the official zoning map.

1:4.2. *Custodian of map.* A reproducible copy of the official zoning map shall be kept on file with the DSR in the office of the Jasper County Planning Department and copies shall be available at all times for inspection by the public.

1:5. - Interpretation of district boundaries.

When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

Amendments to the official zoning map shall be adopted by ordinance as provided for herein. Promptly after the adoption of an amendment, the DSR shall alter or cause to be altered the official zoning map to indicate the amendment, and shall enter in writing upon the face of the map a certification indicating the alterations and citing the date of adoption and the effective date of the Ordinance amending the map. Each amendment shall be identified by the signature of the chairman of county council as attested by the county clerk.

1:6. - Flood hazard boundary maps (FHBM).

Flood hazard boundary maps for Jasper County have been prepared by the Federal Emergency Management Agency (FEMA) and are on file in the office of the DSR. These maps and other supporting data, and any revisions thereto, are adopted by reference and declared a part of this ordinance.

1:7. - Severability.

If for any reason one or more sections, sentences, clauses, or parts of this ordinance are held unconstitutional or invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this ordinance.

1:8. - Effective date of ordinance.

This ordinance shall take effect immediately following council's final approval of this ordinance.

ARTICLE 2. - REVIEW AND DECISION MAKING BODIES

2:1. - Jasper County council.

2:1.1. *Review authority.* The county council does not act in a review or recommending capacity.

2:1.2. *Decision-making authority.* The county council shall have final (local) decision-making authority on the following matters pursuant to (S.C. Code § 6-29-760):

1. Comprehensive plan amendments.
2. Zoning ordinance text amendments (see Article 3, Section 3:2).
3. Zoning map amendments (see Article 3, Section 3:2).
4. Planned development districts.
5. Acceptance of public dedications.

2:2. - Jasper County Planning Commission.

2:2.1. *Review authority.* The function and duty of the planning commission is to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of Jasper County. The planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the development of its area of jurisdiction to county officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens pursuant to S.C. Code § 6-29-340. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning within the unincorporated boundaries of Jasper County.

The function of the joint planning area (JPA) planning commission is to carry out those duties as outlined in Jasper County Ordinance No. 05-11.

In the discharge of its responsibilities, the local planning commission has the power and duty to:

1. Prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and
2. Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:
 - (a) Zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
 - (b) Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;
 - (c) 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 its political jurisdiction or a specified portion of it, as set forth in this chapter;

- (d) A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
- (e) 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 governmental bodies responsible for implementation prior to preparation of their capital budget; and policies or procedures to facilitate implementation of planning elements.

2:2.2. *Decision-making authority.* The planning commission acts in a review and approval capacity on major subdivision applications as set out in this ordinance and pursuant to S.C. Code, § 6-29-760.

2:3. - Jasper County Board of Zoning Appeals (BZA).

2:3.1. *Reserved.*

2:3.2. *Review authority.* The Board of Zoning Appeals does not act in a review or recommending capacity.

2:3.3. *Decision-making authority.* The board of zoning appeals shall have final (local) decision-making authority on the following matters located within the unincorporated areas of the county:

1. Variances (See Article 3, Section 3:3).
2. Special exceptions (See Article 3, Section 3:4).
3. Appeals of administrative decisions (See Article 3, Section 3:5).

Neither the planning commission nor the county council has decision-making authority on any BZA applications.

ARTICLE 3. - ZONING AND LAND DEVELOPMENT REVIEW AND ADMINISTRATION

3:1. - General provisions.

This section sets forth the procedures required for obtaining letters of zoning determination, building permits, grading permits, sign permits, and certificates of use and occupancy, and also establishes procedures for processing land development applications. The general provisions of this section apply to all development applications and procedures under this article unless otherwise stated.

3:1.1. *Responsibility.* All requests for permits and licenses required by this ordinance, and legislative change of relief from the terms of this ordinance shall be in the form of an application. The provisions of this article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

The development services representatives (DSR) shall be authorized to administer the requirements for processing applications and issuing permits according with the provisions of this ordinance.

The applicant shall be responsible to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this ordinance.

All applications shall be submitted to the DSR on forms provided by the county and contain or be accompanied by the information required by the applicable checklists and fees. All completed applications and associated checklists shall be submitted to the DSR for processing and record keeping.

For the purposes of this article, parties in interest shall include the applicant and other persons who have submitted a written statement to the commission or DSR indicating their interest in the matter before the commission.

3:1.2. *Administrative adjustment.*

1. *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.
2. *Applicability.* The DSR shall have authority to authorize an adjustment of up to ten percent of any numerical standard set forth in subsection 7:3 Yard and Setback Requirements or Article 12 Development Standards. No administrative adjustment shall increase the overall density or intensity of the development.
3. *Review and action by the DSR.* The DSR shall review the application and approve or disapprove the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant and each member of the Planning Commission.
4. *Administrative adjustment criteria.* To approve an application for an administrative adjustment, the DSR shall make an affirmative finding that the following criteria are met:
 - a. That granting the administrative adjustment serves a conspicuously obvious and needed purpose;
 - b. That granting the administrative adjustment will ensure an equal or better level of land use compatibility as the otherwise applicable standards;
 - c. That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffer, screening, setbacks and other land use considerations;
 - d. That granting the administrative adjustment will not adversely affect property values in any material way; and

That granting the administrative adjustment shall be generally consistent with the purposes and intent of this ordinance.

3:1.3. *Application completeness.* Applications required under this ordinance shall be considered complete only if they are submitted in the required format, including all mandatory information as required by article 2 of the land development regulations the appropriate land development regulations checklist, and are accompanied by the appropriate fee. Any application that is determined to be incomplete shall, within 30 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted by the application deadline date within 90 days of the date that the application was returned to the applicant.

3:1.4. *Filing fees.* Applications shall be accompanied by the fee amount that has been established by the county council and as amended by Resolution from time to time for the respective type of application. Fees shall not be required for applications initiated by authorized review or decision-making bodies.

3:1.5. *Complaints regarding violations.* Any authorized action or decision made by the DSR may be appealed to the BZA within 30 days. A complete application for appeal will be scheduled for a BZA hearing.

An appeal from the decision of the BZA may be made pursuant to the provisions of Title 6, Chapter 29 and taken to circuit court within 30 days after actual notice of the decision.

Any person aggrieved by a decision of the BZA rendered after the hearing may within 30 days after notice thereof file an appeal in circuit court for a review of the decision of the BZA pursuant to Section 6-29-1150 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

3:2. - Zoning ordinance text and map amendments (rezoning).

The regulations, restrictions, and boundaries set forth in this zoning ordinance may from time to time be amended, supplemented, changed, or repealed by the county council. Prior to final action by county council under this article, the planning commission shall review the amendment and offer any comments or recommendations as appropriate. All actions taken under this article shall be done in accordance with the procedures outlined below and consistent with applicable state laws.

Any proposed zoning text amendment and/or zoning map amendment must be made in compliance with the latest edition of the Jasper County Comprehensive Plan.

3:2.1. *Zoning change by application.* An application for any change or amendment to the zoning text or map of this ordinance shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed and the names and addresses of the owner or owners of the property. Such application shall be filed with the dsr in accordance with the current schedule of submittal dates as designated by the planning commission. In order for an application to be processed by the DSR, all required information and forms must be completed. The DSR may return any incomplete forms to the applicant.

3:2.2. *Initiation of amendments.* County council, county planning commission, board of zoning appeals, or property owners may initiate proposed changes or amendments to the ordinance text and/or map. Petitions for text and/or map changes or amendments must first be presented to the DSR.

3:2.3. *Review and recommendation by the planning commission.* The DSR shall, upon receipt of a request for an amendment to the zoning ordinance text or map, review and make written recommendations to the Jasper County Planning Commission concerning the request. The planning commission shall act on an application within 30 days after receipt of certification of completeness of the application from the DSR, by either 1) deferring up to one meeting, or 2) recommending denial or approval and submitting its report and recommendation to county council. If the planning commission fails to submit a report within the prescribed time period, the request shall be forwarded to the county council for consideration, and the planning commission shall be deemed to have forwarded the application without a favorable or negative recommendation.

3:2.4. *Public hearing.* Upon receipt of the planning commission recommendation(s) for an amendment to the zoning ordinance text or map, county council shall schedule a public hearing in accordance with subsection 3:5.3.

When the required public hearing is delegated from county council to the planning commission, no public hearing by the county council is required before amending the zoning ordinance text or map.

3:2.5. *Action by county council.* County council shall receive the report and recommendation from the planning commission, and if material changes or departures from the text or maps as recommended by the Jasper County Planning Commission are to be made pursuant to the public hearing as detailed hereafter, such change or departure shall be submitted to the planning commission for review and recommendation, and the planning commission must within 30 days of the submission submit its report on the change to the county council, and if the planning commission fails to submit a report within this prescribed time limit, it is deemed to have approved the change or departure. After conducting a duly advertised public hearing, county council shall consider information presented at the hearing along with the recommendation(s) received from the Jasper County Planning Commission. When applicable, the county council will require input from the Southern Jasper/Hardeeville Joint Planning Commission or the Central Jasper/Ridgeland Joint Planning Commission.

Before county council approves any map amendment, the planning commission and county council shall be informed of the relation of the application to the provisions of the county's comprehensive plan or, in the absence of such information, that one or more of the following should be considered:

1. That the original zoning classification given the property was improper or inappropriate.
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the county's comprehensive plan and which have substantially altered the basic character of such area.

3:2.6. *Reconsideration of request for amendment.* When county council shall have denied a request for an amendment, it shall not consider the same or a less intensive reclassification for an amendment affecting the same property until one year from the date of the previous denial.

3:2.7. *Effective date of changes in zoning or map ordinances.* Any ordinance affecting a change in the text of the zoning ordinance or zoning maps shall become immediately effective upon county council approval.

3:2.8. *Rezoning fees.* When a proposed amendment to the ordinance text or map is initiated by individuals or parties other than county council, planning commission, or board of zoning appeals, a fee shall be paid for each application for administrative and advertising expenses as established by the county council and as amended by resolution from time to time.

(Ord. No. 16-24, §§ 1—3, 9-19-16)

3:3. - Variances.

3:3.1. *Consideration of variances.* The Jasper County Board of Zoning Appeals, is authorized to hear and decide appeals for Variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings: The fact that the property may be utilized more profitably (economic hardship), should a Variance be granted, may not be considered grounds for a variance. The board 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 extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map in accordance with all requirements as prescribed by the zoning ordinance.

The board of zoning appeals may authorize upon written appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where the variance meets all of the following criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Violation of such conditions and safeguards shall be a violation of this ordinance and punishable under Article 19.

The DSR shall notify owner of the property for which the Variance is requested, or his agent, as well as adjacent property owners by mail.

The DSR shall provide for posting of the property in accordance with subsection 3:5.3.

3:4. - Special exceptions.

3:4.1. *Uses permitted by special exception.* The board of zoning appeals may hear and decide upon uses by special exception specifically authorized by the terms of this ordinance. The board shall not authorize a use by special exception unless the following conditions are met:

1. A written application is submitted.
2. Notice shall be given at least 15 days in advance of a public hearing in a newspaper of general circulation in Jasper County.
3. A public hearing shall be held.
4. The board shall make written findings indicating compliance with the regulations governing the special use, and any conditions placed on the approval by the board.

3:4.2. *Notice of hearing.* When an applicant requests a use by special exception under the terms of this ordinance, notice of a public hearing shall be published in a newspaper of general circulation in Jasper County at least 15 days prior to the hearing. The notice shall carry an appropriate descriptive title, and shall state the time, date, and place of the hearing in accordance with subsection 3:5.3.

3:5. - Appeals and hearings.

3:5.1. *Duties of the development services representative (DSR), board of zoning appeals and courts on matters of appeal.* All questions of interpretation and enforcement shall be first presented to the DSR and such questions shall be presented to the board of zoning appeals only on appeal from the decision of the DSR, and that recourse from the decision of the board of zoning appeals shall be as provided by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code, Title 6, Chapter 29. The BZA shall be the only authorized body to render decisions on the zoning appeal applications at the county level.

3:5.2. *Appeals to the board.* The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the DSR in the enforcement of this ordinance.

Appeals to the board of zoning appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. Appeal must be taken within 30 days from the date of the decision notice or letter, by filing with the DSR a notice of appeal specifying the grounds of such appeal. The DSR shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing at least 15 days prior to the hearing date, to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by designated agent or attorney. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision, or determination and to that end shall have all the powers of the DSR and may issue or direct the issuance of a permit.

3:5.3. *Notice of hearing.* Notice of a public hearing shall be published in a newspaper of general circulation in Jasper County at least 15 days prior to the hearing. The notice shall carry an appropriate descriptive title, and shall state the time, date, and place of the hearing.

Notice of a public hearing shall be sent by first class mail to the last known address of all property owners within a minimum of 500 feet from all property lines of the subject property (unless the review and decision making body, after receiving a recommendation from the DSR, directs a larger area to be notified) at least 15 days prior to the date of the public hearing. The notice shall carry an appropriate descriptive title, and shall state the time, date, and place of the hearing.

In addition, the DSR shall properly post a county notice sign at least 15 days prior to the date of the public hearing. Such signs shall be placed in a conspicuous place or places on the affected premises.

Comprehensive amendments to the zoning map includes cases which it would be unduly burdensome, such as map amendments for more than 20 properties. Posting in these cases shall be by publicizing in a newspaper of general circulation in Jasper County at least 15 days prior to the date of the public hearing, and by placing one sign on each road frontage abutting the affected properties.

3:5.3.1 *Constructive notice.* Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, review and decision making body shall make formal findings regarding whether there was substantial compliance with the notice requirements of this ordinance.

3:5.4. *Stay of proceedings.* An appeal, which requests Board action stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken, certifies to the board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the board or by a court of competent jurisdiction.

3:5.5. *Decisions.* The concurring vote of the majority of the members of the board of zoning appeals in attendance at the hearing shall be necessary to reverse any order, requirement, decision, or determination of the DSR charged with the enforcement of this ordinance, to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to grant a variance or special exception from the provisions of this ordinance. In all final decisions or orders, the board must specifically state that it is ordering, modifying or denying the particular matter presented to it for decision.

All final decisions and orders of the board must be in writing and be permanently filed in the office of the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties of interest by certified mail.

3:5.6. *Appeals.* Every decision of the board of zoning appeals may be appealed in the manner provided by the laws of the State of South Carolina and particularly by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code, Title 6, and Chapter 29.

3:5.7. *Board of zoning appeals fees.* An administrative fee as established by county council and as amended by resolution from time to time shall be paid to the DSR for each application to the board of zoning appeals.

(Ord. No. 16-30, §§ 1, 2, 10-17-16)

3:6. - Required permits and certificates.

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required zoning and related permits have been issued by the DSR.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this ordinance.

No permits inconsistent with the provisions of this ordinance shall be issued unless accompanied by a special exception or variance or as approved by the BZA.

The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross-arms, guys, wire, cable and drops.

3:6.1. *Types of required permits/certificates and fees.* Fees for all permits and certificates shall be in accordance with the current Jasper County Fee Schedule as amended from time to time.

3:6.1.1. *Zoning certificate (ZC).* A Zoning Certificate shall be required in advance of the following:

1. The issuance of a building permit.
2. Grading or filling of a lot or parcel.
3. Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.
4. The installation of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in this ordinance.
5. Installation of any sign for which a permit is required.
6. The establishment of a temporary use.

7. Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.
8. The issuance of a business license.

When the DSR receives an application for a zoning certificate whose proposed improvement and use described and illustrated conforms to all requirements of this ordinance, he/she shall issue a zoning certificate and return a signed copy to the applicant within 15 days of receipt of the application.

When the DSR receives an application for a zoning certificate whose proposed improvement and use described and illustrated does not conform to this ordinance, he/she shall deny the issuance of a zoning certificate, and so advise the applicant within 15 days, citing the particular sections of this Ordinance with which the application does not comply.

The zoning certificate shall remain in full effect unless/until the applicable zoning criteria is changed by an amendment to the Jasper County Zoning Ordinance.

3:6.1.2. *Grading permit.* A grading permit shall be required prior to any land disturbing activity not exempt by this ordinance. No grading permit shall be issued unless and until a zoning certificate has first been issued. Where required the excavation ordinance shall be enforced in conjunction with the issuance of a grading permit. In these instances a grading permit shall not be issued until the applicant demonstrates compliance with all code regulations and the submission of the necessary fees.

3:6.1.2A. *Excavation permit.* An excavation permit shall be required for excavation activities as described in article 14.

3:6.1.3. *Building permit.* A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the county building code.

3:6.1.4. *Sign permit.* Where a Sign Permit is required by this Ordinance, the permit application shall be in accordance with the Zoning Ordinance and shall be accompanied by the following:

1. A common signage plan.
2. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address.
3. Name and address of owner of the sign.
4. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
5. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
6. The value of the sign and sign structure.

Signs exceeding 36 square feet in area shall be accompanied by a drawing and written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this ordinance.

3:6.1.5. *Certificate of use and occupancy.* It shall be unlawful to use, occupy, or permit the use of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of use and occupancy has been issued by the DSR which states that the proposed use of the building or land conforms to the provisions and the requirements of this ordinance.

The DSR shall retain a record of all certificates of use and occupancy issued. Failure to obtain a certificate of occupancy shall be a violation of this ordinance, and punishable under Article 19.

3:6.1.5-1. *Application procedures.* Application for a zoning certificate shall be made concurrently with the application for a building permit where applicable. The certificate of use and occupancy shall be issued within 15 days after the successful completion of all the final inspections related to the project.

3:6.1.5-2. *Temporary certificate of use and occupancy.* The DSR may issue a temporary certificate of use and occupancy for a period as determined by the DSR, but not to exceed six months for alterations, or for use of a building pending completion, or for bazaars, carnivals, and other temporary activities. The temporary certificate of use may require conditions and safeguards to protect the occupants and the general public.

3:6.1.5-3. *Failure to obtain certificate of use and occupancy.* Failure to obtain a certificate of use and occupancy shall be a violation of this ordinance and punishable under Article 19 of this ordinance.

3:6.1.5-4. *Conformance of construction and use.* Zoning certificates are issued on the basis of approved construction documents and applications approved by the DSR. Certificates of use authorize only the use, arrangement, and construction set forth in such approved construction documents and applications.

Use, arrangement, or construction that differs from approved construction documents and applications is a violation of the ordinance and punishable under Article 13 of this ordinance.

3:6.1.5-5. *Right of appeal.* Should the applicant disagree with the administrative decision of the DSR regarding the requested zoning certificate, the applicant may appeal the action of the DSR to the board of zoning appeals.

3:6.2. *Refund of zoning and building permit fees for affordable housing.* Any person to whom a zoning certificate or permit is issued pursuant to subsection 3:6.1.1 hereof and/or a building permit issued pursuant to subsection 3:6.1.3 hereof, and qualified pursuant to the criteria below shall be entitled to refund of fees for permits.

In order to qualify for refund of fees, the applicant must meet the following criteria:

1. The permit(s) must have been issued subsequent to the date of this ordinance; and
2. For building and zoning permit fee reimbursement for housing units to be sold, there must have been constructed one or more dwelling units, and:
 - a. Each dwelling unit subject to the permit must have been sold by the applicant, and each such sale must qualify and factually proven as the sale of affordable housing as defined in article 4.
 - b. Each such sale must be made as an arms length transaction; and
- 3.

For building and zoning permit fee reimbursement for housing units to be occupied by the landowner:

- a. The family income shall be no more than 80 percent of the area media income after adjustment for family size.
 - b. Housing cost shall constitute no more than 28 percent of the annual family income adjusted for family size.
 - c. The landowner must be the applicant for building and zoning permits.
4. Each applicant requesting refund must provide the DSR with proof that he/she meets the criteria set forth above.

(Ord. No. 09-12, § 1, 5-4-09; Ord. No. 11-03, § 2, 4-18-11; Ord. No. 17-06, § 2, 5-1-17)

ARTICLE 4. - DEFINITIONS

All definitions as provided in this article and throughout the zoning ordinance shall also apply to the land development regulations.

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The word "building" or "structure" includes any part thereof.

The word "map" or "zoning map" shall mean the official zoning map of Jasper County, South Carolina.

The term "planning commission" refers to the Jasper County Planning Commission established by County Ordinance Number 98-0-09. The term "council" refers to the Jasper County Council.

The term "board of zoning appeals" refers to the Jasper County Board of Zoning Appeals (BZA).

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions or events shall apply.
3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

Other words and terms defined herein are as follows:

Abandonment: The relinquishment of maintenance responsibilities on a road by the county council (See "Road").

Abutting: Sharing a common border; physically touching.

Accessory: An activity or structure that is customarily associated with and appropriately incidental and subordinate to a principal activity and/or structure, and is located on the same zone lot except as provided under the provisions for accessory off-street parking (See "Structure").

Activity: The performance of a function or operation which constitutes the use of the land.

Activity principal: An activity which fulfills a primary function of an establishment, institution, household, or other entity.

Affordable housing: In the case of dwelling units for sale or to be occupied by the landowner, stick built or modular housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 28 percent of the annual household income for a household earning no more than 80 percent of the area median income, by family size, as published from time to time by the Lowcountry Council of Governments and, in the case of dwelling units for rent, housing for which the rent and utilities constitute no more than 30 percent of the annual household income for a household earning no more than 80 percent of the area median income, by family size as published from time to time by Lowcountry Council of Governments.

Alley: (See "Road Classifications — Alley").

Area of shallow flooding: A designated AO or VO Zone shown on flood insurance rate maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident (See "Base flood," "Flood," and "Flood insurance rule maps" (FIRM)).

Area of special flood hazard: The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

As-built/record drawings: A set of drawings prepared by and certified by a South Carolina registered professional engineer and surveyor or register landscape architect (if plans were prepared and accepted by an RLA), that accurately represents the actual final configuration of the stormwater and other related infrastructure constructed in a development.

Attached: Buildings which share one or more common walls with other buildings. As pertains to residential use, dwelling units may also be considered attached when sharing structures in a manner other than just common walls (See "Building," "Dwelling Unit," "Residential Use," and "Structure").

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (See "Flood").

Bed and breakfast inn: Any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation (See "Dwelling").

Best management practices or BMP: Stormwater management practices, either structural, non-structural or natural that has been demonstrated to effectively control movement of pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

Block: A piece or parcel of land entirely surrounded by public roads (See "Road").

Buildable area: That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met (See "Yard," "Yard, Front," "Yard, Rear," "Yard, Side," and "Zoning District").

Building: A structure having a roof supported by columns or walls and intended for use on a permanent basis (See "Structure").

Building, accessory: A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed (See "Building, Principal," "Structure," "Use," and "Use, Principal").

Building, alteration: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure (See "Building" and "Structure").

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located (See "building" and "lot").

Building setback line: A line establishing the minimum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures, and the property line when measured perpendicular thereto (See "Building").

Canopy tree: A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of occupancy: A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this ordinance and the building code (See "Building," "Structure," and "Use").

Certificate of zoning compliance: A document certifying that a proposed use meets all requirements of this ordinance (See "Use").

Chicanes: Curb extensions that alternate from one side (or both sides) of the road to the other, forming S-shaped curves (See "Road").

Clean Water Act: The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. § 1251 et seq.

Cluster home development: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features (See "Building," "Common open space," and "Development").

Commission or planning commission: The Jasper County Planning Commission.

Common area: The areas not owned by an individual owner of a condominium or cooperative residence or PUD parcel, but shared by all owners, either by percentage interest or owned by the management organization. Common areas may include recreation facilities, outdoor space, parking, landscaping, fences, laundry rooms and all other jointly used space (See "Condominium").

Comprehensive land use plan: A plan for the physical development of the area of jurisdiction, or any amendment or extension of the plan or any addition to the plan adopted by county council pursuant to the authority vested in it by law.

Conditional use: A use of land or structure, which is permitted in a zoning district under conditions, specified in the zoning ordinance ("See Structure", "Use", "Zoning district").

Condominium: A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure (See "Structure").

Contiguous: Describes two more objects that are adjacent to each other.

County: Jasper County, South Carolina.

County council: The publicly elected officials of Jasper County, South Carolina.

Critical area: Defined by OCRM as tidelands, coastal waters and the beach/sand dune system. OCRM determines the jurisdictional boundary, which is referred to as the "critical line". A permit is required from OCRM prior to any alteration to the critical areas of South Carolina.

Cul-de-sac: A road having one end open to traffic and being permanently terminated by a vehicular turnaround of circular design (See "Road").

Day care services: Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Dedication: A deeded, prescriptive, or acknowledged proof by maintenance activity right-of-way, unless otherwise stated, grants an easement to the traveling public.

Density: The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision devoted to residential use, excluding nothing (See "Dwelling unit," "Gross acreage," and "Residential use").

Detached: A building which is surrounded by yards or other open areas (See "Building, accessory").

Developer: An individual, partnership, corporation, or other entity (or agent therefore) that undertakes the activities covered by these regulations.

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations (See "Building" and "Structure").

Development, land development, land development, major: The physical improvement of land by land disturbing activities or construction of infrastructure, buildings and structures allowed through site plan, development plan or major subdivision approval.

Development services representative (DSR): The person or persons as designated by the Jasper County Deputy Administrator of Development Services.

DHEC: South Carolina Department of Health and Environmental Control.

Discharge rate: The rate at which stormwater leaves a development.

Domestic animal shelter: A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept (See "Structure").

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means.

Driveway: A paved or unpaved area used for ingress and egress of vehicles, and allowing access from a road to a building or other structure or facility (See "Building," "Road," and "Structure").

DSR: The county's designated development services representative.

Dwelling: A building or portion of a building arranged or designed exclusively for human habitation (See "Building").

Dwelling, detached: A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means (See "Dwelling unit").

Dwelling, duplex: A building containing two dwelling units (See "Dwelling unit").

Dwelling, group occupied: A dwelling unit occupied by five or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit (See "Dwelling unit").

Dwelling, multi-family: A building containing three or more dwelling units (See "Dwelling unit" and "Family").

Dwelling, patio home: A single-family detached or semi-detached dwelling unit. It is built on a small lot sometimes enclosed by walls, which provide privacy. Instead of being centered on a lot, the dwelling is placed against one of the side lot lines.

Dwelling, residential designed manufactured home: A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, 6-15-76, and which:

- a. Has a minimum width over 20 feet (multiple-section);
- b. Has a minimum of 900 square feet of enclosed living area;
- c. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight inches.

Dwelling, single-family: A building containing one dwelling unit (See "Dwelling unit").

Dwelling, standard designed manufactured home: A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a Residential Designed Manufactured Home (See "Dwelling, Single-Family").

Dwelling, townhouse: A series of attached single-family dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls (See "Dwelling, single-family").

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons in the same family including permanent provisions for living, sleeping, eating, cooking, and sanitation (See "Family").

Easement: A grant, by the property owner of a portion of land, for use by the public, a utility, a corporation, or person for specified purposes.

Elevated building: A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls (See "Building").

Environment: The complex of physical, chemical, and biotic factors that act upon an ecological community and ultimately determine its form and survival.

Evergreen tree: A coniferous or deciduous tree that remains green throughout the year.

Excavation: The mechanical removal of any subsurface minerals, natural resource material or other substance including but not limited to sand, clay, gravel, limestone or rock:

- a. Where the gross acreage of the excavation(s) within the site exceeds one acre and the average final depth of the excavation is proposed to be greater than ten feet from the final grade to the top of the bank of the excavation; or
- b. Where the gross acreage of the excavation(s) within the site exceeds 25 percent of the gross acreage of the parcel or lot on which the excavation(s) take place;
- c. Where the excavated mineral, material, or substance is sold and the gross acreage of the excavation(s) within the site exceeds two acres. Any activity involving the sales of excavated minerals, materials or substances will require the appropriate DHEC permit.

Excavation plan: The written engineering drawings, specification and documents as may be required to review and document conformance to this ordinance of an excavation, excavation activity or excavation operation.

Eyebrow: The arch of a cul-de-sac covering the outer ridge of a tangent road section.

Family day care home: Where permitted as an accessory use and allowed by law shall mean a home in which care and developmental activities is provided for other people's children. Care is primarily aimed at children up to five years old but may include primary school children and may assist older children in special or emergency situations.

Family: One or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons living together for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of S.C. Code § 6-7-830.

Fast food restaurants: Eating establishments which typically offer drive-thru service as well as table seating for indoor ordering and pick-up by patrons.

Federal Manufactured Home Construction and Safety Standards: Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flag: Usually a rectangular piece of fabric of distinctive design that is used as a symbol for a state, nation, government, or community; or as a signaling device, or as a decoration, or as an advertisement.

Floating zone: A zone which is described in the text of a zoning ordinance but is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements of the zoning ordinance through legislative action.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood hazard boundary map (FHBM): An official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

Flood insurance rate map (FIRM): An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Flood plain: Area of land typically located adjacent to rivers, streams, wetlands and coastal areas which are subject to recurring flood waters due to low and/or flat topography.

Flood-resistant material: Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (See "Base flood").

Floor: The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles (See "Building").

Floor area ratio: An intensity measure of land use derived at by dividing the total floor area of a building by the total site area (See "Floor").

Gross acreage: Is to be measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way (See "Road").

Gross floor area (GFA): The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for parking of motor vehicles (See "Building," "Floor," and "Structure").

Group non-residential development: A building or group of buildings which consists of more than one office, commercial, retail or industrial structure erected on one or more parcels of ground developed with a common plan for the protection, maintenance and improvement of the parcels with reciprocal easements and rights in one or more of the parcels and governed by an owner's association or developed as a horizontal property regime (See "Easement" and "Parcel").

Group residential development: A building or group of buildings containing three or more dwelling units located on one or more parcels of ground developed with a common plan for the protection, maintenance and improvement of the parcels with reciprocal easements and rights in one or more of the parcels and governed by an owner's association or developed as a horizontal property regime (See "Easement" and "Parcel").

Habitable dwelling: A dwelling meeting the minimum habitability requirements of this ordinance, and other applicable regulations (See "Dwelling").

Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height: The vertical distance of a structure or vegetation (See "Structure" and "Vegetation").

Highway: A road, street, or traffic way serving as and designated as a State or United States route (See "Road" and "Street").

Historic structure: Above-ground architectural features (e.g., house, temple, market place, church) that have reached a designated age or have other characteristics, such as association with an important event or person, that make them 'historic' and therefore worthy of consideration as a heritage resource (See "Substantial improvement").

Home occupation: Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises (See "Dwelling," "Family," and "Premises").

Illicit connection: A connection to a stormwater system or receiving water which results in a discharge that is not composed entirely of stormwater runoff except allowable non-storm water discharges or those granted coverage by an active NPDES permit.

Illicit discharge: Any activity, which results in a discharge to a stormwater system or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an active NPDES permit, and (b) other allowable discharges as defined and exempted in the LDR.

Impervious surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks, and other similar structures.

Improvement: Any manmade immovable item that becomes part of, placed upon, or is affixed to real estate.

Instrument runway: A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions (See "Runway").

Integrated basis: Means development of a parcel or parcels of land as part of a common plan based upon a development concept having common characteristics among district segments or subdivisions. A subdivision of property solely for the purpose of conveyance at less than fair market value to children or grandchildren of the property owner shall not for that reason be developed on an integrated basis.

Land development, major: The changing of land characteristics through development, redevelopment, and/or construction of condominium complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Land development: The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Land disturbance or land disturbing activities: Any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse. The definition excludes those activities that are identified as vegetation clearance activities, such as silviculture or agriculture.

Larger common plan: A contiguous area where multiple separate and distinct construction or development activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction or development occurs on smaller plots by separate, independent builders, this activity would be considered part of the larger common plan.

Larger than utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Line of sight: The linear distance along the line of vision offered by a window, door, or other opening in a principal or accessory building to the property line (See "Building, accessory" and "Building, principal").

Lot: A parcel of land considered as a unit. The terms "lot", "lot of record", "parcel," "plot," "property", or "tract", whenever used in this Ordinance are interchangeable (See "Parcel").

Lot area: The area contained within the boundary line of a lot (See "Lot").

Lot, corner: A lot located at the intersection of two or more roads (See "Lot" and "Road").

Lot, depth: The horizontal distance between front and rear lot lines (See "Lot Line").

Lot, double frontage: A lot, other than a corner lot, abutting upon two or more streets. A corner lot shall be considered having double frontage if it has access on three or more sides or shows access to two streets parallel to one another (See "Lot" and "Road").

Lot, flag: An interior lot, located behind another lot, which has a narrow strip of land, as a portion of that lot, that runs along one side of the front lot to provide access to the road. A panhandle or pipe stem lot is considered a flag lot (See "Lot, flag" and "Road").

Lot, flag pole: The narrow portion of a flag lot that serves as access to a public road. The minimum width of the flagpole portion of the lot is 20 feet (See "Lot" and "Road").

Lot, interior: A lot, other than a corner lot, which has frontage on only one road other than an alley (See "Alley," "Lot," and "Road").

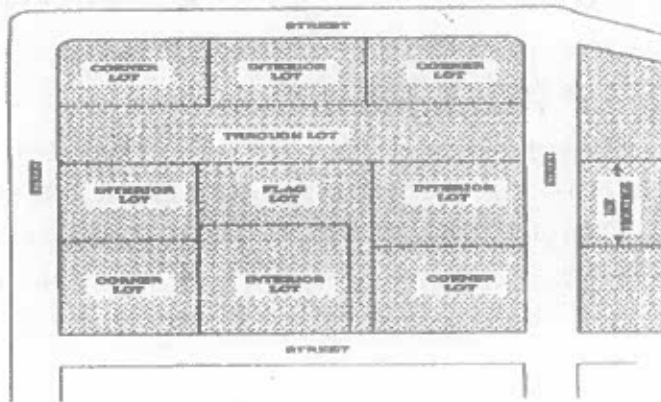
Lot line: A line bounding a lot which divides one lot from another or from a road or any other public or private space (See "Lot" and "Road").

Lot of record: A lot, the boundaries of which are filed as legal record (See "Lot").

Lot, through: A lot which has access to an internal subdivision road and an external collector or arterial road (See "Lot," "Road," and "Subdivision").

Lot, through or double frontage: A lot which has frontage on more than one road (See "Lot" and "Road").

Lot, width: The distance between the side lot lines, at the minimum required building setback line of a lot, as measured along a straight line parallel to the front lot line or parallel to the chord thereof (See "Lot").



Maintenance: Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in the LDR and to prevent structural failure of such facilities.

Manufactured home: A home that is built in a factory according to the Federal Manufactured Home Construction and Safety Standards, known as the HUD Code, and is then transported and installed at its final destination.

Manufactured home park: A parcel with space, improvements and utilities for the long-term parking of three or more manufactured homes, which shall include services, utilities and facilities for the residents (See "Lot").

Manufactured home park space: A plot or ground within a manufactured home park designed for the accommodation of one unit (See "Manufactured home park" and "Unit").

Maximum extent practicable: A measure of an action or effort that is consistent with the current definition of the U.S. Environmental Protection Agency and the S.C. Department of Health and Environmental Control. An action or effort is defined as accomplishing its goal to the maximum extent practical if that action or effort is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall purpose and incremental effect of the action or effort.

Maximum flood of record: The elevation of the maximum flood of record determined by using the 100-year frequency flood elevation where such has been previously determined by published governmental data.

Mini-warehouse: A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares (See "Building").

Mining and mine operation: Comprises establishments that extract naturally occurring mineral solids, including but not limited to sand, fill dirt, coal and ores; liquid minerals, such as crude petroleum and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, beneficiating (e.g. crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity. Mine operation includes establishing operating mines, quarries, or other facilities on their own account or for others on a contract or fee basis.

Mixed occupancy: Any building that is used for two or more occupancies classified by different occupancy use groups (See "Building" and "Occupancy use group").

Mobile home: See Manufactured home.

Modular building unit or modular structure: Any building of closed construction, regardless of type of construction or occupancy use group, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes (International Building Code, International Residential Code, etc.) and transported to the point of use for installation or erection (See "Building," "Manufactured home," "Mobile home," and "Occupancy use group").

NPDES: National Pollutant Discharge Elimination System (See "Clean Water Act").

Nonconformity: A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this ordinance or an amendment or revision of this ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the ordinance, revision, or amendment.

Non-residential use: A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional (See "Use").

Nudity or a state of nudity: A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Open space: A portion of a subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument (See "Open space ratio").

Open space ratio: The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area (See "Common open space ratio" and "Park").

Overlay district: An additional zoning requirement that is placed on a geographic area that does not change the underlying zoning.

Owners association: A private non-profit association which is organized by the developer and/or owners of a development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, protecting, managing, and maintaining the common property and enforcement of the protective covenants, easements and/or restrictions (See "Developer," "Development," and "Easement").

Parcel: A land area bounded by property lines that is recognized as such by the county assessor's office. A lot or contiguous lots under the same ownership (See "Lot").

Park: A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens (See "Open space").

Performance standards: Limits imposed upon land uses with respect to their noise, vibration, toxic matter and hazardous waste, fire and explosive hazards, radioactive materials, odor, light and glare, electromagnetic interference, and smoke and particulate matter.

Person: Any and all persons, natural or artificial and includes any individual, association, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, or an agent or employee thereof, or any other legal entity.

Plat: A map or drawing, the accuracy of which is certified by an engineer or land surveyor, upon which the developer's plan of a subdivision or land development is presented for approval (See "Subdivision").

Pollutant: Those man-made or naturally occurring constituents that when introduced to a specific environment creates a deleterious effects. Typical pollutants found in stormwater include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus), oxygen demanding organic matter, heavy metals (iron, lead, manganese,

etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

Precision instrument runway: A runway with an instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR).

Pre-development: The conditions that exist immediately prior to the initiation of development or construction in terms of topography, vegetation, land use and rate, volume and direction of stormwater runoff. For the purposes of the LDR, pre-development refers to the condition of a an area immediately prior to application for a development permit.

Premises: A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator (See "Building," "Lot," "Parcel," and "Structure").

Principal building: A building which contains the principal activity or use located on a zone lot on which the building is situated (See "Activity, principal," "Building," and "Use, principal").

Property owner or owner: The legal or equitable owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

Protected property: Property which is protected from the impacts of land uses upon surrounding properties by means of specified buffering restrictions and performance standards (See "Performance standards" and "Use").

Protected property line: A property boundary or portion thereof from which, across which, or at which buffering restrictions or performance standards are measured (See "Performance standards").

Private road or private street: Any right-of-way, road, street, drive, or means of vehicular access to private properties that is not dedicated to public use (See "Road," "Street," and "Use").

Public right-of-way: Roadway surface being used by the traveling public and/or proposed to be used by the traveling public (See "Roadway").

Raised crosswalk: Speed humps outfitted with crosswalk markings and signage to be used by pedestrians.

Receiving waters: All natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater. stormwater management ponds, man-made wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are not considered receiving waters.

Record drawing: Drawings submitted for record purposes and which have been annotated to show significant changes in the work made during construction based upon marked up prints, drawings, and other data furnished by the Contractor to the developer, or to the developer's engineer.

Recreational vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

Redevelopment: A change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling or reconstruction of buildings on the existing footprint, resurfacing of paved areas and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollutions.

Reserve strip: A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way (See "Road").

Residence: A building or part of a building containing one or more dwelling units, including mobile homes and manufactured housing, mobile home parks and group residential activities. Residence does not include transient habitation, detention centers, nursing homes, and hospitals (See "Building," "Dwelling unit," "Manufactured housing," and "Mobile home").

Residential use: Pertaining to a residence. An attached garage is a residential use, whereas a detached garage is an accessory use. In a mixed building, that part of the structure used for non-residential purposes is not a residential use (See "Residence").

Residential use, grandfathered: Residential use in existence or permitted for construction prior to the date of the original adoption of this ordinance or the date of any applicable amendment hereto.

Responsible party: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater inspection and maintenance agreement and plan as responsible for the long-term operation and maintenance of one or more stormwater management practices.

Restriction: Any limitation on activity, by statute, regulation or contract provision (See "Easement" and "Owner's association").

Re-subdivision: A combination or recombination of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing lots (See "Lot" and "Tract").

Retention: All stormwater that is collected within a development and is not directly discharged into receiving waters.

Right-of-way plan: The plan within the adopted comprehensive plan prepared by the county planning commission which defines and designates the various categories of roads within the county according to potential right-of-way needs.

Riparian buffer: A vegetated buffer strip along tidelands, streams and rivers that serves the purpose of: filtering stormwater; providing wildlife habitat; protecting water quality; and mitigation of shoreline erosion, flooding and storm surge.

Road: The terms road, highway, street, avenue and like shall be interchangeable as designators of vehicular by-ways providing access to two or more individual parcels of property. Pedestrian facilities, bridges, tunnels, viaducts, drainage structures and other appurtenances commonly considered as a component part of a road shall also be included in the definition of the term. A "road" is a vehicular by-way irrespective of prior platting or planning.

- a. *Road, county:* Any road currently maintained under the county road maintenance system, and any new road to be constructed within the jurisdiction of the county which accesses, or presupposes to access, two or more parcels of land under different ownership.
- b. *Road, private:* No road shall be designated as a private road, unless:
 1. In a new development, such proposed road is defined as such by action of the county planning commission upon its satisfaction as to the maintenance of such road; or
 2. All the owners of property accessed by such road agreed to sign an instrument and plat to be recorded in the office of the register of mesne conveyance for the county which waives county responsibility for the maintenance of such road; or
 - 3.

The road exists prior to July 1, 1998, and accesses two or more parcels of land under different ownership, but is not in the county, state, or federal road maintenance system. This type of private road shall not suffice as approved access for further development of land.

- c. *Road, nonresidential.* Roads used for access to commercial, service, and industrial properties as designated by the zoning classification or to those areas exhibiting this character or intent.
- d. *Road, residential.* Roads used primarily to provide access from major or minor collector roads to residential units. By nature of their design, these roads serve vehicles passing through the area with either origin or destination within the area (See "Collector, major," and "Collector, minor,"). The two classes of residential roads are listed below:
 1. *Road, residential sub-collector:* A road which provides access to residential dwelling units and carries 400 —1,250 vehicles per day. A road may not be classified a sub-collector road if it is designed in such a way that it may carry at any future date more than 1,250 vehicles per day (See "Dwelling unit"); and
 2. *Road, residential local.* A road providing access and/or road frontage to residential dwelling units and carries less than 400 vehicles per day. A road may not be classified as a local road if it is designed in such a way that it may carry at any time in the more than 400 vehicles per day (See "Dwelling unit" and "Street").
- e. *Road classifications:*
 1. *Arterial.* A freeway, expressway, road or highway which is intended or used for moving either heavy vehicular traffic volumes or high-speed traffic or both, or which has been designated as an arterial in the adopted county zoning ordinance.
 - a. *Minor arterial.* Principal traffic arteries within residential or commercial areas that carry traffic from arterials to lower-order residential streets (See "Street").
 2. *Collector.* A road which is used or intended to be used for moving traffic from local roads to arterials and which may included the principal entrance and circulation roads of a land development, or which has been designated as a collector in the adopted county zoning ordinance.
 - a. *Collectors, major.* Street that provides access to arterials from residential streets and carry more than 4,000 vehicles per day (See "Street").
 - b. *Collectors, minor.* Streets that provide access to arterials from residential streets and carry 1,250 to 4,000 vehicles per day (See "Street").
 3. *Local.* A road which is used or intended to be used for access to abutting properties, or which has been designated as a local road in the adopted county zoning ordinance.
 4. *Cul-de-sac.* A local road being terminated by a vehicular turnaround.
 5. *Alley (or half street).* A minor, permanent private service-way which is used for secondary vehicular access to the back or the side of properties which otherwise have primary vehicular access to a public road. All alleys are to be privately maintained with measures to ensure that the travel way is not obstructed in any manner, including parking.

Roadway: That portion of a road intended for the use by vehicular traffic.

Road width: The shortest distance between the lines delineating the traveling surface of a road. For roads with curbs, the width is measured from the edge of pavement.

Roof: That part of a building or open structure which covers the interior area delineated by the walls or support structure.

Roof height (mean): The elevation located at a point two-thirds of the distance between the bottom of the roof to the roof peak as measured from the eave elevation.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCDOT: South Carolina Department of Transportation.

Semi-nudity or state of semi-nudity: A state of dress in which in which clothing covers no more than the genitals, pubic regions, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback/setback line: The minimum horizontal distance between the street right-of-way line or front line and/or corner side lot line of a lot and the nearest wall of a building or structure adjoining such right-of-way.

Sexually oriented business: For purposes of this ordinance, sexually oriented business operations shall mean and include the following:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult bookstore or adult video store means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult cabaret means a nightclub, bar; restaurant or similar commercial establishment, which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas".

Adult motel means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, promote direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, insignias, illumination or projected images when the same is placed in view of the general public, or viewed when traveling along a public street right-of-way, privately maintained street and access or service drives.

Sign, abandoned: A sign structure not containing a sign for 180 continuous days or a sign not in use for 180 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers (See "Sign" and "Structure").

Sign, animated: Any sign or part of a sign that uses movement or change of lighting to depict action, gives the visual impression of movement or creates a special effect or sign. Means a sign or display that uses movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method.

Sign, audible: Any sign or part of a sign which emits any sound capable of being detected on a public road or adjoining property.

Sign, awning: A sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by county ordinances.

Sign, banner: A temporary sign of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization.

Sign, bench: A sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

Sign, billboard: A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. Also known as "Off-premise sign" or "Off-site sign."

Sign, building: Any sign attached to any part of a building (See "Sign").

Sign, canopy: A sign attached to the underside of a canopy.

Sign, changeable copy: A sign or portion thereof with characters, letters or illustrations that is manually changed or rearranged in the field through the utilization of attachable letters, numbers, symbols and other similar characters without altering the face or the surface of the sign for the purpose of identifying products sold or services provided by the related business tenant on the same premises.

These include marquees, electric/electronic/mechanical signs, service station signs, with individual letters and numbers that can be removed and replaced by hand or mechanically.

Sign, digital: Includes: "Sign, animated"; "Sign, light emitting diode (LED)"; "Sign, static electronic message display"; "Sign, video display." See definitions for each type.

Sign, digital billboard: An off-site or off-premises animated, LED, static electronic message display, or video display sign.

Sign, directory: A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center. This sign is located on the interior of the lot or commercial center.

Sign, electronic changeable copy: A sign or portion thereof with characters, letters or illustrations that is electronically changed or rearranged through the utilization of attachable letters, numbers, symbols and other similar characters by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area for the electronic or mechanical indication of information.

Sign, face: The area or display surface used for the message.

Sign, flashing: Any electrical, directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, freestanding: Any non-movable sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Sign, hanging: A freestanding sign supported by the extended arm of a single post or a beam between two posts.

Sign, home occupation: A sign containing only the name and occupation of a permitted home occupation.

Sign, identification: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located (See "Building" and "Sign").

Sign, illuminated: Any sign which is directly or indirectly lighted by an external source.

Sign, image changing: Any sign that automatically changes images and text through the use of moving elements or automated methods.

Sign, incidental: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental (See "Lot" and "Sign").

Sign, inflatable: Any display capable of being expanded by air or other gas and use on a permanent or temporary basis to advertise a product or event.

Sign, information: Signs containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be permitted on business lots provided that no such sign shall exceed six square feet in display area. Information signs shall not count toward the maximum number of signs allowable nor the maximum display area of signs allowable.

Sign, internally illuminated: Any sign which transmits light through its face or any part thereof.

Sign, landmark: Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community as may be identified by the local historical commission or other official agency.

Sign, light emitting diode (LED): Sign utilizing technology of diodes arranged in pixels to create messages changeable by electronic means. Said signs are sometimes referred to as electronic message centers and shall include other similar signs such as liquid crystal display signs, fiber optic signs, plasma display screen signs, incandescent signs, time-temperature-date signs or any other such sign using similar technologies.

Sign, marquee: See "Sign, changeable copy."

Sign, memorial: A sign, tablet, or plaque memorializing a person, event, structure, or site.

Sign, moving: Any sign involving any form of physical movement, including rotation.

Sign, nameplate: A sign, located on the premises, giving the name and/or the address of the owner or occupant of a building or premises.

Sign, nonconforming: A sign lawfully erected and maintained prior to the adoption of the current zoning ordinance that does not conform with the requirements of the current ordinance.

Sign, off-premises: See "Sign, billboard."

Sign, off-site: See "Sign, billboard."

Sign, pedestal: See "Sign, freestanding."

Sign, permanent: A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use (See "Building," "Sign," and "Structure").

Sign, political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election (See "Sign, temporary").

Sign, portable: A sign not permanently attached to the ground or other permanent structure and designed to be transported on wheels.

Sign, project: Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

Sign, projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

Sign, public and institutional: A sign relating to uses of a civic, charitable, fraternal, cultural, religious, educational, institutional, or governmental nature. Such signs shall conform to the requirements for business signs as described in article 15 of this ordinance.

Sign, residential/commercial/industrial subdivision and residential development: Permanent signs displaying no information other than the name of a subdivision or development.

Sign, roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, sandwich board: A portable sign shaped like an A-frame with a sign panel on one or both sides where the sign panel is integral to the structure of the sign.

Sign, searchlight display: Any use of lighting intended to attract the general public by the waving or moving of light beams.

Sign, snipe: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects.

Sign, static electronic message display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Displays can change through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including movement of any illumination or the flashing, scintillating or varying of light intensity.

A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign structure: The supports, uprights, bracing and framework of a sign (See "Sign, abandoned").

Sign, temporary: A sign that is used only for a limited period of time and is not permanently mounted (See "Sign").

Sign, temporary window: A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

Sign, vehicle: A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.

Sign, video display: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, wall: A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

Sign, windblown: Any banner, device, or display designed to be moved by the wind which contains a written or pictorial message. Windblown signs do not include decorative flags mounted on individual poles as long as they are spaced at least 20 feet apart. Governmental and corporate flags are considered windblown signs but are exempt from the provisions of this ordinance if in compliance with [article 15](#) of this ordinance.

Sign, window: Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

Sign face: The part of the sign that is or can be used to identify, advertise or communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure

Site: A parcel or parcels on which an applicant or operator proposes to conduct or conducts excavation activities or operations.

Solar collector: A solar device that absorbs and accumulates solar rays for use as a source of energy.

Solar energy: Radiant energy received from the sun collected in the form of heat or light by a solar collector to produce energy.

Solar energy system: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment.

Solar energy system, accessory; solar electric power generation— accessory solar: A solar energy system that is roof mounted or ground mounted as a secondary activity incidental to the primary use of the property.

Solar farm: Any freestanding solar energy system as a primary land use and commercial enterprise located on a site larger than 5 acres being the minimum zoning district area requirement.

South Carolina Manufactured Housing Board: Is authorized by state statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the board's Manufactured Housing Regulations, May 26, 1990.

Specified anatomical areas: Specified anatomical areas as used in this ordinance means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities: Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (5) Excretory functions as part of or in connection with any of the activities set forth above.

Speed humps: Flat-topped asphalt speed tables constructed with a six-foot ramp followed by a ten-foot flat section then another six-foot ramp.

Storm water: Stormwater runoff, precipitation runoff, and surface runoff.

Storm water management: The collection, conveyance, storage, treatment and discharge of stormwater runoff in a manner to meet the objectives of the LDR and its terms, including, but not limited to measures that control the increased volume and rate of runoff and water quality impacts caused by manmade changes to the land.

Storm water management plan or SWMP: The set of drawings and other documents, including calculations signed and sealed by a professional engineer licensed in the state, that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater conveyance, quantity, quality and volume.

Storm water system or storm water management facilities: The conveyance or system of conveyances including roads with drainage systems, highways, right-of-way, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities.

Street: Synonymous with "Road."

Structural BMP: A device designed and constructed to reduce pollutant loading through measures including reducing the volume of surface stormwater runoff, biological uptake of pollutants, and filtering of pollutants. Structural BMPs include but are not limited to detention basins, retention basin, bioswales, and infiltration basins.

Structure: Anything constructed or erected which requires permanent location above grade. For purposes of this ordinance, "structure" does not include landscape features such as ornamental pools, planting boxes, sculpture, bird baths, open terraces, walkways, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, light standards, game courts, swimming pools, underground fallout shelters, air-conditioning compressors, pump houses or wells, mailboxes, outdoor fireplaces, gatehouses, burial vaults or bus shelter (See "Building").

Structural alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls (See "Building").

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision. This definition includes any authorized agent of the subdivider (See "Subdivision").

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new road or change in existing roads, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any roads or the establishment of any new roads within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record (See "Building," "Development," "Lot," and "Road").

Substantial improvement: Any repair, 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 of improvement to 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 assure safe living conditions (does not include Americans with Disabilities Act compliance standards); or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years (See "Improvement" and "Structure").

Superelevation: The construction of a curved roadway section in which the elevation of the outside edge of the curve is higher than the elevation of the inside edge of the curve.

Temporary use: An activity or use that constitutes development; and is an activity or function of limited duration (existing for a period of no more than six months); and involves the placement of non-permanent structures; and/or involves exclusive use of a parkland, sandy beach, water, streets or parking areas which is not otherwise open and available for general public use.

Tideland: All coastal waters, marshes and wetlands influenced by the tide. Tidelands are considered "critical area" and are under the protective jurisdiction of the South Carolina Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM).

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application (See "Parcel").

Traffic calming: changes in street alignment or installation of barriers and other physical measures to reduce traffic speeds and/or cut-through volumes in the interest of safety and other purposes.

Traffic circles: Raised islands placed in intersections around which traffic circulates.

Traffic control island: The area in a roadway where vehicles are intended to be excluded. Traffic control islands are classified as follows:

Divisional islands. Islands built to separate opposing traffic flows. A continuous divisional island is a median. A divisional island located at the public entrance to a subdivision is a subdivision entrance island.

Channelization islands. Defined area between traffic lanes.

Pedestrian refuge islands. Islands built exclusively for the safety of pedestrians (See "Roadway" and "Street").

Travel trailer or recreational vehicle: A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit (See "Mobile home," "Modular building unit," "Road," and "Structure").

Trip: A one-way movement of vehicular travel from an organization point (one trip end) to a destination point (the other trip end). For purposes of this Ordinance, trip shall have the meaning that it has in commonly accepted traffic engineering practice and that is substantially the same as the definition in the previous sentence.

Underlying fee: Ownership of property upon which a public right-of-way is physically located (See "Public right-of-way").

Understory tree: A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Unnecessary hardship: The deprivation resulting from application of the ordinance, so great as to effectively prevent the owner from making any reasonable use of the land. Economic hardship is precluded by state law for consideration as an unnecessary hardship. Must establish proof of each of the following:

- (1) A zoning restriction as applied to their property interferes with their reasonable use of the property, considering the unique setting of the property in its environment;
- (2) No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and
- (3) The variance would not injure the public or private rights of others.

Use: The purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory: Customary incidental uses including but not limited to home occupations, garages, swimming pools, tennis courts, and non-commercial greenhouses (See "Building, accessory" and "Use").

Use, principal: The primary purpose for which land is used (See "Building, principal" and "Use").

Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Variance: A modification of the area regulations of this ordinance, granted by the board of zoning appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in unnecessary and undue hardship (See "Unnecessary hardship") in the reasonable development of the property; economic hardship shall not be a considered in the granting of any variance (See "Use, accessory" and "Use, principal").

Vegetation: Any object of natural growth.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Volume: The quantity of water that is generated by rainfall and other sources within a development.

Waiver: The modification of the minimum standards and requirements contained in the LDR and the county stormwater management design manual for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of the ordinances.

Water quality: Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity: Those characteristics of Stormwater runoff that relate to the rate and volume of the stormwater runoff.

Wetlands: Those areas that are inundated or saturated by surface or ground water 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. Wetlands generally include swamps, marshes, bogs and similar type areas.

Wetlands, jurisdictional: Wetlands over which the U.S. Army Corps of Engineers has permitting jurisdiction (See "Wetlands").

Wetlands, non-jurisdictional: Wetlands over which the U.S. Army Corps of Engineers does not have permitting jurisdiction (See "Wetlands").

Working day: Monday through Friday, excluding all county-observed holidays.

Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this ordinance (See "Building, accessory," "Building, principal," and "Lot line").

Yard, front: A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line (See "Building setback line," "Lot," "Public right-of-way," "Road," and "Yard").

Yard, rear: A yard extending the full width of the lot in the area between the rear lot line and the rear building line (See "Lot" and "Yard").

Yard, required: That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this ordinance (See "Lot," "Setback/setback line," and "Yard").

Yard, side: A yard extending the full length of the lot in the area between the side lot line and a side building line (See "Lot" and "Yard").

Zoning ordinance: The adopted zoning ordinance of Jasper County, South Carolina, or its municipalities.

Zoning district: A specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

(Ord. No. 09-06, §§ 8, 9, 2-2-09; Ord. No. 09-12, §§ 2—4, 5-4-09; Ord. No. 09-33, §§ 1, 2, 12-14-09; Ord. No. 09-37, § 1, 11-2-09; Ord. No. 11-03, § 1, 4-18-11; Ord. No. 11-22, § 20, 10-3-11; Ord. No. 12-02, § 2, 2-21-12; Ord. No. 16-13, § 1, 7-18-16; Ord. No. 16-29, § 1, 10-3-16; Ord. No. 2017-15, § 1, 6-19-17; Ord. No. 2020-24, § 1, 1-21-20)

ARTICLE 5. - ZONING DISTRICT REGULATIONS

5:1. - Establishment of zoning districts.

For purposes of this ordinance, the following zoning districts are hereby established:

PRIMARY DISTRICTS	
R	Residential
RP	Rural Preservation
RE	Resource Extraction
RC	Resource Conservation
CC	Community Commercial
GC	General Commercial
ID	Industrial Development
MB	Mixed Business

SPECIAL PURPOSE DISTRICTS	
PDD	Planned Development Districts
FHOD	Flood Hazard Overlay Districts
ACOD	Airport Compatibility Overlay Districts
LLOD	Levy-Limehouse Overlay District
HCOD	Highway Corridor Overlay District
IPOD	Interstate Proximity Overlay District
SFFZ	Solar Farm Floating Zone
GCOD	Gateway Corridor Overlay District

(Ord. No. 09-12, § 5, 5-4-09; Ord. No. 11-24, § 1, 9-6-11; Ord. No. 12-10, § 1, 6-18-12; Ord. No. 16-13, § 2, 7-18-16; Ord. No. 17-04, § 1, 4-17-17)

5:2. - Purpose of districts.

Collectively, these districts are intended to advance the purposes of this ordinance, as stated in the preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

5:3. - Primary districts.

R RESIDENTIAL DISTRICT

The purpose of this district is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.

RP RURAL PRESERVATION DISTRICT

The intent of this classification is to preserve, sustain, and protect from suburban encroachment rural areas and resources, particularly forest and agricultural, and maintain a balanced rural-urban environment.

The retention of open lands, woodlands, plantations, and farmlands, which make up a large part of this area, are essential to clean air, water, wildlife, many natural cycles, and a balanced environment, among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this area. Also provided by this district is a rural environment of larger acreage lots.

RE RESOURCE EXTRACTION

The intent of this classification is to protect, preserve, sustain, and protect activities which specifically extract or harvest natural resources for commercial or industrial purposes, such as mining, excavations, excavation operations and activities, while concurrently ensuring protection of the health, safety, welfare of nearby residents and the value of nearby property. The resource extraction district will protect economically important mineral resources of the county for current and future use and will protect existing land uses adjacent to potential mineral lands from undue harm that may result from mineral extraction activity.

Businesses extracting resources are essential activities that may present unique challenges when considering adjacent properties and protection of public health, safety and welfare. However, it is intended that this zoning classification only apply to those portions of the county where the potential for conflict between adjacent current and future land uses and the mineral extraction activities are minimal. Any zoning map amendment to designate a property as RE should be carefully considered by assessing the following factors, including but not limited to: impact on environmentally sensitive areas and critical natural resources; impact on health, safety and welfare of the county residents; impact on the character of existing communities; impact on adjacent land value; traffic generation and potential mitigation; and any other factor considered essential to address.

RC RESOURCE CONSERVATION DISTRICT

The purpose of this district is to protect from misuse and to ensure for future generations the county's environmentally sensitive, wetlands, marshes, rivers, creeks, and other natural resources critical to the ecosystems they support, however, the above is not intended to discourage quality development.

Due to the fragile nature of these resources, development standards for this district generally are more rigid than elsewhere in the county, requiring closer attention to the environment, and mitigation of land disturbing activity which would negatively impact such resources.

CC COMMUNITY COMMERCIAL

The intent of this district is to provide commercial nodes in convenient and strategic locations of the county to meet "community needs, and to encourage clustering commercial development as opposed to strip commercial development and commercial sprawl. Community commercial areas are intended to provide adequate, logically placed and convenient locations for commercial establishments in relation to residential housing and to minimize trip generation for those living in zoned rural preservation.

GC GENERAL COMMERCIAL DISTRICT

This district is intended to support large commercial development(s) in major unincorporated areas of Jasper County, such as Point South, during the time span of the county's comprehensive plan, to the year 2015. This district is projected to have most public facilities and infrastructure in support of urban development such as schools, sewer, water, streets, etc., and as such is intended to provide the regulations and capital improvements which will support new development. It consists of areas where development logically should locate as a consequence of planned public facilities and associated capital expenditures. District regulations permit limited development of generally suburban character, providing for a full range of commercial, institutional, industrial and residential uses.

ID INDUSTRIAL DEVELOPMENT DISTRICT

The intent of this district is to accommodate certain industrial uses which, based on their operational characteristics, are incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs, and the operations of such uses monitored by performance standards to ensure environmental compatibility.

MB MIXED BUSINESS DISTRICT

The purpose of this district is to provide suitable locations for a mixture of commercial and low-intensity industrial uses at key nodes and corridors throughout the county. Mixed business locations are generally located along major thoroughfares in centers where existing development is located and provide good access to transportation routes. Intense manufacturing operations are not allowed in this district and specific development standards are in place to protect neighboring land uses, including residential properties.

(Ord. No. 09-12, § 6, 5-4-09; Ord. No. 11-24, § 2, 9-6-11)

5:4. - Special purpose districts.

PDD PLANNED DEVELOPMENT DISTRICT

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PDD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual level or tracts, promote economical and efficient land use, provide an improved level of amenities including open spaces, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, including large undeveloped tracts.

FHOD FLOOD HAZARD OVERLAY DISTRICTS

The intent of the flood hazard overlay district is to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Additionally, this overlay district is intended to help maintain a stable tax base by providing for the sound use and development of flood-prone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this overlay district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, street and bridges located in the floodplain, and prolonged business interruptions; and to minimize expenditures of public money for costly flood control projects and rescue and relief efforts associated with flooding.

ACOD AIRPORT COMPATIBILITY OVERLAY DISTRICT

The intent of the airport compatibility overlay district is to protect the dual interests of airports and neighboring land uses, and to promote the use and development of land in a manner that is compatible with the operation and use of an airport so as to protect the public investment in, and benefit provided by the facility to the region. The overlay district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare. In general, the overlay district shall:

1. Protect and promote the general health, safety, economy, and welfare of airport environs.
2. Prevent the impairment and promote the utility and safety of airports.
3. Promote land use compatibility between airports and surrounding development.
4. Protect the character and stability of existing land uses.
5. Enhance environmental conditions in areas affected by airports and airport operations.
6. Prohibit noise sensitive uses within locations around the airport that are impacted by aircraft-related noise.
7. Protect the functional integrity of the airport by prohibiting land uses that are negatively affected by the higher levels of noise generated by aircraft operations.
- 8.

Protect airport operations and reduce conflicts between aircraft and structures by requiring height limits within certain distances of the airport facilities.

LLOD LEVY-LIMEHOUSE OVERLAY DISTRICT

The intent of the Levy-Limehouse Overlay District is to provide the residents of this unique unincorporated community the ability to subdivide parcels, as though they were within a municipality, parcels which are smaller in size than that allowed by the underlying zoning district(s).

HCOD HIGHWAY CORRIDOR OVERLAY DISTRICT

The intent of the highway corridor overlay district is to provide additional buffering protection along frontage properties in special growth areas in accordance with the Jasper County Comprehensive Plan.

IPOD Interstate Proximity Overlay District

The purpose and intent of the IPOD is to promote a flexible mix of industrial and commercial highway interchange appropriate uses. The county recognizes that certain areas of the county are areas of economic importance based upon the availability of infrastructure, proximity to energy, utilities and transportation are critical. The IPOD adds an extra layer of land use regulation over the underlying zoning, which allows increased flexibility in land use, exempts certain provisions of this ordinance, and adds safeguards to ensure proper industrial and commercial growth.

SFFZ Solar Farm Floating Zone

The purpose and intent of the Solar Farm Floating Zone (SFFZ) is to promote the use of solar energy as a source of electricity and facilitate the construction, installation, and operation of Solar Energy Systems (SES) in Jasper County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands.

GCOD Gateway Corridor Overlay District

The purpose of the Gateway Corridor Overlay District (GCOD) is to promote an appropriate mix of commercial land uses that can coexist with residential land uses. Jasper County recognizes that infrastructure and transportation needs are critical and should be considered relative to connectivity, aesthetic appearance, and safety. The intent of the Gateway Corridor Overlay District is to provide overall design standards that will enhance the entrance into the county and discourage incompatible land uses that may detract from the image of this important gateway. The GCOD specifies the types of uses and additional development standards needed in this area which will have significant influence on the overall character and appearance of Jasper County.

(Ord. No. 12-10, § 2, 6-18-12; Ord. No. 16-13, § 3, 7-18-16; Ord. No. 17-04, § 2, 4-17-17)

ARTICLE 6. - USE REGULATIONS

6:1. - Permitted use and conditional uses.

Principle uses shall be allowed within the base zoning districts of this ordinance in accordance with subsection 6.1 Table

The North American Industry Classification System, 1997, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed.

To aid in the use of Table 1, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11: Agriculture, Forestry, Fishing and Hunting

Sector 21: Mining

Sector 22: Utilities

Sector 23: Construction

Sector 31—33: Manufacturing

Sector 42: Wholesale Trade

Sector 44—45: Retail Trade

Sector 48—49: Transportation and Warehousing

Sector 51: Information

Sector 52: Finance and Insurance

Sector 53: Real Estate and Rental and Leasing

Sector 54: Professional, Scientific, and Technical Services

Sector 55: Management of Companies and Enterprises

Sector 56: Administrative and Support and Waste Management and Remediation Services

Sector 61: Educational Services

Sector 62: Health Care and Social Assistance

Sector 71: Arts, Entertainment, and Recreation

Sector 72: Accommodation and Food Services

Sector 81: Other Services (except Public Administration)

Sector 92: Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration).

Section 6.1—Table 1

	NAICS	R	RRL	RP	RC	CC	GC	ID	RE	MB
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Sector 11: Agriculture, Forestry, Fishing and Hunting (Sec. 6:2.16)										
Agricultural Production, Crops	111	N		P	P	N	P	P	P	N
Agricultural Production, Livestock, Animals	112									
Livestock, Except Feedlots (Article 11:7.1)	112111	C		C	P	N	N	P	C	N
Feedlots	112112	N		N	P	N	N	N	N	N
Poultry and Eggs (Article 11:7.2)	1123	C		C	P	C	N	N	C	N
Animal Specialties (Article 11:7.3)	1129	C		C	P	N	N	N	C	N
Horses and Other Equine	11292	P		P	P	N	N	N	P	N
General Farms	11299	P		P	P	N	P	N	P	N
Fishing, Hunting, Trapping	1141-2	N		P	P	P	P	N	P	N
Agricultural Services	115	N		P	P	P	P	N	P	N
Forestry	11531	N		P	P	N	N	P	P	N
Sector 21: Mining and Mine Operation										
Mining (Article 11:7.4)	212	N		N	N	N	N	N	C	N
Sector 22: Utilities										
Electric, Gas, and Sanitary Services	221									
Electric	2211									
Generation	22111	N		N	P	N	P	P	N	N
Solar Electric Power Generation (Article 11:7.5A & 11:7.5B)	22114	C		C	C	C	C	C	C	C

Transmission	22112	P		P	P	P	P	P	N	P
Natural Gas Distribution	2212	P		P	P	P	P	P	N	P
Water Supply Systems	22131									
Storage/Treatment	22131	N		P	P	P	P	P	N	P
Transmission	22131	P		P	P	P	P	P	N	P
Sewerage Systems	22132									
Collection	22132	P		P	P	P	P	P	N	P
Treatment (Article 11:7.5)	22132	N		N	P	C	P	P	N	P
Sector 23: Construction										
Bldg. Construction-General Contract and Operative Builders	233	N		N	N	N	P	P	N	P
Heavy Construction other than Building Construction- Contractors	234	N		N	N	N	P	P	N	P
Special Trade Contractors (Article 11:7.6)	235	N		N	N	C	P	P	N	P
Sector 31-33: Manufacturing (Article 11:7.7)										
Food	311	N		N	N	N	N	P	N	C
Beverage and Tobacco	312	N		N	N	N	N	P	N	C
Textile Mills	313	N		N	N	N	N	P	N	C
Textile Product Mills	314	N		N	N	N	N	P	N	C
Apparel	315	N		N	N	N	N	P	N	C
Leather and Allied Products	316	N		N	N	N	N	P	N	C

Wood Products	321	N		N	C	N	N	P	N	C
Paper	322	N		N	N	N	N	P	N	C
Printing and Related Activities	323	N		N	N	N	P	P	N	C
Petroleum Products	324	N		N	N	N	N	P	N	N
Chemical Products	325	N		N	N	N	N	P	N	N
Plastic and Rubber Products	326	N		N	N	N	N	P	N	N
Nonmetallic Mineral Products	327	N		N	N	N	N	P	N	C
Primary Metal	331	N		N	N	N	N	P	N	C
Fabricated Metal Products	332	N		N	N	N	N	P	N	C
Machinery	333	N		N	N	N	N	P	N	C
Computer and Electronic Products	334	N		N	N	N	N	P	N	C
Electrical Equipment, Appliances and Components	335	N		N	N	N	N	P	N	C
Transportation Equipment	336	N		N	N	N	N	P	N	C
Furniture and Related Products	337	N		N	N	N	N	P	N	C
Miscellaneous Manufacturing	339	N		N	N	N	N	P	N	C
Sector 42: Wholesale Trade (Article 11:7.8)										
Wholesale Trade-Durable Goods	421	N		N	N	N	P	P	N	P
Used Motor Vehicle Parts, (Article 11:7.8)	421140	N		N	N	N	N	C	N	N
Recyclable Material, (Article 11:7.8)	42193	N		N	N	N	N	C	N	N

Junkyards (<u>Article 18</u>)		N		N	N	N	N	C	N	N
Wholesale Trade-Nondurable Goods	422	N		N	N	N	P	P	N	P
Sector 44-45: Retail Trade										
Motor Vehicle and Parts	441	N		N	N	N	P	P	N	P
Automobile Dealers (<u>Article 11:7.9</u>)	4411	N		N	N	C	P	P	N	P
Automotive Parts and Accessories Store (<u>Article 11:7.9A</u>)	441310	N		N	N	C	P	P	N	P
Furniture and Home Furnishings	442	N		N	N	P	P	N	N	P
Electronics and Appliances	443	N		N	N	P	P	N	N	P
Building Materials, Garden Supplies	444								N	
Lumber and Building Materials (<u>Article 11:7.10</u>)	4441	N		N	N	C	P	P	N	P
Lawn and Garden Equipment and Supplies Stores	4442	N		N	N	P	P	P	N	P
Food and Beverage Stores	445									
Grocery Stores	4451	N		N	N	P	P	N	N	N
Convenience Stores	44512	N		N	N	P	P	N	N	N
Specialty Stores	4452	N		N	N	P	P	N	N	N
Fruit and Vegetable	44523	N		P	P	P	P	N	N	N
Beer, Wine, and Liquor	4453	N		N	N	P	P	N	N	N

Health and Personal Care	446	N		N	N	P	P	N	N	N
Gasoline Stations	447	N		N	N	P	P	P	N	N
Truck Stops	44719	N		N	N	N	N	P	N	N
Clothing and Accessory Stores	448	N		N	N	P	P	N	N	N
Sporting Goods, Hobbies, Books, and Music	451	N		N	N	P	P	N	N	N
General Merchandise Stores	452	N		N	N	P	P	N	N	N
Miscellaneous Retail	453	N		N	N	P	P	N	N	N
Flea Markets	4533	N		N	N	P	P	N	N	N
Manufactured Home Dealers	45393	N		N	N	N	P	N	N	P
Non-Store Retailers	454	N		N	N	P	P	N	N	P
Fuel Dealers (Article 11:7.11)	45431	N		N	N	P	P	P	N	C
Sector 48-49: Transportation and Warehousing										
Air Transportation (Article 8:3)	481	N		N	C	N	C	C	C	N
Transportation	482	N		N	N	P	P	P	N	C
Water Transportation	483	N		N	N	P	P	P	N	C
Truck Transportation	484	N		N	N	N	P	P	N	C
Used Household and Office Goods Moving (Article 11:7.11A)	484210	N		N	N	C	P	P	N	C
Transit and Ground Passenger Transportation	485	N		N	N	P	P	P	N	C
Pipeline for Transportation	486	N		N	N	N	P	P	N	C

Scenic and Sightseeing Transportation Storage	487	N		P	N	N	P	P	N	C
Support Activities for Transportation	488	N		N	N	N	P	P	N	C
U.S. Postal Service	491	N		P	N	P	P	P	N	P
Warehousing and Storage	493	N		N	N	N	P	P	N	C
Motor Vehicle Towing (Article 11:7.11B)	488410	N		N	N	N	C	C	N	C
Sector 51: Information										
Publishing Industries	511	N		N	N	N	P	P	N	P
Motion Pictures and Sound Industries	512	N		N	N	N	P	P	N	P
Motion Picture Theaters	512131	N		N	N	N	P	N	N	N
Broadcasting and Telecommunications	513	N		N	N	P	P	P	N	P
Communication Towers and Ant. (Article 11:7.12)	5131	C		C	C	C	C	C	C	C
Information Services and Data Processing	514	N		N	N	P	P	P	N	P
Libraries (Article 11:7.13)	51412	C		N	P	P	P	P	N	N
Sector 52: Finance and Insurance										
Banks	521	N		N	P	P	P	P	N	N
Credit Intermediation	522	N		N	N	P	P	P	N	N
Pawn Shops	522298	N		N	N	N	P	N	N	N

Security and Commodity Contracts, and Financial Investments	523	N		N	N	P	P	P	N	N
Insurance Carriers and Related Activities	524	N		N	N	P	P	P	N	N
Funds, Trust, and Other Financial Vehicles	525	N		N	N	P	P	P	N	N
Sector 53: Real Estate, Rental and Leasing										
Real Estate	531	N		N	N	P	P	P	N	N
Mini-Warehouses(Article 11:7.14)	53113	N		N	N	N	C	P	N	C
Rental and Leasing Services	532	N		N	N	P	P	N	N	P
Video Tape Rental	53223	N		N	N	P	P	N	N	N
Sector 54: Professional, Scientific, and Technical Services										
Professional, Scientific, Technical Services	541	N		N	N	P	P	P	N	P
Display Advertising - Signs	54185	See Article 15								
Veterinary Services	54194	N		N	P	P	P	N	N	P
Sector 55: Management of Companies and Enterprise										
Management of Companies and Enterprises	551	N		N	N	P	P	P	N	P
Sector 56: Administrative and Support, Waste Management and Remediation Services										
Administrative and Support Services	561	N		N	N	P	P	P	N	P

Landscape Services	56173	N		N	N	P	P	P	N	P
Waste Management Services	562								N	
Waste Collection (Article 11:7.15)	5621	N		N	N	N	N	C	N	N
Hazardous Waste Treatment and Disposal	562211	N		N	N	N	N	N	N	N
Solid Waste Landfill (Article 11:7.16)	562212	N		N	N	N	N	C	N	N
Solid Waste Incinerators (Article 11:7.17)	562213	N		N	N	N	N	C	N	N
Repossession Services (Article 11:7.11B)	561491	N		N	N	N	C	C	N	C
Material Recovery Facilities (Article 11:18)	56292	N		N	N	N	N	C	N	N
All Other Waste Management (Article 11:19)	56299	N		N	N	N	N	C	N	N
Sector 61: Educational Services										
Educational Services	611									
Elementary Schools	6111	P		P	N	P	P	N	N	N
Secondary Schools	6111	P		P	N	P	P	N	N	N
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N		N	N	P	P	N	N	N
Business Schools, Computer, and Management Training	6114-5	N		N	N	P	P	P	N	N

Other Schools and Instruction (Article 11:7.19a)	6116	C		N	N	P	P	N	N	N
Educational Support Services	6117	N		N	N	N	P	P	N	N
Sector 62: Health Care and Social Assistance										
Ambulatory Health Care Services	621	N		N	N	P	P	N	N	N
Hospitals	622	N		N	N	P	P	N	N	N
Nursing and Residential Care Facilities	623	N		N	N	P	P	N	N	N
Nursing Care Facilities (Article 11:7.20)	6231	C		C	N	P	P	N	N	N
Community Care for Elderly (Article 11:7.21)	6233	C		C	N	P	P	N	N	N
Other Residential Care Facilities (Article 11:7.21A)	623990	C		C	N	P	P	N	N	N
Social Assistance	624	N		N	N	P	P	N	N	N
Individual and Family Services	6241	N		N	N	P	P	N	N	N
Community, Food, and Housing and Emergency and Relief Services	6242	N		N	N	P	P	N	N	N
Vocational Rehabilitation Services	6243	N		N	N	P	P	P	N	N
Day Care Services (Article 11:7.22)	6244	C		C	N	C	C	C	N	N
Sector 71: Arts, Entertainment, and Recreation										

Performing Arts, Spectator Sports and Related Industries	711	N		N	N	N	P	N	N	N
Museums, Historical Sites, and Similar Institutions (Article 11:7.23)	712	N		C	C	P	P	N	N	N
Amusement, Gambling, and Recreation	713	N		N	N	N	P	N	N	N
Golf Courses and Country Clubs	71391	P		P	P	P	P	N	N	N
Marinas (Article 11:7.24)	71393	C		P	P	P	P	P	N	N
Gun Club and Skeet Ranges (Article 11:7.25)	713990	N		C	C	N	C	N	N	N
Sector 72: Accommodation and Food Services										
Accommodations	721									
Hotels and Motels	72111	N		N	N	P	P	N	N	N
Bed and Breakfast Inns (Article 11:7.26)	721191	C		C	C	P	P	N	N	N
Camps and Recreational Vehicle Parks (Article 11:7.27)	72121	N		C	C	C	C	N	N	N
Rooming and Boarding Houses, Dormitories, Group Housing	72131	N		N	N	P	P	N	N	N
Eating Places	7221-3	N		P	N	P	P	P	N	N
Fast Food Restaurants		N		P	N	P	P	P	N	N
Drinking Places	7224	N		N	N	N	P	N	N	N
Sector 81: Other Services (except Public Administration)										

Auto Repair and Maintenance (Article 11:7.27A)	8111	N		N	N	C	C	C	N	C
Personal and Laundry Services	812								N	
Personal Care Services (Article 11:7.28)	8121	N		N	C	P	P	P	N	N
Funeral Homes and Services	81221	N		N	N	P	P	P	N	N
Cemeteries (Article 11:7.29)	81222	N		C	C	C	C	C	N	N
Crematories	81222	N		N	N	P	P	P	N	P
Laundry and Dry Cleaning Services	8123	N		N	N	P	P	P	N	P
Coin Operated Laundries/Dry Cleaning	81231	N		N	N	P	P	N	N	N
Pet Care Services (Except for Animal Shelters)	81291	N		N	N	N	P	P	N	N
Animal Shelters Only (Article 11:7.29A)	812910	N		N	C	N	P	P	N	N
Automotive Parking Lots and Garages	81293	N		N	N	P	P	P	N	P
Sexually Oriented Business (Article 17)	81299	N		N	N	N	C	N	N	N
All Other Personal Services	81299	N		N	N	P	P	N	N	N
Religious, Fraternal, Professional, Political, Civic, Business Organizations	813									N
Religious Organizations	81311	P		P	P	P	P	P	N	N
All Other Organizations	8132-9	N		N	N	P	P	P	N	N

Sector 92: Public Administration										
Executive, Legislative, and General Govt.	921	N		N	N	P	P	P	N	P
Justice, Public Order and Safety	922	N		N	N	P	P	P	N	P
Courts	92211	N		N	N	P	P	P	N	P
Police Protection	92212	P		P	P	P	P	P	N	P
Correctional Institutions	92214	N		N	N	N	N	P	N	P
Fire Protection	92216	P		P	P	P	P	P	N	P
Administration of Human Resources	923	N		N	N	P	P	P	N	P
Administration Of Environmental Quality and Housing Program	924-5	N		N	N	P	P	P	N	P
Public Parks and Recreation	924120	P		P	P	P	P	P	N	P
Administration of Housing, Planning, CD Programs	925	N		N	N	P	P	P	N	P
Administration of Economic Programs	926	N		N	N	P	P	P	N	P
Residential Uses										
Site Built Housing	NA									
Existing Single-Family Detached	NA	P	P	P	P	P	P	N	N	N
Single-Family Detached	NA	P	P	P	P	P	P	N	N	N
Second Single-Family Residential Dwelling Unit (Sec. 11:7.30)	NA	C	N	C	N	C	N	N	N	N

Duplexes (Sec 11:7.31)	NA	N	N	N	N	C	C	N	N	N
Multi-Family Apartments (Sec 11:7.31A)	NA	N	N	N	N	C	C	N	N	N
Townhouses (Sec 11:7.32)	NA	N	N	N	N	C	C	N	N	N
Patio Houses (Sec 11:7.33)	NA	N	N	N	N	C	C	N	N	N
Manufactured Housing (Article 12:9)										
Residential Designed	NA	P		P	P	C	N	N	N	N
Standard Designed	NA	P		P	P	C	N	N	N	N
Second Unit, Family Member Only (Sec. 11:7.34)	N/A	C		C	N	C	N	N	N	N
Family Estate										
Existing Single-Family Detached (Sec. 11:7.35)	NA	C		C	N	C	C	N	N	N
Single-Family Detached (Sec. 11:7.35)	NA	C		C	N	C	C	N	N	N
Manufactured Housing, Residential Designed (Sec. 11:7.35)	NA	C		C	N	C	N	N	N	N
Manufactured Housing, Standard Designed (Sec. 11:7.35)	NA	C		C	N	C	N	N	N	N
Accessory Uses to Residential Uses										
Bathhouses and Cabanas	NA	P		P	P	P	P	N	N	N
Domestic Animal Shelters	NA	P		P	P	P	P	N	N	N
Non-Commercial Greenhouses	NA	P		P	P	P	N	N	N	

Private Garage and Carport	NA	P		P	P	P	P	N	N	N
Storage Building	NA	P		P	P	P	P	N	N	N
Swimming Pool, Tennis Courts	NA	P		P	P	P	P	N	N	N
Auxiliary Shed, Workshop	NA	P		P	P	P	P	N	N	N
Home Occupation (Article 11:7.34)	NA	C		C	C	C	C	N	N	N
Horticulture, Gardening	NA	P		P	P	P	P	N	N	N
Family Day Care Home	NA	P		P	P	P	P	N	N	N
Satellite Dishes, etc.	NA	P		P	P	P	P	N	N	N
Accessory Uses to Non-Residential Uses										
Buildings, Structures, Lift Stations, etc. (Article 11:7.35)	NA	N		C	C	P	P	P	N	C
Open Storage (Article 11:7.36)	NA	N		N	C	C	C	C	C	C
Temporary Uses										
All Temporary Uses; Non-Residential (Article 11:7.37)	NA	C		C	C	C	C	C	C	C
Temporary Accessory Dwelling Unit (Article 11:7.38)	NA	C		C	C	C	C	N	N	C

6:1.1. *Uses Permitted By-Right = P.* The letter "P" indicates that a use type is permitted by-right in the respective zoning district, subject to compliance with all other applicable regulations of this ordinance.

6:1.2. *Uses Subject to Conditions = C.* The letter "C" indicates that a use type is permitted in the respective zoning district only if it complies with the industry specific and sometimes case specific conditions of article 11 and all other applicable regulations of this ordinance and if approved in accordance with the review procedures set forth in article 11. A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

6:1.3. *Uses Not Allowed = N.* The letter "N" indicates that a use type is not permitted in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this ordinance.

6:1.4. *New or Unlisted Uses.* Any uses found in the latest edition of the NAICS Manual but not listed in Table 1 above shall adhere to the allowed uses as listed in the next available high order category. Should the allowed uses be unspecified in any of the higher order categories, the DSR(s) shall be authorized to make a similar use interpretation in accordance with South Carolina Code of Laws Section 6-29-710.

Uses not listed in the NAICS Manual are identified by the letters "NA" (Not Applicable) in the NAICS column. If an application is submitted for a use type that is not listed as an allowed use in one or more zoning districts, the DSR shall be authorized to make a similar use interpretation.

6:1.5. *Reserved.*

6:1.6. *Accessory Uses.* A use which is naturally and normally incident and subordinate to the principal use of a structure or lot shall be permitted in all zones unless otherwise stated.

(Ord. No. 08-11, § 1, 5-5-08; Ord. No. 09-06, § 1, 2-2-09; Ord. No. 09-12, §§ 7, 9, 5-4-09; Ord. No. 09-28, § 1, 10-5-09; Ord. No. 11-09, § 1, 4-18-11; Ord. No. 11-24, §§ 3—5, 9-6-11; Ord. No. 12-03, § 1, 3-5-12; Ord. No. 12-16, § 1, 9-17-12; Ord. No. 2013-04, § 1, 4-1-13; Ord. No. 2015-18, § 1, 8-17-15; Ord. No. 2015-29, § 1, 9-21-15; Ord. No. 2015-26, § 1, 12-7-15; Ord. No. 17-13, § 1, 5-15-17; Ord. No. 2020-22, § 1, 10-5-20; Ord. No. 2020-24, § 1, 1-21-20; Ord. No. 2020-25, § 1, 2-3-20; Ord. No. 2023-15, § 1, 9-18-23)

6:2. - Affordable housing bonus.

A. *Affordable housing general 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 multi-family 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.
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 a 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.

B. Types of affordable housing bonuses.

1. *Single-family cluster.* In a single-family cluster, the developer shall submit the site capacity calculations to establish the base density. The bonus shall be granted provided all requirements of this article are met, as well as the following conditions:
 - a. The bonus shall be permitted only when natural resources do not limit the density.
 - b. Fifty percent of the additional units shall meet the criteria of subsection 6:2.15.A.
 - c. A site plan shows the additional units being accommodated by.
 - (i) A revised set of lot standards which reduces lot area for all lots or uses several lot sizes; and/or
 - (ii) The amount of open space as required by this ordinance is maintained.
2. *Planned, community or multifamily developments.* Developers of these uses can propose up to a 20-percent increase in density 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:
 - a. The bonus shall be permitted only when natural resources do not limit the density.
 - b. Fifty percent of the additional units shall meet the criteria of subsection 6:2.15.A.
 - c. A site plan showing the additional units being accommodated by any combination of the following:
 - (i) 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.
 - (ii) The affordable units shall be mixed into all unit types used on the plan.
 - (iii) The amount of open space as required by this ordinance is maintained.

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 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 \$109,000.00 for a 1,400-square-foot house. 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.

Editor's note— Ord. No. 11-24, § 6, adopted September 6, 2011, amended section 6:2 in its entirety to read as herein set out. Formerly, section 6:2 pertained to conditional use regulations, and derived from Ord. No. 09-06, §§ 3—6, adopted February 3, 2009; Ord. No. 09-12, §§ 8, 10, adopted May 4, 2009; Ord. No. 09-28, § 2, adopted October 5, 2009, and Ord. No. 11-09, § 2, adopted April 18, 2011.

ARTICLE 7. - PRIMARY DISTRICTS

7:1. - Permitted uses.

See section 6.1, Table 1.

7:2. - Minimum lot area.

The minimum lot areas per dwelling unit for each zoning district are listed in section 7.3, Table 1 unless otherwise required by the South Carolina Department of Health and Environmental Control (SCDHEC).

7:3. - Yard and setback requirements.

All setback lines adjacent to a public right-of-way are measured from the edge of the public right-of-way. When the right-of-way is not known, the setback shall be measured from the edge of the pavement or back of the curb, if present, and each required setback shall be increased by a minimum of ten feet.

In such cases in the residential zone where the frontage along both sides of the street is at least 50 percent developed, then the required front yard setback for a new structure not the subject of a site plan or subdivision application may be modified to the average for the existing development.

Setbacks from existing roads will be consistent with the requirements outlined in the appropriate zoning district and listed in Table 1.

**Table 1:
Schedule of Lot Area, Yard, Setback, and Density By District**

	R	RRL	RP	RC	CC	GC	ID	RE	MB
Minimum Lot per Unit									
Non Residential Area (SF)	40,000	N/A	2 acres	2 acres	10,000	10,000	12,000	2 acres	12,000
Residential									
Single-Family	.5 acre	7,800	1 acre	.5 acres	(B)	(A)	N/A	N/A	N/A

Patio	N/A	N/A	N/A	N/A	(B)	3,500	N/A	N/A	N/A
Duplex	N/A	N/A	N/A	N/A	(B)	(A)	N/A	N/A	N/A
Townhome	N/A	N/A	N/A	N/A	1,800	1,800	N/A	N/A	N/A

(A) 4 per acre for single-family dwelling units; 6 per acre for attached units.
(B) 2 per acre for single-family dwelling units; 4 per acre for attached units.

	Multi-Family, Single-Family and Nonresidential Uses										Patio	Duplex	Townhome
	R	RRL	RP	RC	CC	GC	ID	RE	MB	All Districts			
Minimum Yard and Building Setback (feet)													
Minimum lot width	50	50	200	200	80	80	90	200	90	Minimum lot width	45	50	20
<i>Front</i>													
Major Street (Multi-Lane)	60	60	60	60	60	60	60	200	60	Major Street (Multi-lane)	60*	60*	60*
Major Street (Two-lane)	35	35	45	45	35	35	45	200	45	Major Street (Two-lane)	35	35	35
Minor Street	25	15	25	25	25	25	25	150	25	Minor Street	25	25	20
<i>Side</i>													
Residential	10	10	25	50	5	5	N/A	N/A	N/A	Interior	N/A	0	0

Non-residential	10	N/A	25	50	5	5	10	100	10	Street-side/Exterior	10	10	10
<i>Rear</i>													
Residential	25	20	25	100	10	10	N/A	100	N/A	Residential	20	25	15
Non-residential	40	N/A	50	150	10	10	15	100	15	Non-residential	N/A	N/A	N/A
*Access to units along a multi-lane major street shall generally have a common access onto a frontage road or similar, which shall be considered a minor street; the frontage road or similar may encroach into the 60' front setback from the multi-lane major street.													

(Ord. No. 09-06, § 7, 2-2-09; Ord. No. 09-12, § 11, 5-4-09; Ord. No. 09-38, § 1, 11-2-09; Ord. No. 11-24, § 7, 9-6-11; Ord. No. 13-04, § 3, 4-1-13; Ord. No. 2023-15, § 1, 9-18-23)

7:4. - Riparian buffers.

A riparian buffer shall be provided along tidelands, wetlands, streams and rivers. Buffers are measured from OCRM designated critical lines for tidelands; delineation lines for wetlands; and from stream and river banks.

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.

Buffer widths are based on land use. In the event that a setback standard in section 7:3 is less than the required buffer width, the required buffer regulation applies.

Riparian Buffer Table

Water Resource	Individual Dwelling Unit	Single-Family Residential Development	Multi-Family Residential	Non-Residential
Critical Area (Coastal Waters, Tidelands, Beach/Dune System)	15'	25' *	35' *	50' *
Jurisdictional Wetlands, Saltwater or Freshwater	15'	25' *	35' *	50' *

Non-Jurisdictional Wetlands, Saltwater or Freshwater	15'	25' *	35' *	50' *
Rivers, Streams (non-critical area)	25'	50'	50'	50'
The above setbacks are total average widths; with widths not to be less than 15 feet for a 25-foot buffer, 20 feet for a 35-foot buffer, and 30 feet for a 50-foot buffer.				
* Buffer requirement may be waived if applicant provides an OCRM land disturbance permit and/or approved wetland mitigation plan as part of a PDD, Subdivision or Development Plan submittal.				

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

1. Trees can be limbed up to 15 feet.
2. Under brush can be cleared down to no less than four inches above grade.
3. Unprotected trees under three-inch caliper can be cut.

(Ord. No. 09-37, § 2, 11-2-09)

7:5. - Maximum height.

Maximum building height in all districts is 35 feet. Height measurement shall be made from the average finished grade elevation at the building line to the mean roof height.

The maximum building height may be increased to 50 feet, measured from the average finished grade elevation at the building line to the mean roof height, in areas where there is a public water distribution system and the fire chief or their appointed designee, confirms that there is adequate firefighting equipment capable of fighting a structure fire available in such areas to safely accommodate the increased height.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may exceed the district height limit.

Flagpoles shall not exceed 35 feet in height measured from the average finished grade except where flags are expressly permitted in [article 15](#), sign standards.

(Ord. No. 16-29, § 2, 10-3-16; Ord. No. 2022-30, § 1, 11-7-22)

ARTICLE 8. - SPECIAL PURPOSE DISTRICTS

8:1. - Planned development district (PDD).

8:1.1. *Intent.* The intent of the planned development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PDD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development," it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

All PDD's shall conform to the Jasper County Comprehensive Land Use Plan and Land Use Map (latest edition). All PDD's shall endeavor include a component for Affordable House as outlined in Article 6 section 6:2.15.

In keeping with the intent of Jasper County to maintain a rural character outside the joint planning district boundaries, cluster development is encouraged. In cluster developments it is envisioned that patio homes and other similar types of residential developments are grouped together and surrounded with substantial undisturbed open space that is perpetually protected from future development. The use of cluster development is encouraged and where possible should be a component of the overall PDD Master Plan.

8:1.2. *Purpose.* The purpose of the planned development district (PDD) is to permit development for specialized purposes where tracts suitable in location, area, and character are to be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined primarily by reference to the land use plan, but due consideration shall be given to the existing and prospective character of surrounding development.

Within PDD districts, regulations adapted to implement such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled developments on individual lots, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design and a better environment.

In view of the substantial public advantages of planned development districts, it is the intent of these regulations to promote and encourage, or to require development in this form where appropriate in location, character and timing.

8:1.3. *Establishment of the planned development district; application of article.* Where the symbol PDD is established on the official zoning district map, planned development is permitted as the applicable zoning classification, provided, it is planned and developed on a unified basis, in accord with the provisions of this article.

Where the symbol PDD is not established on the official zoning district map, a planned development may nonetheless be established by amendment as provided for in this article, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, in accord with the provisions of this article.

Unless a deviation from such restrictions is provided in the approved master plan, property within a PDD district shall be required to adhere to all provisions of the Jasper County Zoning Ordinance and Land Development Regulations, as well as any overlay district as applicable, unless deviation is provided for as part of the approved master plan. The regulations

applicable to the uses in an approved PDD shall be those of the most restrictive zoning district where such uses are allowed.

The standards set forth in this article are minimum requirements and it is the intent of this section that relevant county authorities may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum requirements set forth herein does not per se indicate that an applicant is entitled to a zoning change.

8:1.4. *General requirements.* Any property under the jurisdiction of this ordinance that contains four or more acres and is to be developed on an integrated basis is eligible for designation of the PDD zoning as provided in this article. No property in any zoning district consisting of 25 acres or more, whether in single or multiple ownership may be developed on an integrated basis until and unless the parcel is rezoned to the PDD district. The planning commission may require that property consisting of fewer than 25 acres be developed as a planned development district (PDD) upon a finding that such integrated development serves the public interest.

All property rezoned PDD shall be made on application of the developer and on covenant of all owners of an interest in any portion of the property, who must agree to be bound by the district designation and regulations.

Jasper County Council may require, at its sole discretion, a development agreement between the county and developers for properties developed as a planned development district (PDD) as a prerequisite to development plan approval.

Plats, surveys and other information suitable for submission in digitized format for consideration of applications, concept plans, master plans and development plans shall be submitted to the county in both paper and digitized format, in accordance with county procedures.

8:1.5. *Permitted uses.* Any use permitted in any of the zoning districts adopted by Jasper County may be permitted, and any other uses as the council may approve, including limited or conditional uses, provided the conditions for such uses are not in conflict with the Jasper County Zoning Ordinance or Land Development Regulations.

No PDD shall be created that fails to specify the type of land uses that will occupy every portion of the PDD property.

8:1.6. *Perimeter and buffer requirements.* Perimeter setbacks around the boundary of the PDD shall be a minimum of ten feet; provided however, the requirements of this subsection may be modified or waived in the adopted master plan upon a finding that the adjacent property is and will be adequately buffered by other natural or manmade features of a permanent nature. The setback shall be measured from the property boundary unless a particular boundary of the PDD abuts a road or highway right-of-way, in which case it shall be measured from the abutting edge of the right-of-way.

Minimum buffers of (a) 20 feet shall be maintained along all external dimensions of a PDD which abut RC and RP districts; (b) 30 feet where the PDD is adjacent to a single- or multi-family residential district (R30), and 50 feet where adjacent to a ID, CC and GC districts; provided however, the requirements of this subsection may be modified or waived in the adopted master plan upon a finding that the adjacent property is and will be adequately buffered by other natural or manmade features of a permanent nature. Additional buffers, such as vegetative cover, walls or fences to a height of seven feet may be required for trash, all storage yards and/or outdoor display areas, as well as those areas identified in the Jasper County Zoning Ordinance and Land Development Regulations specific use standards. Buffer requirements shall be in addition to, but exclusive of, perimeter setbacks.

In the outer 20 feet of the buffer area or in the perimeter setback, the only allowable uses are pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities. Buffers and perimeter setbacks shall include vegetative cover and be maintained regularly. Within the remaining buffer, no development, parking areas, structures or accessory

buildings except the required fence and vegetative cover, a properly permitted sign, interconnecting pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities shall be placed.

If it finds substantial need for screening of the proposed PDD activity, the planning commission may require within the buffer a six-foot high fence made of either brick, finished concrete, mortar, wood, stone, masonry units, faux masonry materials, or a combination of the above. The public view side of the fence shall include vegetative plantings which complement and enhance the fence.

Any required side yard buffer shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. The vegetative cover and the fence, if required, shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. This requirement will be modified as necessary to accommodate safe view corridors for vehicular and pedestrian ingress and egress.

Required rear yard buffers and the fence, if required, shall extend the entire length of the rear lot line. Riparian buffers shall be in accordance with section 7:4.

8:1.7. Application and concept plan.

A. Application:

1. To secure a PDD district designation, an application must be filed with the fee established by Jasper County. The Applicant must provide a fund to reimburse the County for professional fees incurred in processing the application pursuant to Jasper County Ordinance 06-01, adopted January 17, 2006 as the same may be amended from time to time.
2. The application shall be on a form provided by the county and shall contain, at a minimum, the information required by the form, a legal description of the property, and the names and addresses of all persons having a legal or equitable interest in the property.
3. All persons having a legal or equitable interest in the property must agree in writing to be bound by the district designation and regulations for which application is made.
4. A request for a PDD district designation shall be processed as an amendment to the zoning ordinance and official map(s), including the future land use maps and the comprehensive plan, if necessary.
5. A concept plan shall be submitted with the application to Jasper County DSR. Applications and concept plans will be forwarded to the planning commission in accordance with standard procedural requirements as established by the planning commission. However, applications for properties consisting of fewer than 200 acres shall not be required to submit a concept plan and may begin the review process with an application and master plan; provided, however, for projects less than 200 acres that are unusually complex, the planning staff or planning commission may require a concept plan. Applications for PDD zoning of fewer than 200 acres may only be approved following approval of a concept plan or of a master plan.

B. Concept plan: Concept plans shall contain at a minimum, the following information:

1. A narrative statement by the applicant as to the goals of the development and a justification of why a PDD designation is necessary or desirable to achieve them;
2. A statement identifying existing buildings, structures, or other facilities on the property;
3. Identification of adjacent landowners and existing land use and zoning of such properties, and proof of notification to adjacent landowners by certified mail of the notice of the zoning application;

4. 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;
5. A description of archeological sites or historic structures on the property, as defined by the South Carolina Department of History and Archives, including grave sites, and the proposed approach to protect them and any others that might be discovered during development;
6. A concept plan planned development map delineating the following:
 - a. The vicinity of the property;
 - b. The boundary lines of the property;
 - c. Any rivers, creeks, marshes, and general patterns of wetlands on or adjacent to the property;
 - d. Land uses adjacent to the property; existing buildings, structures or facilities on the property;
 - e. Municipal or county boundary lines adjacent to the property;
 - f. Historic structures on or adjacent to the property; any flood hazard and all overlay district boundary lines;
 - g. Proposed access to existing roads;
 - h. Arrangement/layout or land uses, approximate acreage to each land use area, type of use and residential density of each use area;
7. An identification of each type of use proposed for the PDD;
8. The total number of units and acreage for residential use and the total square footage and acreage for commercial uses, institutional uses, and all other uses;
9. A general layout of roadways of major circulation, the anticipated rights-of-way (ROW) widths based on either ultimate traffic demands in accordance with the Institute of Transportation Engineers (ITE) Manual (latest available edition) or a minimum of 50 feet, whichever is greater; an explanation of whether they are to be publicly or privately maintained, and a general statement as to the anticipated impact of the PDD project on public roads, including analysis of the capacity of existing public roads to carry the additional traffic generated by the PDD at build-out, taking into consideration build-out of other impacting developments. Jasper County may require a traffic impact analysis and a description of proposed mitigation (if any);
10. A description or list of any proposed waivers or deviations from the Jasper County Zoning Ordinance and Land Development Regulations regarding either 1) generally applicable development standards; 2) specific zoning district regulations, or 3) any applicable overlay district regulations, and what is proposed in their place;
11. Statement(s) from applicable utility service providers such as water, sewer (if applicable), telephone and electricity, trash and yard waste that service is available to the PDD, or what is required to render services available;
12. A proposed phasing schedule and average number of anticipated residential units or commercial square footage to be produced annually;
13. The proposed internal and external setbacks, vegetative buffer material and percent open space areas. Any proposed deviation from the applicable Jasper County Zoning Ordinance and Land Development Regulations standards must be accompanied by justification for such deviation;
- 14.

A statement that proposed stormwater mitigation shall comply with Jasper County Stormwater Management and Regulations; and

15. An explanation of the proposed ownership and maintenance of rights-of-way, drainage systems, water and sewer systems, open space systems and amenities.

The planning commission will consider the application, concept plan, and recommendations from planning staff. The planning commission shall examine, consider and address, among others, issues relating to financial impacts upon the county and Jasper County, environmental impacts and required infrastructure to serve the PDD. The planning commission 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, particular elements critical to the health, safety and welfare of the community and its citizens. Such elements include, but are not limited to, environmental impact statements as to specific matters not otherwise required or adequately addressed herein, traffic analysis, hurricane evacuation, other emergency preparedness and response, historical preservation, shoreline erosion, public access, community linkages, public education and the like.

Upon finding that the application and concept plan meets all of requirements of this section, that the development meets the purposes of this section, that the adjacent parcel of land and the community at large are adequately protected from any adverse effects of the proposed development, that the proposed engineering of the project adequately addresses the issues of transportation, stormwater drainage, utilities and public health and safety, adequately considers and provides for historical and ecological resources within the district and addresses the potential impact of the project on external historical and ecological resources, the concept plan may be approved.

8:1.8. *Rezoning to planned development district (PDD)*. Rezoning of a parcel depicted on the official zoning map of Jasper County to PDD shall be by ordinance upon the recommendation of the planning commission.

A zoning of PDD shall not entitle an applicant or owner of the affected property to any right to develop or engage in any land use or land disturbing activity, other than the rights in existence as of the time the Concept Plan is approved. Further, initial zoning of PDD does not vest an applicant or owner with 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 PDD zoning is approved, an overall Master Plan and subsequent Development Plan(s) must be approved for the areas to be developed or engaged in land disturbing activity. A zoning of PDD does not constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silviculture activities.

The owner may seek rezoning of property to PDD at any time after approval of the concept plan. If the concept plan submitted by the applicant is approved, but modified without the written agreement of the applicant, the applicant shall have 60 days after receipt of notice of approval of the modified concept plan to withdraw the concept plan by written notice to the planning commission. If withdrawn, the zoning for the areas within the concept plan shall be unchanged from the zoning existing before the application was submitted. Unless a waiver or deviation is secured as part of the approved concept plan, the regulations applicable to all uses in the approved concept plan shall be those of the most restrictive zoning district where such uses are allowed. For rezoning pursuant to this subsection, the concept plan planned development map referred to in subsection 8:1.7B.6 shall become the official zoning map for the PDD.

For properties for which no concept plan has been submitted for approval pursuant to subsection 8:1.7A.5 hereof, the owner may seek rezoning of the property to PDD at any time after approval of the master plan. Unless a waiver or derivation is secured as part of the approved master plan, the regulations applicable to all uses in the approved master

plan shall be those of the most restrictive zoning district where such uses are allowed. For rezoning pursuant to this subsection, the master plan planned development map referred to in subsection 8:1.10.7 shall become the official zoning map for the PDD.

8:1.9. *Sale or transfer of ownership of development tracts.* The owner of a PDD may sell or transfer ownership of development tracts within a PDD in accordance with the following procedures and provisions:

1. Property covenants and restrictions must accompany the transfer of any development tract within the approved PDD restricting the new owner to the development type, road network, water, sewer approach, and density indicated on the approved concept plan;
2. The developer must submit a plat suitable for certification by Jasper County authorizing the developer to record such plat with the clerk of court or register of deeds, including submissions in digital format, and subsequently record such plat prior to the sale or transfer of any development tract; and
3. This procedure will not be required for the sale or transfer of an individual single-family lot or group of lots intended for construction of one single-family dwelling.

8:1.10. *Master plan.* A master plan shall be developed for all of the PDD property to be developed. The master plan, together with the required fee, shall be submitted to the dsr for review and a recommendation to the planning commission. The minimum requirements of the master plan include:

1. Multiple copies of the master plan to sufficiently distribute to all designated reviewing bodies at the time of submittal;
2. Proposed arrangement of land uses, including land for public facilities, approximate acreage of each use area 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 within the PDD ordinance;
3. A boundary survey with the computed acreage of the tract bearing the seal of a 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 and the names and addresses of the owner(s) of record, and the applicant, if different from the owner(s), with proof of authority to submit and process the application;
6. Type of land use of all parcels contiguous to the development property;
7. A master plan planned development map showing:
 - a. 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;
 - b. Topographic survey of the area being applied for;
 - c. Where applicable, surveyed line delineating the extent of any special district boundary on the development property;
 - d. Where applicable, survey line delineating wetlands;
 - e. The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts;
 - f.

Location of municipal limits or county lines, and district and overlay district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;

- g. 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;
 - h. 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;
 - i. The proposed location, dimensions and description of land(s) for public facilities; and
 - j. Proposed conceptual street system layout, vehicular and pedestrian, with the written comments of the DSR and/or his/her representative.
8. Traffic impact analysis as set forth in the Jasper County Zoning Ordinance and Land Development Regulations or as required by the DSR and/or county council, and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation;
 9. Preliminary master drainage plan and master water and sewer plan with the written comments of the DSR and/or his/her representative.
 10. 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. Minimum agency responses include South Carolina Department of Transportation, South Carolina Department of Health and Environmental Control, and Office of Ocean and Coastal Resource Management, Jasper County School District and Jasper County Emergency Services (as applicable).
 11. A narrative addressing:
 - a. 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 of the above are to be privately owned, a description of the governance, operation and financial structure to be used to secure their maintenance, management and long term improvements;
 - b. Proposed phasing and time schedule if development is to be done in phases;
 - c. Proposed phasing and time schedule for lands to be dedicated for public facilities;
 - d. Proposed internal site planning standards such as typical lot sizes and widths, and setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities;
 - e. Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable;
 - f. A statement describing the character of, and rationale for, the proposed master plan; and
 - g. Other information or descriptions deemed reasonably appropriate by staff or planning commission for review.

8:1.11. *Master plan review/approval/amendment.* Unless otherwise specified in an approved development agreement, upon finding that the application and master plan meets all of requirements of this section, that the development meets the purposes of this section, that the adjacent parcel of land and the community at large are adequately protected from any adverse effects of the proposed development, that the proposed engineering of the project adequately addresses the

issues of transportation, stormwater drainage, utilities and public health and safety, adequately considers and provides for historical and ecological resources within the district and addresses the potential impact of the project on external historical and ecological resources, the master plan may be approved by the planning commission.

No master plan may be recorded with the clerk of court or register of deeds, and no land use or land disturbance activity, other than that in existence as of the time of the master plan approval shall be permitted, unless and until the applicant has secured development plan approval in accordance with subsection 8:1.12 hereof.

Approved master plans may be revised (the DSR shall notify the planning commission of any changes made to the approved documents), subject to the approval of the Jasper County DSR, for the following changes:

1. Minor changes in the location of roads or widths of streets or rights-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. Changes in the proposed build-out and phasing schedule.
4. Unless otherwise specified in an approved master plan or developers agreement, all phases of the pdd will be required to adhere to the latest version of the following standards at the time of development plan submittal:
 - a. All articles of Jasper County Land Development Regulations;
 - b. Environmental quality standards;
 - c. County fees; and
 - d. Impact fees.
5. Changes to the master plan listed below shall require that a revised master plan be submitted to the planning commission:
 - a. Re-designation of land uses within a development area or phase;
 - b. Building heights, setbacks, and buffers;
 - c. Changes in the location of roads or widths of streets or right-of-ways within the master plan which are not minor changes;
 - d. Changes in the allocation of housing density within the master plan, and any proposed increase in density of the master plan which are not minor changes; and/or
 - e. Lot sizes and dimensions.

8:1.12. *Development plans.* Development plans are required to commence clearing or construction within any area or phrase within the PDD district. Development plans must be in conformance with the approved master plan and the requirements of the Jasper County Zoning Ordinance and Land Development Regulations. The development plan, in sufficient number (as determined by the DSR) of black or blue line prints to be distributed to all reviewing bodies, and in digital format acceptable to the DSR, together with the required fee, must be submitted to the DSR for review, and approval. The minimum requirements of the development plan include:

1. Name and address of all owner(s) of an interest in the property being developed;
2. Name of the development, date, north point and graphic scale;
3. Name and seal of registered land surveyor, landscape architect or civil engineer;
4. Name of county, location, tax map(s) and parcel number(s);

5. Bearings and distances of all lot lines and street lines;
6. Streets and alleys, rights-of-way, proposed street names and lot numbers (Street addresses will be assigned or approved by the Jasper County Office of Emergency Preparedness after Development Plan approval and copies are sent to appropriate agencies);
7. Final traffic mitigation plans (if applicable);
8. Square foot area of each lot;
9. Location of all monuments and markers and type indicated;
10. Location, size and type of all existing and proposed easements;
11. Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and public facilities where applicable;
12. Existing railroads, watercourses, streets, highways, County limit lines, transmission lines, existing and/or proposed water and sewer lines, easements, drainage pipes, ditches, and wetlands and wetlands buffers within or immediately adjacent to land in the land being developed, whether or not jurisdiction is asserted by OCRM or the Army Corps of Engineers;
13. Design, specifications and profiles of all proposed streets, drainage systems, lighting, parking, and parking lots;
14. Layout and design, specifications and profiles for all proposed water lines and sewer lines or well and septic tank locations, as applicable;
15. Letters of intent to serve underground electrical, telephone, cable or gas from respective utility companies;
16. Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required;
17. Other affected agency final approvals, certifications or permits for elements relative to the development such as:
 - a. DHEC construction permits for community water and sewer systems;
 - b. DHEC approval of the use of individual wells or community water system in conjunction with septic tanks in the event community sewer is physically unavailable;
 - c. OCRM and/or Army Corps of Engineers signed certification of surveyed Wetland Boundary Lines and any required buffers/easements;
 - d. OCRM and/or Corps of Engineers permits for proposed docks, marinas, bulkheads, fill and the like (where applicable);
 - e. County designated Engineer approval of stormwater drainage systems and road plans;
 - f. Certification of the local fire official having jurisdiction that development is in compliance with all applicable fire and life safety standards; and
 - g. All other applicable regulatory agency approvals.
18. Two paper copies and digital format acceptable to the Jasper County DSR of signed final covenants and restrictions for the development (where applicable);
19. Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements or river, wetland, grave or historic site access, or, if these are not to be dedicated and are to remain private, a complete and detailed report of the procedures, fees and methods that address

maintenance and improvements to these elements;

20. Two paper copies and in digital format acceptable to the Jasper County DSR of final Homeowners or Property Owners' Association documents addressing ownership and maintenance of all improvements;
21. Jasper County Overlay district boundary lines (where applicable) denoted directly on the development plan;
22. Tree survey and mitigation proposal consistent with the provisions of the Jasper County Zoning Ordinance and Land Development Regulations;
23. Two paper copies and in digital format acceptable to the Jasper County DSR of recorded deeds, plats or easements clearly documenting legal access to the development and any applicable encroachment permits; and
24. Bond or legal surety, acceptable to Jasper County, guaranteeing the completed installation of all required public and infrastructure improvements to the development and other improvements shown on the Development Plan, or represented in the application. Such bonds or other surety shall be payable to Jasper County and equal 125 percent of a registered engineer estimate of construction costs or contractors' executed contracts for subdivision public and infrastructure improvements, whichever is greater. The applicant shall complete all improvements including required mechanisms guaranteeing perpetual ownership and maintenance, within 12 months of the date of development plan approval. Failure to do so will constitute a violation of the development permit and terminate the right to continue development, and shall entitle Jasper County to act on the posted bond and cause the public and infrastructure improvements to be completed on behalf of the lot purchasers in the development. Extension to the 12 month time period afforded for completion of improvements may be granted one time by Jasper County. Such requests must be submitted prior to the expiration date and accompanied by:
 - a. An explanation of why the extension is necessary;
 - b. Signed/dated agreement to the extension by all affected lot owners in the development to date;
 - c. Amount of work completed, cost remaining for incomplete work and time frame for completion of work, certified by a registered engineer;
 - d. Amended bond or surety for incomplete work in an amount of 125 percent of the cost of completion and of sufficient duration to secure the completion of the work.
25. Any other material or information required by the Jasper County Zoning Ordinance and Land Development Regulations or requested by county council or their designated staff.

8:1.13. *Development plan approval.*

1. A development plan shall be submitted to the county DSR and such other professional advisors as the County may designate. A development plan may be approved if:
 - a. It incorporates all information required by subsection 8:1.12;
 - b. It complies with the approved concept and master plan;
 - c. It complies with the provisions of the Jasper County Zoning Ordinance and Land Development Regulations appertaining to the PDD and/or any other development agreements, if applicable; and
 - d. All infrastructure systems have been reviewed and approved by all applicable reviewing authorities.
- 2.

Except as otherwise modified herein or otherwise specified in an approved concept plan or development agreement, the provisions of the Jasper County Zoning Ordinance and Land Development Regulations in effect at the time of the application shall be applicable.

3. Approval of the development plan shall be an administrative decision of the DSR. The DSR shall notify the Planning Commission of all PDD approvals.

(Ord. No. 08-11, § 3, 5-5-08)

8:2. - Reserved.

Editor's note— Ord. No. 11-08, § 1, adopted June 6, 2011, repealed the former section 8:2, which pertained to the flood hazard overlay district (FHOD), and derived from an ordinance adopted November 13, 2007.

8:3. - Airport compatibility overlay district (ACOD).

8:3.1 *Purpose.* The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by the airport compatibility overlay district. These overlay districts are designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

8:3.1-1 *Enactment.* This is an ordinance establishing height and land use limitations for airport safety and within the vicinity of the Ridgeland Airport and providing for the administration, enforcement and amendment thereof.

8:3.2 *Application.* The land use controls associated with the airport compatibility overlay districts shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other articles of this ordinance. Where airport compatibility overlay district controls conflict with the controls of underlying zoning districts, the more restricted controls shall apply.

8:3.2-1 *Authority.* The provisions of this ordinance are adopted under authority granted by South Carolina Code of Laws, Title 55, Sections 55-9-240 and Section 55-9-260.

8:3.2-2 *Jurisdiction.* This ordinance shall be applicable to the area designated within Jasper County in the vicinity of the Ridgeland Airport as shown on maps entitled Ridgeland Airport Airspace Zones and Ridgeland Airport Land Use Zones, as maintained by the Jasper County Planning and Building Services Department and herein made a part of this ordinance.

8:3.2-3 *Title.* This ordinance shall be known as and referred to as the Ridgeland Airport Height and Land Use Protection Special Purpose District of Jasper County, South Carolina.

8:3.2-4 *Interpretations.*

8:3.2-4A *Tense and number.*

1. The present tense includes the future tense and the future tense includes the present tense.
2. The singular number includes the plural number and the plural number includes the singular number.

8:3.2-4B *Word interpretations.* For the purposes of this ordinance, the following words shall be interpreted as specified below:

1. The word "may" is permissive,
2. The words "shall" and "will" are mandatory.
3. The word "County" shall mean the County of Jasper, South Carolina.
4. The words "County Aeronautics Commission" shall refer to the Jasper County Aeronautics Commission.
5. The words "Planning Department" shall refer to the Jasper County Planning and Building Services Department.
6. The words "County Council" shall refer to the Jasper County Council,
7. The word "person" shall include firm, organization, association, company, trust, corporation or other entity.
8. The words "used" or "occupied" includes intended, designed and arranged.

8:3.2-4C *Definitions.* For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. *Airport* means the Ridgeland Airport (3J1).
2. *Airport elevation* means the highest point of an airport's usable landing area measured in feet (tenths) from mean sea level.
3. *Airport obstruction* means any living or man-made structure or tree which obstructs the aerial approaches of the airport exceeding the maximum height of structures permitted in the airport operation area or is otherwise hazardous to its use for landing or taking off.
4. *Airport operation area* refers to all zones established in this ordinance.
5. *Avigation easement* means ownership of the right of imposition upon such property of overflight, excessive noise, vibration, smoke, dust, vapors, and particulates due to the operation of aircraft to and from the airport. Also includes the right to remove Airport Obstructions on said property.
6. *Conditional use (special) permit:* A permit issued by the development standards department that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the planning commission (refer to 'C' Conditional Use in Land Use Matrix Table).
7. *Enforcement officer* shall mean an individual or individual of the Jasper County Planning and Building Services Department with authority to enforce this ordinance.
8. *FAA* means Federal Aviation Administration.
9. *FAR* means Federal Aviation Regulation.
10. *Dimensional nonconformity* means a situation that occurs when the lot line does not conform to the regulations applicable to the zone in which the property is located.
11. *Height* means the vertical distance from the ground elevation to the highest point of a structure or tree, including any appurtenance thereon expressed as feet above mean sea level (MSL).
12. *Height limitations* means no structure or tree shall be erected, altered, allowed to grow or maintained in any airport surface zone, with a height in excess of the height established for such zone. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive

height limitation

13. *Land use compatibility* means the use of land adjacent to the Ridgeland Airport that does not endanger the health, safety, or welfare of the owners' occupants, or users of the land.
14. *Lot* means a portion of a subdivision, plat or parcel with boundaries established as a separate legal entity recorded with the County Register of Deeds.
15. *Nonconforming structure* means any structure or tree which does not conform to this ordinance as of the effective date of these regulations.
16. *Nonconforming use* means any structure or use of land which is inconsistent with the provisions of this ordinance as of the effective date of these regulations.
17. *Open space* means an area, land or water, generally lacking in man-made structures and reserved for enjoyment in its unaltered state.
18. *Permitted use* means the associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'Y' Conditional Use in Land Use Matrix Table).
19. *Precision instrument runway* means a runway end having instrument approach procedure utilizing air navigation facilities with horizontal and vertical guidance, or area type navigation equipment, for which a straight-in precision instrument approach procedure has been approved or planned.
20. *Prohibited use* means the associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'N' Conditional Use in Land Use Matrix Table).
21. *Property owners* means those listed as owners of property on the records of the Jasper County Tax Assessor.
22. *Runway end* means existing physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation.
23. *Structure* means any object, constructed or installed by human labor, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. The primary structure on a lot, or a building that houses a principal use.
24. *Use* means the principal activity or function that actually takes place or is intended to take place on a parcel.
25. *Variance* means a grant of permission by the county board of zoning appeals that authorizes a person, owing to conditions peculiar to the property, in which a literal enforcement of the ordinance would result in unnecessary and undue hardship.
26. *Zoning permit* means a permit issued by the development standards department that authorizes the recipient to make use of property in accordance with the requirements of the ordinance.

8:3.3 Designation of airport district.

8:3.3-1 *Introduction.* The Jasper County Airport Compatibility Overlay District is hereby established pursuant to the purposes of this article, comprising all those lands within the height and land use restriction overlay zones as further delineated in this chapter.

8:3.3-2 *Height restrictions and limitations.*

8:3.3-2A *Height restriction zones established.* In order to carry out this ordinance, certain zones are hereby created and established, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the Ridgeland Airport. Such zones are shown in plan view on the map, titled "Ridgeland Airport Airspace Zones", consisting of one sheet, prepared by Jasper County dated February 25, 2014. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. *Primary Surface.* The primary surface extends 200 feet beyond each end of the runway, has a width of 800 feet, and is centered longitudinally on the runway centerline profile.
2. *Approach Surface.* The inner edge of this approach surface coincides with the width of the primary surface and is 800 feet wide. The approach zone expands outward uniformly at a slope of 34 feet horizontally for every one foot vertically for a horizontal distance of 10,000 feet, to an outer edge width of 3,800 feet. Its centerline is the continuation of the centerline of the runway.
3. *Transitional Surface.* The transitional surfaces begin from the outer edges of the primary and approach surfaces, sloping upward and outward 7 feet horizontally for every 1 foot vertically, until reaching the 150 feet above the established airport elevation.
4. *Horizontal Surface.* The horizontal surface is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface does not include the approach and transitional surfaces. This surface is located 150 feet above the established airport elevation.
5. *Conical Surface.* The conical surface is established as the surface that commences at the periphery of the horizontal surface, and extends outward there from a horizontal distance of 4,000 feet, and slopes 20 feet horizontally for every one foot vertically.

8:3.3-2B *Height limitations.* No structure or tree shall be erected, altered, allowed to grow or maintained in the airport zones to a height in excess of the height limit as determined by the aerial contours appearing on the Ridgeland Airport Airspace Zones Map or referred to in Section 8:3-3.2A of this ordinance. The property owner of a tree, determined to be an airport hazard, shall be responsible for bringing such tree into conformance with this ordinance.

8:3.3-3 *Land use restrictions and limitations.*

8:3.3-3A *Land use restriction zones established.* In order to carry out this ordinance, certain zones are hereby created and established, which include land lying beneath the Airport Land Use Zones as they apply to the Ridgeland Airport. Such zones are shown in plan view on the Ridgeland Airport Land Use Zones Map consisting of one sheet, prepared by Ridgeland County, and dated February 25, 2014. An area located in more than one of the zones described herein is considered to be only in the zone with the more restrictive limitation. There are hereby created and established the following Airport Land Use Zones:

- (1) *Zone A.* Zone A is the Runway Protection Zone, as defined in the Federal Aviation Administration Advisory Circular 150/5300-13A, Section 310, or in successor FAA advisory circulars.
- (2) *Zone B1.* Zone B1 is that area underneath of Approach Surfaces to where each Approach Surface is 150 feet above their respective runway end elevations, not including Zone A.

- (3) *Zone B2.* Zone B2 is that portion of the area underneath Approach Surface, from the outer edge of Zone B1 to the end of the Approach Surface, or 10,000 feet from inner edge of the Approach Zone, whichever it reaches first.
- (4) *Zone C.* Zone C is an area formed by offsetting the primary surface edge outward by 1,050 feet, and extending each of its ends to its respective runway end's Approach Surface, or extended and squared off at the outer edge of Zone B1, whichever that extension reaches first.
- (5) *Zone D.* Zone D is those areas underneath the Transitional and Horizontal Surfaces not part of Zones A, B1, B2, or C.
- (6) *Zone E.* Zone E is identical in area, dimensions, and location to the area underneath the Conical Surface.

8:3.3-3B *Land use limitations.* Such applicable land use limitations are hereby established for each of the Airport Land Use Zones in order to prevent incompatible land uses which would compromise aeronautical activity at the Ridgeland Airport, to protect people and property on the ground in case of an accident, to limit population and building density in the runway approach areas, to create sufficient open space, and to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Ridgeland Airport, and minimize injury to the occupants of aircraft involved in accidents. The following land use limitations within Zones A, B1, B2, C, D, and E shall apply to those portions of the parcel contained within the underlying zones as indicated on the attached Ridgeland Airport Land Use Zones Map.

Ridgeland Airport Land Use Ordinance						
Regulated Land Use Guidance for Zones A, B1, B2, C, D, E*						
Airport Land Use Zone Designation	Zone A	Zone B1	Zone B2	Zone C	Zone D	Zone E
Agriculture, Farming & Animal Keeping						
Crop Production - Dry and Irrigated Farming	C 1,2	Y	Y	C 1,2	Y	Y
Specialty Crops, Nurseries/Greenhouses, Landscape Materials	N	Y	Y	N	Y	Y
Row-Crop Processing and Packaging, Wineries	N	Y	Y	N	Y	Y
Animal Processing and Packaging	N	C 2,3	Y	N	Y	Y

Truck Farming, Roadside Stands, Farmers Markets	N	C 2,3	C 2,5	N	Y	Y
Pasture and Rangeland Grazing	N	Y	Y	Y	Y	Y
Animal Feed Lots (Commercial Hogs, Dairies)	N	Y	Y	N	Y	Y
Animal Feed Lots (Commercial Poultry)	N	N	N	N	Y	Y
Game Preserves, Fish Farming	N	N	C2	N	Y	Y
Feed Lots, Stockyards, Animal Commodity Sales Yards	N	C2	C2	N	Y	Y
Animal Hospital, Veterinary Clinic, Kennels, Pet Boarding	N	C3	C5	N	Y	Y
Equestrian Facilities, Exotic Animals	N	C3	C5	N	Y	Y
Public Use Facilities, Institutions & Utilities						
Civic-Use Convention Center, Auditorium, Concert Hall	N	N	N	N	C 1,2	Y
Schools, Hospitals, and Correctional Facilities	N	N	N	N	C 1,2	Y
Libraries, Museums, Churches, Day-Care, Social/Civic Clubs	N	N	N	N	C 1,2	Y

Parks, Athletic Fields, Playgrounds, Picnic Areas	N	N	N	N	C 1,2	Y
Cemeteries	N	Y	Y	N	Y	Y
Public Utilities (Excludes Electric Power Plants, Lines)	N	C 1,2	C 1,2	N	C 1,2	C 1,2
Electric Power Plants and Overhead Transmission Lines	N	C 1,2	C 1,2	N	C 1,2	C 1,2
Solid-Hazardous Waste, Landfills (Excludes Transfer Stations)	N	N	N	N	N	N
Recycling	N	C 2,3	C 2,5	C2	C2	C2
Residential						
Single-Family Residential	N	N	C7	N	C7	Y
Multi-Family Residential, Mobile Home Units/Parks	N	N	N	N	C 2,6,7	Y
Group Homes, Convalescent Facilities, Nursing/Family Care	N	N	N	N	C 2,6,7	Y
Apartments, Duplexes, Townhomes, Condominiums	N	N	N	N	C 2,6,7	Y
Temporary Housing	N	N	N	N	C 2,6,7	Y
Commercial Recreational						

Swimming Pools, Water Park, Water Slides	N	N	Y	N	Y	Y
Gyms, Health Spas, Indoor Theaters, Auditoriums	N	N	C5	N	C6	Y
Bowling Alleys, Skating Rinks, Dance and Pool Halls, Arcades	N	N	C5	N	C6	Y
Outdoor Theaters, Amusement Parks, Carnivals, Fairs	N	N	N	N	C6	Y
Golf Courses, Tennis Courts	N	N	Y	N	Y	Y
Commercial Business, Retail & Services						
Aeronautical Businesses	N	N	Y	Y	Y	Y
General Retail Stores/Complexes, Restaurants, Convenient Stores	N	N	Y	N	Y	Y
General Offices, Executive Offices, Research Facilities	N	C3	C5	C4	Y	Y
Vehicle Sales, Building & Lumber Materials, Food-Beverage Sales	N	N	C5	N	Y	Y
Appliance-Equipment Repair Facilities, Vehicle Wash	N	C3	C5	C4	Y	Y

Shopping Malls, Shopping Centers, Home Improvement Centers	N	N	C5	N	C6	Y
Banks, Financial Institutions	N	N	C5	N	C6	Y
Gasoline Service Stations	N	N	Y	N	Y	Y
Modular Self-Storage Facilities, Mini Storage Units	N	C3	C5	C2	Y	Y
Personal Health Clinics, Well-Being & Care Facilities	N	N	C5	N	Y	Y
Motels, Hotels, Bed & Breakfast	N	N	C4	N	C6	Y
RV Parks, Camping Areas	N	N	C4	N	Y	Y
Mass Transit Facility / Depot	N	N	C5	Y	C6	Y
Broadcast Studios	N	N	Y	N	Y	Y
Commercial Industrial, Manufacturing & Warehousing						
Manufacturing Facilities, Industrial Plants, Warehousing	N	N	C5	C4	C6	Y
Warehouse, Wholesale, Distribution	N	C3	C5	C4	C6	Y
Heavy Industrial/Manufacturing	N	N	C5	N	C6	Y

Light Industrial/Manufacturing	N	C3	C5	C4	C6	Y
Petroleum and Chemical Product Dealers-Bulk Storage	N	C3	C5	N	C6	Y
Mining- Sand, Gravel, Fill Dirt	N	N	C 1,2	N	C 1,2	C 1,2

(Y) Permitted Use: The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

(C) Conditional Use: The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented (See Conditional Uses Below).

1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA/South Carolina Aeronautics Commission).

2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife.

3 - Use intensity restricted to 5 or less persons per acre; or equivalent per household.

4 - Use intensity restricted to 15 or less persons per acre; or equivalent per household.

5 - Use intensity restricted to 25 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors.

6 - Use intensity restricted to 100 or less persons per acre.

7 - Residential land uses permitted, with Residential Fair Disclosure required.

(N) Prohibited Use: The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

* Note: Reference Ridgeland Airport Land Use Zones Map for Location of Zones.

8:3.3-4 *Other land use requirements.* New residential subdivisions located within Airport Land Use Zones A, B1, B2, C, and/or D requires a Residential Fair Disclosure statement in the purchase contract or rental agreement upon the selling of a residential structure. Residential Fair Disclosure should state:

"This subject property and residential structure considered for purchase or rental located at [insert physical address] is located within 10,000 feet of the Ridgeland Airport. Information regarding Ridgeland Airport can be received from the Jasper County Planning and Building Services Department, upon request."

Future applications made to Jasper County requesting approval of manmade structures, which also require filing a notice with the FAA as per Part 77, §77.9, of Title 14 of the Code of Federal Regulations, or in successor federal regulations, shall first submit a FAA form 7460-1, "Notice of Proposed Construction or Alteration", to the FAA for a review of impacts to airspace in the vicinity of the Airport, prior to placing of the request on the Planning Commission meeting agenda. If the FAA determines an adverse impact to the Airport's airspace may occur, including but not limited to increased instrument procedure minima, the FAA decision should serve as governing height limitation for such a man-made structure.

8:3.4 *Nonconformities.*

8:3.4-1 *Nonconforming uses - Regulations not retroactive.* This regulation shall not be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, or intended use of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the effective date of this ordinance.

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to allow the installations operation and maintenance thereon of such markers and lights as shall be deemed necessary by the county aeronautics commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Ridgeland Airport. Reference FAA Advisory Circular 70-7460-1K, or successor advisory circulars, for further guidance.

8:3.4-2 *Existing structures.* Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in an increase in the total amount of space devoted to a nonconforming use or greater nonconformity with respect to land use limitation.

Abandoned Structures: Whenever the Jasper County Building Official determines that a nonconforming structure has been abandoned or more than 80 percent torn down (or damaged more than 80 percent of the current County tax value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure to otherwise deviate from the height and land use regulations.

Temporary Structures: Temporary structures constructed or erected incidental to a development, and solely used for the designated purpose, can only remain while needed and for a maximum of one year.

8:3.5 *Permit requirements.*

8:3.5-1 *Permits required - existing uses.* Before any existing use or structure may be replaced or substantially altered within any area of the Airport Height or Land Use Restriction Zones, a permit shall be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the

establishment or creation of an airport hazard or permit a nonconforming use when the application for a permit is made. Except as indicated, all applications for a permit for replacement change or repair of an existing, structure shall be granted.

8:3.5-2 *Permits required - future uses.* No change shall be made in the use of land or increasing or establishing a structure or tree unless a permit therefore shall have been applied for and granted by the county building official. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations prescribed in this article.

No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section 8:3.6-6.

The Jasper County building official shall not issue a building permit for the construction of any new structure within the Airport Height Restriction or Land Use Zones established in Sections 8:3.3-2 and 8:3.3-3, and as depicted on the Ridgeland Airport Land Use or Airspace Zones Map unless approved by the Jasper County planning and building services director and the planning and zoning coordinator.

No permit of any type shall be issued for any development, building permit or activity subject to parcel areas underlying Airport Land Use Zone A and Zone B1 herein defined, until the Ridgeland Airport has an opportunity to be awarded an aviation easement by the property owner(s) in a form prescribed by the airport manager, and as recorded in a form acceptable to Jasper County.

8:3.5-3 *Permit applications.* A permit application, as required per Sections 8:3.5-1 and 8:3.5-2, shall accompany a preliminary plat to contain the information as indicated in Appendix B, Article 4, of the Jasper County Code of Ordinances. A non-refundable application fee as per the current Jasper County planning and buildings services department fee schedule shall be submitted with the permit application.

8:3.5-4 *Review by county aeronautics commission.* No permit regulated by this ordinance shall be issued by the building official unless the county aeronautics commission, or its designee, has a prior opportunity to comment.

8:3.5-5 *Violations.* Permits shall be valid until revoked. The building official may periodically inspect the structure(s) and land use to determine continued compliance with this ordinance. If the land use or obstruction is in violation, the building official shall advise the owner in writing of the violations and of action necessary to bring the obstruction or land use into compliance. Failure by the owner to correct violations within 120 days of notification shall constitute grounds for revocation of the permit. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by Section 1-7 of the Jasper County Code of Ordinances.

8:3.5-6 *Revocation of permit.* Valid permits may be revoked by the building official for any of the following reasons:

1. Incorrect or misrepresented information on the permit application.
2. Failure to construct structure in accordance with application and permit.
3. Any other violation of this ordinance.

In the event the permit is revoked, the building official shall advise the owner in writing of the status of the permit, the action necessary to correct the violation and of the enforcement techniques available to the county to remedy continued violation. When the building official determines that the structure or land use has been brought back into compliance with this ordinance, the building official shall reinstate the permit.

8:3.6 *Legal provisions.*

8:3.6-1 *Enforcement.* The ordinance may be enforced by any one or more of the remedies authorized by the South Carolina Code of Laws, Title 55, Sections 55-9-250, 55-9-260, 55-9-280, 55-9-300, 55-9-320, and 55-9-330.

8:3.6-2 *Complaints.* Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Building official stating the cause and basis for the complaint. The building official shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.

8:3.6-3 *Severability.* Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

8:3.6-4 *Amendment.* Petitions for amendment may be filed with the Jasper County planning and building services department by any citizen of the county, any county department or agency, the Jasper County planning commission or council.

8:3.6-5 *County council review.* The provisions and requirements of this ordinance may be amended by the county council according to the procedure set forth:

1. County aeronautics commission review - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed by the county aeronautics commission.
2. County planning commission review - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed by the planning commission. The planning commission shall have 45 days in which to review the proposed amendment and to make recommendation to the county council. If the planning commission, or designee, fails to report to the council within 45 days, it shall be deemed to have approved the proposed amendment.
3. County council review - No amendment shall become effective until after being adopted by the county council.

8:3.6-6 *Variance and exception.* Upon advisement of the enforcement office, the board of zoning appeals may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. In granting a variance, the board of zoning appeals may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this ordinance. In granting a variance or exception to this ordinance, the board of zoning appeals must determine the following:

1. Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other land or buildings.

2. The literal interpretations of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.
3. Special conditions and circumstances do not result from the actions of the applicant.
4. Granting the variance required will not confer on the applicant any special privilege that is denied by this ordinance to other- lands or- buildings.
5. Any request for a variance to the height restrictions and limitations portions of this ordinance shall be accompanied by a finding from the Federal Aviation Administration as to the impact the variance may have on the safe, efficient use of the airport and its airspace.

Issuance of a variance shall not set precedence and each case shall be reviewed independently of others.

8:3.6-7 *Appeal.* The board of zoning appeals shall hear and decide appeals and review any orders, requirements, decisions or determinations made by the enforcement officer responsible for administration or enforcement of this ordinance. The board of land use and zoning appeals decision is subject to review by the circuit court in and for Jasper County, as per the South Carolina Code of Laws, Title 6, Section 6-29-820.

(Ord. No. 2014-07, § 1, 4-7-14)

8:4. - Levy-Limehouse Overlay District (LLOD).

8:4.1. *Purpose.* The intent of the Levy-Limehouse Overlay District is to provide the residents of this unique unincorporated community the ability to subdivide parcels, as though they were within a municipality, which are smaller in size than that allowed by the underlying zoning district(s).

8:4.2. *Development standards.*

1. All new construction shall be in accordance with the latest edition of the IBC.
2. Lot size shall be a minimum of 10,000 square feet.
3. Lots shall have a minimum frontage in accordance with section 9:4 of this ordinance.
4. Lots shall meet all setback requirements for the R zone.
5. The property owner shall verify that the proposed subdivision is located within a public utility water service area and shall provide the DSR with a Letter of Intent to Serve from the public utility to service the proposed property with water.
6. The property owner shall provide the DSR with a letter of intent to Serve from the public utility to provide sanitary sewer service to the proposed property. In cases involving the need to install an individual on-site septic system the owner shall provide the DSR with a statement of approval from SCDHEC. In addition, the owner shall provide the DSR with proof that the proposed subdivision provides sufficient area to adequately meet setback distances from the system to all lot lines, structures, wells, environmentally sensitive areas, etc.

8:5. - Highway corridor overlay district (HCOD).

8:5.1. *Purpose.* Owing to the particularly special growth patterns evidenced in Jasper County along certain designated highway corridors, the following Highway Corridor Overlay provisions are enacted to establish a standard of development consistent with the goals and objectives of the Jasper County Comprehensive Plan. These standards apply to the specific district as delineated in subsection 8:5.2 and are in addition to the buffering requirements of subsection 12:8.

8:5.2. *District boundaries.* The provisions of this chapter are applicable to the lands within 500 feet from the rights-of-way of all roads as shown on the latest amended Official Jasper County Zoning Map including the US Highway 278 Corridor from the Hardeeville City limits east to the Beaufort County line and to the land within 500 feet from the rights-of-way of the SC Highway 170 Corridor from the Beaufort County line to the intersection of SC 170 with 278.

8:5.3. *Highway buffer.* A minimum 50-foot 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 50-foot wide landscaped buffer may be used to accommodate such screening.

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

1. 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.
2. Landscaped walls and fences less than six feet high.
3. Lighting.
4. Landscaping fixtures.
5. Signage.
6. Underground utility lines.
7. Overhead utility lines which run perpendicular to the road right-of-way and are consolidated with vehicular access drives wherever possible.
8. Drainage or stormwater detention or retention areas.

8:5.4. *Tree removal.* Within the required 50-foot buffer, no living tree six inches in diameter or larger, as measured at a point five feet above ground, shall be removed from the buffer except for the following reasons, and then only with the specific approval in writing to the DSR:

1. To accommodate vehicular access drives.
2. To accommodate required sight clearance distances in accordance with section 12:6 of this ordinance.
3. To remove diseased trees.
4. To accommodate the landscaping requirements of section 16:5, specific trees may be removed as shown on the approval landscaping plan.

8:5.5. *Landscaping.* Every development within the highway corridor overlay district shall provide to the county a landscape plan which shall be reviewed and kept on file by the DSR. The plan shall show all existing trees on site to be retained and all plantings to be made with tabulation made as to the total number of trees retained and to be planted by type of plant material. It is recommended that a professional landscape architect prepare the plan, however, if the plan is of sufficient detail and satisfactory to the DSR, a professional landscape architect is not required. The plan shall, at a minimum, show that each 100 linear feet of highway buffer shall contain at least seven broad-leafed overstory trees, eight understory trees and 35 shrubs. Three cone bearing overstory trees and one understory tree may be substituted for one broad leafed overstory tree.

During the course of the development review should the DSR determine that there is sufficient natural buffering located within the required 50-foot buffer area the landscaping requirements as outlined in this section may be revised, reduced or eliminated at the DSR's discretion.

1. At the time of planning, as measured from a point five feet above the ground, each broad leafed overstory tree shall be at least three inches in diameter and each understory tree shall be at least two inches in diameter. Overstory trees shall be at least 12 feet tall at time of planting and understory trees at least ten feet tall. Shrubs shall be at least two and one-half feet tall at time of planting.
2. Existing as well as installed plant materials may be used to meet this landscaped buffer requirement. All installed plant material shall conform to ANSI Z60.1-1966 "American Standard for Nursery Stock".
3. The owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants must be replaced with vegetation that conforms to the initial planting standards of this section. All landscape planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the premises. In the event that plant material is severely damaged due to weather or other reasons, the owner shall have until the end of the dormant season to replant.
4. A list of acceptable trees and what constitutes acceptable overstory broad leafed and cone bearing trees and what constitutes understory trees, is located in [Article 13](#).

8:5.6. *Frontage roads.* Frontage roads shall be located to the rear of the required highway buffer. Portions of frontage road right-of-way landscaped to highway buffer standards and adjacent to the highway buffer may be applied toward meeting the landscaping requirement of the highway buffer.

8:5.7. *Reserved.*

8:5.8. *Architectural design and materials.* Within the highway corridor overlay district, consistency in architectural design and use of materials is desired. Therefore, only the following exterior materials and design features may be employed within the corridor.

1. *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. Painted surfaces shall conform to the colors listed in subsection 16:8.4.
2. *Roofs:* Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam or tiles.
3. *Features:* Pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences.
4. *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, may be used for trim, logos, or to distinguish an architectural feature.
5. *Exterior materials and features prohibited:*
 - a. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block, plastic and/or metal not closely resembling a natural material.
 - b. Partial (less than three sides) mansard roofs, flat roofs without a pediment, unarticulated roofs having a length exceeding 50 feet.
 - c. Unarticulated facades having a length exceeding 50 feet.

- d. Incongruous architectural details or color contrasts as determined by the DSR or BZA.
- e. Unscreened chain link or woven metal fences.
- f. Reflective materials as the main building feature, to include highly reflective glass.

Exceptions to the prohibitions and restrictions for exterior metal siding may be approved by the DSR if the following criteria and intent are met:

- a. Metal buildings less than 2,000 square feet and setback a minimum of 100 feet from the road right-of-way, may provide landscape screening along the exterior of the entire building area facing the highway and for the first 25 percent of the front to back area of any side viewable from the highway. At least 50 percent of the building frontage being landscaped shall contain shrubs or plantings and at least two understory trees per 50 linear feet of building façade. Shrubs shall be at least 30 inches tall at time of planting with an expected maturity height of three to five feet tall and understory trees shall be at least eight to ten feet tall at time of planting; or
- b. Metal buildings larger than 2,000 square feet or open to the general public, i.e., retail sales or showrooms, etc. that are sufficiently adorned and landscaped. Adornment includes doors, windows, pitched roofs, roof overhangs, covered porches, canopies, awnings, columns, molding, trim, shutters, integral planters, and landscape screening. The patterns of placement, proportions, and materials of windows and doors shall be considered. Plastic glazing and use of highly reflective glass is prohibited.

The intent to allow structures to have a metal exterior finish when located along certain highway corridors are to provide for a desirable addition to the physical pattern of the neighborhood that is compatible and harmonious with the surrounding area.

(Ord. No. 09-33, § 4, 12-14-09; Ord. No. 16-33, § 1, 10-3-16)

8:6. - Interstate proximity overlay district (IPOD).

8:6.1. *Purpose.* The purpose and intent of the IPOD is to promote a flexible mix of industrial and commercial highway interchange appropriate uses. The IPOD adds an extra layer of land use regulation over the underlying commercial zoning, which allows increased flexibility in land use, exempts certain provisions of the county zoning ordinance, and adds safeguards to ensure proper limited industrial growth.

The IPOD and its requirements have been established to implement the goals and objectives of the 2007 Jasper County Comprehensive Plan as well as the 2011 Point South County Improvement District Plan.

8:6.2. *Application.* Unless a deviation from such restrictions are provided elsewhere in this section 8:6, property within the IPOD district shall be required adhere to all provisions of the county zoning ordinance and land development regulations otherwise applicable within the underlying zoning district.

8:6.3. *District boundaries.* The provisions of this article are applicable to land designated within the IPOD as shown on the latest amended official county zoning map.

8:6.4. *Sub-district boundaries.* The IPOD is divided into separate sub-districts that follow natural boundaries between existing highway commercial land use and areas targeted for industrial and heavier commercial uses. The use of sub-districts focuses potential industrial growth in two primary target areas, while preserving other areas for commercial, retail, accommodations and services. Sub-districts A, B and C are shown on the official county zoning map and can be described as follows:

1. *IPOD Sub-District A.* An area optimal for highway corridor commercial uses and primarily consisting of restaurants, hotels, gas stations, smaller scale retail businesses and strip malls. These retail and service businesses primarily serve interstate and highway travelers and commuters. However, neighborhood-oriented retail and service businesses (grocery stores, cleaners, etc.) may naturally develop over time to serve residents of adjacent areas.
2. *IPOD Sub-District B.* An area primarily ideal for major businesses that serve the regional community as well as interstate and highway users. Sub-district B is suitable for "big box" retailers with complementary uses, including supercenters (general retail, home improvement, electronics), "destination" stores (sporting goods, home furnishings), and other regional draw stores. Sub-district B is optimal for research and development, manufacturing, assembly, warehousing and distribution, other light industrial activities, offices, and supporting land uses.
3. *IPOD Sub-District C.* An area primarily consisting of recreational, outdoor accommodations and nature-based development. While elevations are generally lower and wetlands exist, uses allowed in the underlying general commercial district are appropriate but are subject to site suitability factors.

8:6.5. *Setbacks.* All setbacks in the IPOD shall be consistent with the underlying zoning district aside from manufacturing uses in sub-district "B." Building setbacks for manufacturing uses in sub-district "B" shall be a 50-foot minimum from lot lines on all sides of the property.

8:6.6. *Use regulation.* It is anticipated that the zoning district underlying the IPOD will usually be general commercial. General commercial is intended to support large commercial development in major unincorporated areas of the county. While the general commercial allows for a variety of retail and services businesses, the IPOD permits all uses within the underlying general commercial district in addition to allowing certain manufacturing and retail trade uses by right. In addition to the uses allowed in the underlying district found elsewhere in this ordinance (Table 6.1 of article 6) the following additional land uses are permitted in the IPOD sub-districts as indicated:

Table 8:1 IPOD Use Regulation

	NAICS	IPOD Sub- District A	IPOD Sub- District B	IPOD Sub- District C
Sector 31-33: Manufacturing				
Food	311	N	P	N
Beverage and Tobacco	312	N	P	N
Textile Mills	313	N	P	N
Textile Product Mills	314	N	P	N

Apparel	315	N	P	N
Leather and Allied Products	316	N	P	N
Wood Products	321	N	P	N
Paper	322	N	P	N
Printing and Related Activities	323	P	P	P
Petroleum Products	324	N	P	N
Chemical Products	325	N	P	N
Plastic and Rubber Products	326	N	P	N
Nonmetallic Mineral Products	327	N	P	N
Primary Metal	331	N	P	N
Fabricated Metal Products	332	N	P	N
Machinery	333	N	P	N
Computer and Electronic Products	334	P	P	P
Electrical Equipment, Appliances and Components	335	N	P	N
Transportation Equipment	336	N	P	N
Furniture and Related Products	337	N	P	N
Miscellaneous Manufacturing	339	N	P	N
Section 44-45: Retail Trade				
Truck Stops	44719	P	P	N

8:6.7. *Development standards. Reserved.*

(Ord. No. 12-10, § 3, 6-18-12)

8.7. - Solar farm floating zone (SFFZ).

8:7.1 *Purpose.* The purpose and intent of the Solar Farm Floating Zone (SFFZ) is to promote the use of solar energy as a source of electricity and facilitate the construction, installation, and operation of Solar Energy Systems (SES) in Jasper County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. The SFFZ adds an extra layer of land use regulation over the underlying zoning which adds safeguards to ensure the proper development of facilities that generate electricity by means of solar power. This ordinance is not intended to supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to: International Building Code, International Fire Code, National Electric Code, South Carolina Department of Health and Environmental Control, and Jasper County Flood Damage Prevention Ordinance.

8:7.2 *Application.* A Solar Farm Floating Zone requires a zoning map amendment and requires a recommendation from the planning commission to county council in accordance with article 3.2 of the Jasper County Zoning Ordinance.

The Solar Farm Floating Zone (SFFZ) may be utilized in any zoning district except for the Resource Conservation District, provided:

1. The solar farm consists of a minimum of five acres;
2. Any portion of the solar farm property boundary is within two miles of an existing electrical transmission line; and
3. A conceptual plan which illustrates that the solar farm can meet the design and development standards set forth in article 8:7.
4. Jasper County Council may require, at its sole discretion, a development agreement between the county and developers for properties developed as a SFFZ as a prerequisite to development plan approval.

Unless a deviation from such restrictions are provided elsewhere in this article 8:7, property within the SFFZ 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, including all subdivision plats and development plan applications.

8:7.3 *Design and development standards.* Unless otherwise addressed through private land covenants and agreements with adjacent property owners setting specific standards for setbacks, buffers, and fencing/landscaping requirements which are approved by Jasper County Council and recorded in the Jasper County Register of Deeds Office, the establishment and operation of a solar farm shall comply with the following design and development standards:

8:7.3-1 *Bufferyard:*

Table 8:7-1

Bufferyard Requirements	
	<i>Existing Use of Adjacent Properties</i>

<i>Proposed Use</i>	Agricultural	Single-Family Dwelling	All Other Residential Uses	Office/ Institutional	Commercial/ Non-Effluent Industry	Effluent Producing Industry	Street
Solar Farm	50'	* 200'	* 200'	50'	25'	25'	* 100'

* Single-family dwelling and all other residential use buffers may, at the council's discretion, be increased, or reduced with an approved berm and or landscaping and screening plan, which will screen the solar farm equipment from being seen from the exterior of the property.

* Street buffer may, at the council's discretion, be reduced to 50' with an approved berm and or landscaping and screening plan, which will screen the solar farm equipment from being seen from the exterior of the property; see also §8:7-4(9)

This buffer is separate and distinct from the buffering requirements of Jasper County Zoning Ordinance, article 12.8 and shall be measured from the property line. Only the following activities shall be permitted within the landscaped buffer:

1. Vehicular access drives which tie into approved access points as determined by SCDOT and/or Jasper County;
2. Landscaping and landscaping fixtures;
3. Lighting;
4. Fencing;
5. Signage;
6. Underground utility lines;
7. Overhead utility lines;
8. Drainage or stormwater detention or retention areas.

8:7.3-2 Landscaping/screening requirements: In addition to buffering, screening shall be required by providing landscape within the buffer which achieves a minimum height of ten feet within three years. The intent is to provide sufficient screening, through a combination of buffers, fencing, landscaping, and/or landscaped berms to obscure the solar equipment from exterior view from adjoining property owners and public right-of-ways.

A visually opaque screen shall be provided for any adjacent property that is zoned Residential, has an existing residential use, and/or is zoned Rural Preservation and has been subdivided to five acres or less (these are protected properties). An opaque screen is intended to exclude a visual contact with the solar equipment from any protected property, public street or public right-of-way. An opaque screen may be composed of a wall, fence, building, landscaping, landscaped berm, or combination thereof. Natural areas as detailed below may also be used to meet screening requirements.

Natural areas: An existing vegetated area located on the same property as the solar farm; is within or includes the required buffer; and is of sufficient height, length, and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen where required. The development services representative (DSR) may determine that further screening improvements shall not be required.

8:7.3-3 *Setbacks*: The setbacks for solar equipment associated with the solar energy system shall be 25 feet larger than the applicable bufferyard to allow for an access road around the perimeter of the property.

8:7.3-4 *Fencing*: A security fence shall be required at least six feet in height to secure the solar equipment unless a taller fence is needed in order to obscure the solar equipment from exterior view (see also §8:7.3-2); the fence can be on top of the berm in order to achieve this goal. A chain link fence shall not be allowed unless it is screened from exterior view from adjoining property owners and public right-of-ways; screening may include plantings to create a "living fence", or to obscure the view of the fence. Breaks in fencing may be allowed or required by council to facilitate wildlife needs where natural features provide appropriate barriers to access by humans for security and safety purposes.

8:7.3-5 *Height*: The solar energy system shall not exceed ten feet in height, as measured from the ground to the foremost/tip end of the solar collector, provided there is a demonstration that the screening prevents the system from being visible from the exterior of the property. Ancillary non solar collector structures, such as inverters, transformers, etc., may be taller than ten feet in height, provided that such are not visible from the exterior of the property.

8:7.4 *General requirements*:

1. Solar collectors shall be designed with anti-reflective coating to minimize glare. Mirrors are prohibited.
2. On-site electrical interconnections and powerlines shall be installed underground to the extent feasible. Existing above ground utility lines shall be allowed to remain in their current location.
3. A warning sign concerning voltage must be placed at the main gate that states the address of the site, the name of the solar farm operator, and a local phone number for the solar farm operator in the case of an emergency.
4. Access to the site must be controlled by a six foot wooden fence or gate if the fencing is visible from the exterior of the property. If the fencing/gate is within the interior 25 percent of the buffer, or is not visible from the exterior of the property, chain link gate and fencing may be used.
5. Entrance roadway should include a dog leg or meander to obscure vision from the roadway.
6. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
7. Adequate provisions to reduce average/constant noise levels at the property boundary not to exceed 50 dBA at the property line, except during construction.
8. A solar collection device or combination of devices are to be designed and located to avoid directing glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
9. Planning commission may include special conditions in their recommendation to county council to implement the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare set forth in article 1 of the Jasper County Zoning Ordinance. County council may accept, modify, reject, or add additional conditions at its sole discretion.

8:7.5 *Site restoration/stabilization*: Unless otherwise agreed by county council in its concept plan or development agreement approval process, the applicant shall submit a ten percent site restoration/stabilization guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the county prior to issuance of the development permit. The site restoration/stabilization guarantee shall insure satisfactory grading, seeding, and stabilization of the site in case of default by the applicant and/or if the applicant does not install the required site improvements in a timely fashion as determined by the DSR, including the costs of landscaping, screening, and or fencing for the site or such portion thereof being permitted. The developer shall provide the county with an itemized engineer's estimate of the approved site improvements in conformity with article 1.8 of the Jasper County Land Development Regulations for approval and calculation of the bond amount. The site restoration guarantee may be refunded upon issuance of a certificate of project close-out for the site stabilization and improvements.

8:7.6 *Decommissioning*: Unless otherwise agreed by county council in its concept plan or development agreement approval process, the applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated timeline and manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm or such other conditions approved in the concept plan or required in a development agreement. If the property has been timbered within two years of re-zoning to the SFFZ, original condition means replanted with timber. Decommissioning will be required following a continuous period of 12 months in which no electricity is generated by the facility other than for mechanical, repair, replacement and/or maintenance purposes.

1. The permit holder will have 12 months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.
2. Prior to issuance of development permit, the applicant must provide the county with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the county in the amount of 125 percent of the estimated decommission cost minus the salvageable value, or \$50,000.00, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.
3. Every five years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary.
4. Proof that the decommissioning plan has been recorded with the Jasper County Register of Deeds.

(Ord. No. 16-13, § 4, 7-18-16)

8.8. - Gateway corridor overlay district (GCOD).

8:8.1 *Purpose and intent*. The purpose and intent of the Gateway Corridor Overlay District (GCOD) is to promote an appropriate mix of commercial land uses that can coexist with residential land uses, while providing overall design standards that will enhance the entrance into the County and discourage incompatible land uses that may detract from

the image of this important gateway. The GCOD adds an extra layer of land use regulation over the underlying commercial zoning, which allows increased flexibility in land use and identifies additional development standards needed to protect the overall character and appearance of this highly visible corridor.

8:8.2 Application. The GCOD shall apply to all land within 500 feet of the right-of-way of Highway 17, beginning at the intersection of Strain Place and ending at Alligator Alley as depicted on the GCOD Map. The regulations of this overlay shall apply to all new non-residential development and any existing development which meets the following criteria:

- Any change of use of a non-residential property, and/or
- Any building expansion that increases the floor area of a non-residential use by 20 percent or more or any parking addition of ten or more spaces.

[**Commentary:** The overlay applies if a vacant property converts to any non-residential use; a change in non-residential use such as a restaurant to a hardware store. However, changes of similar uses (e.g., retail to retail) would not apply unless parking or floor area is increased by the thresholds listed.]

Unless a deviation from such restrictions are provided elsewhere in this section 8:8, property within the GCOD 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.

8:8.3 Use regulations: In addition to the uses prohibited by any other law or applicable zoning, the following uses are strictly prohibited in the Gateway Corridor Overlay District:

- Animal Production, NAICS 112
- Used Motor Vehicle Parts, NAICS 421140
- Recyclable Material, NAICS 42193
- Waste Management Services, NAICS 562
- Racetracks, NAICS 711212
- Tattoo/Piercing Parlors, NAICS 812199
- Sexually Oriented Business, NAICS 81299
- Correctional Institutions, NAICS 92214
- Manufactured Homes Parks
- Multi-Family Residential

In addition to the uses allowed in the underlying zoning district found elsewhere in this ordinance (Table 6.1 of article 6), the following additional land uses are permitted as by-right in the Gateway Corridor Overlay District except where conditional use is indicated:

- Agricultural Production, Crops, NAICS 111
- Support Activities for Crop Production, 1151
- Forestry Activities, NAICS 11531, Conditional Use — See article 11:7.3A
- Sewage Treatment Facility, NAICS 2213
- Electric, Generation, NAICS 222111
- Building, Developing, and Contracting, NAICS 233
- Heavy Construction, NAICS 234

- Manufacturing of Printing and Related Support Activities, NAICS 323
- Wholesale Trade Durable Goods and Non-Durable Goods, NAICS 421 and 422
- Automotive Parts and Accessories Store, NAICS 441310
- Lumber and Building Materials, NAICS 4441
- Manufactured Home Dealers, NAICS 45393 — Conditional Use — See article 11:7.10A
- Truck Transportation, NAICS 484
- Pipeline for Transportation, NAICS 486
- Scenic and Sightseeing Transportation, NAICS 487
- Support Activities for Transportation, NAICS 488
- Warehousing and Storage, NAICS 493
- Publishing Industries, NAICS 511
- Motion Pictures and Sound Industries, NAICS 512
- Mini-Warehouses, NAICS — Conditional Use — See article 11:7.14
- Educational Support Services, NAICS 6117
- Performing Arts, Spectator Sports, & Related Industries, NAICS 711
- Auto Repair and Maintenance, NAICS 8111 — Conditional Use — See article 11:7.27A
- Manufactured Housing (as single family residential use)

8:8.4 *Design and development standards.*

A. General requirements and development standards:

1. Building placement: All buildings shall front onto a public or a previously approved private street, or share a frontage line with a square or other similar common open space. The front facade of buildings shall be generally parallel to front property lines when placed along the corridor right-of-way.
2. Building height and setbacks: See article 7 of the Jasper County Zoning Ordinance.
3. Building vernacular: Shall be in accordance with article 8:5.8 of the Jasper County Zoning Ordinance, Highway Corridor Overlay District, Architectural Design and Materials.
4. Bufferyard: Bufferyards shall be in accordance with article 12:8 of the Jasper County Zoning Ordinance except where new or expanded non-residential use is proposed adjacent to existing residential use, in this case, the Bufferyard shall be Bufferyard 4, 5B, or 6B in Article 12:8.2-4, Bufferyard Illustration.
5. Fencing: Shall be of durable construction using quality material (i.e., brick, stone, other masonry, wood, metal, decorative vinyl, or any combination thereof). 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 in the Gateway Corridor Overlay District, unless their use is for sports field and recreational complexes. In such conditions, the fencing shall be color coated with a manufacturer applied finish. Such fencing may also be permitted for temporary use during construction and site development provided it is removed or replaced with a compliant material upon completion of construction. This requirement is for aesthetic purposes only and is not associated with building code requirements or standards.

6.

Highway buffer, tree removal and landscaping: Shall be in accordance with article 8:5 of the Jasper County Zoning Ordinance, Highway Corridor Overlay District.

7. Open space: A minimum of ten percent of the site must be devoted to usable open space which may include greens, unaltered natural features, or other similar areas not covered by impervious surface. Required setbacks and buffer yards may be included in calculating this requirement. All open space shall be clearly labeled as such on any plans submitted for county review.
 8. 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 at least eight feet high. One evergreen shrub shall be installed for every five 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 three to five 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.
 9. Lighting: See article 3:9 of the Jasper County Land Development Regulations.
 10. Parking: See article 12 of the Jasper County Zoning Ordinance.
- B. Sidewalks and pedestrian amenities:
1. Sidewalks and connectivity:
 - a. At a minimum, sidewalks shall comply with the construction requirements set forth in the Jasper County Land Development Regulations;
 - b. Sidewalks shall be located to allow pedestrians to safely move from their vehicles to the building;
 - c. Sidewalks shall connect to existing pedestrian circulation of adjacent parcels where not restricted by topography or other existing site features;
 - d. When adjacent to a residential use district, sidewalks shall be provided to allow pedestrian access to and from a commercial retail development;
 - e. Sidewalks shall be required on both sides of public or private streets within a commercial retail development.
 2. Other pedestrian amenities:
 - a. All retail commercial development or use with a gross indoor floor area in excess of 40,000 square feet shall provide improved common open space for use by patrons. Such common open space shall be a minimum of 500 square feet in area and may include squares, plazas, greens or other similar spaces.
- C. Connectivity: Reduction of access points to the corridor is required to the maximum extent possible. The following shall apply:
1. Consolidation of access points:
 - a. Driveway and/or other access separation along the corridor shall be in accordance with the SCDOT, *Access and Roadside Management Standards*.
 - b. 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
 - c.

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.

2. Stub outs:

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

8:8.5 Gateway corridor overlay district sign regulations: Signage in the Gateway Corridor Overlay District shall be in accordance with this Section, 8:8.5 Gateway Corridor Overlay District Sign Regulations; Table 8:8-1 Permitted Signs, and Article 15, Sign Standards. In case of conflict, the stricter standard shall apply.

8:8.5.1 Permitted signs: Wall signs and freestanding monument signs in accordance with Table 8:8.1 are the only signs permitted within the Gateway Corridor Overlay District with the following exceptions:

- 1. Changeable copy signs (message boards) for fuel pricing shall meet the following requirements.
 - a. Be monument style only;
 - b. Fuel pricing signs shall display only the name, trademark, registered logo, and the vehicular fuel product and prices.
- 2. Animated signs, including electronic changeable copy signs for time and temperature only and does not exceed 15 square feet of copy area.

Table 8:8-1, Gateway Corridor Overlay District Sign Regulations

Type	Maximum Sign Area (square feet)	Maximum Height (feet)	Maximum Sign Width (feet)	# of Faces Allowed
Freestanding Sign Monument,	50 for single business; 90 for group developments less than 25,000 s.f. in floor area; 135 for group developments of 25,000 s.f. or more	6 feet for single development; 8 feet for group development	12 feet	2 back to back

Wall Sign	10% of wall. The total area of the wall sign shall not occupy more than 10% of the area of the wall upon which they are placed	80% of wall height	80% of wall width	1 sign per tenant per side. Tenant signs must be located on the façade of the tenant space
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8:8.5.2 Illumination of all signage, except wall signage, shall be limited to cut-out letters and indirect lighting. Back lit wall signage shall be permitted however, the background of the sign face shall be opaque and light shall only come through the lettering of the sign.

(Ord. No. 17-04, § 3, 4-17-17; Ord. No. 2023-03, § 1, 3-20-23)

ARTICLE 9. - GENERAL PROVISIONS

9:1. - Application.

The regulations set forth in this ordinance, affect all land, every building, and every use of land and/or buildings and shall apply as follows.

9:1.1. *New uses or construction.* After the effective date of this ordinance, all construction and uses of land shall conform to the use and dimensional requirements for the district in which it is to be located, except that construction or uses of land which are substantially complete or developed on the effective date of this Ordinance shall be allowed to be completed provided that in no case shall construction or development of a use extend beyond 90 calendar days from the effective date of this ordinance.

9:1.2. *Open space requirements.* After the effective date of this ordinance no part of a yard, court, or other open space, or off-street parking or loading space required for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or parking and loading space required for any other building.

9:1.3. *Reductions of lot and yard area prohibited.* No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.

9:1.4. *Conforming uses.* After the effective date of this ordinance, there shall be only one use allowed on each lot, with the exception of planned development district's and commercial tract developments. Structures or the uses of land or structures which then conform to the regulations for the district in which such structures or uses are located may be continued; provided that any structural alteration or change in use shall conform to the regulations herein specified.

9:1.5. *Lot requirements.* After the effective date of this ordinance, there shall be only one principal structure allowed on each lot with the exception of planned development district's and commercial tract developments and buildings as defined in Article 9:6 Accessory structures and buildings as defined in Article 9:6 Accessory structures.

9:2. - Adequate facilities.

9:2.1. *Water and sewerage.* It shall be unlawful to construct or occupy any residential dwelling that is not connected to an approved water supply and sewerage disposal facility. Wherever public or community water and sewerage systems are available, dwellings shall be connected to such systems. In every other case, individual water supply and sewerage disposal facilities must meet the requirements set by the South Carolina Department of Health and Environmental Control (DHEC).

9:2.2. *Facility approval.* Area requirements for individual lots in all districts are minimum requirements with an approved water and sewerage disposal system accessible to the lot. If a lot of record with less than the minimum area is proposed for use and does not have an approved water and sewerage system available, a certificate from the South Carolina Department of Health and Environmental Control (DHEC) approving the proposed facilities must accompany a request for a building permit.

9:3. - Nonconforming uses, structures, lots, and sites.

9:3.1. *Intent.*

1. Nonconformities are considered in general to be incompatible with the current or intended use of land, buildings, or structures in the district in which they are located.
2. Legal nonconformities are uses, structures, lots, or developed site improvements that do not conform to one or more provisions or requirements of this zoning ordinance, but were lawfully established prior to the effective date of this zoning ordinance or amendments thereto, or those approved by the planning commission through subsection 9:3.7(2). They shall be considered as legal nonconforming uses, structures, buildings, lots or sites.
3. Illegal nonconformities are:
 - a. Uses and/or structures that cannot be conclusively proven to have existed prior to the enactment or amendment of the zoning ordinance or amendments thereto.
 - b. Uses and/or structures illegally established after the enactment or amendment of the zoning ordinance or amendments thereto.
 - c. Uses and/or structures established prior to the ordinance but became illegal immediately after a zoning ordinance amendment or amendments thereto.
4. This article has special provisions to permit certain nonconforming situations considered to be less harmful or even beneficial to continue under certain conditions, but to discourage their expansion, enlargement, or extension, except in certain cases where specific conditions can be met.
5. The requirements of this article are intended to accomplish the following:
 - a. Eliminate nonconforming uses that are considered to be incompatible with the community and adjacent land use and encourage redevelopment into a more conforming use.
 - b. Allow legal nonconforming buildings, structures or uses to remain until they are discontinued or removed, but to discourage their long-term survival.

- c. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the county as a whole.
- d. Encourage a gradual upgrading of nonconforming site landscaping, parking, paving, signs or other site features the are not in compliance with the requirements of this ordinance.

9:3.2. *Applicability.* To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, upon which actual building construction has been diligently continued and there is a valid development and/or building permit. Actual construction is defined as including the placing of construction materials in permanent position and fastened in a permanent manner.

9:3.3. *Continuation of nonconformity.* On or after the effective date of the zoning ordinance, a nonconforming use, building, structure, lot, or site improvement that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances and regulations in effect at that time, can continue as a legal nonconformity. This right remains if ownership of property, business or structure is transferred.

9:3.4. *Illegal nonconforming uses.* Illegal nonconforming uses shall be declared illegal uses and shall be discontinued.

9:3.5. *Nonconforming lots.*

1. In any district, 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 ordinance for the district in which it is located, such lot may be used for a permitted 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. Any permitted use serviced by a private septic tank system shall meet minimum DHEC regulations.
 - c. All other standards of the ordinance are met.

9:3.6. *Nonconforming buildings and structures.* Nonconforming buildings and structures existing and lawful at the time of adoption of this ordinance or amendments thereto, may be continued even though the building or structure does not conform to the dimensional or other provisions of this ordinance, subject to the following:

1. Nonconforming residential structures may be expanded, enlarged, or extended provided that the expanded area complies with the setback requirements of the district.
2. Nonresidential nonconforming buildings or structures may be expanded, enlarged, or extended provided that the expanded area complies with the setback requirements of the district provided that structural expansion must be approved by the planning commission in accordance with subsection 9:3.7(2).
3. Structural expansion may not violate setback or height requirements unless hardship is proven and a variance is granted by the BZA.

9:3.7. *Nonconforming uses.* The lawful use or any building, land or building and land in combination, that existed prior to the effective date of this ordinance or any amendments thereto, may be continued subject to subsection 9:3.3. Illegal nonconforming uses are subject to subsection 9:3.3. Modification or change to nonconforming uses are subject to the following provisions:

1. Any nonconforming use may be changed to any conforming use permitted within the same zoning district.

2. Any modifications to a nonconforming use, including a change in use, the re-establishment of a nonconforming use or any expansions or alterations to the use, which do not otherwise conform to all provisions of this ordinance, shall require approval by the planning commission.
 - a. In determining whether a nonconforming use change, re-establishment, or expansion of the nonconforming use is appropriate, the planning commission may consider the following standards:
 - (1) That the proposed nonconforming use will be harmonious with the surrounding area.
 - (2) That the proposed nonconforming use will be a desirable addition to the physical pattern of the neighborhood.
 - (3) That any additional traffic resulting from the proposed nonconforming use will not be a burden on existing streets.
 - (4) That no adverse environmental impacts including noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, etc. will be created by the proposed nonconforming use.
 - (5) That outdoor storage or activities are limited and subject to review and may require increased setbacks and buffers.
 - (6) That the proposed use is considered to be benefit to the community and the county as a whole by implementing goals of the county comprehensive plan.
 - b. In permitting any nonconforming use, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance to assure that the use will not be detrimental to the adjacent property and surrounding area; including screening, buffering, etc.
 - c. The nonconforming use shall be subject to the applicable regulations of the zoning district where the nonconforming use is permitted as deemed appropriate by the planning commission.
 - d. Adjacent property owners must be notified by mail at least one week prior to the meeting in which the application is to be considered by the planning commission and a public notice sign shall be placed on the subject property.
 - e. If approved by the planning commission, the use shall remain a legal nonconformity until it complies with all zoning regulations.

9:3.8. *Damage or destruction of nonconforming uses, buildings or structures.* Any nonconforming building or structure, use, or any building or structure containing a nonconforming use, which has been damaged by fire or other natural causes, may be reconstructed or replaced, and used as before, if reconstruction or replacement is substantially begun within 12 months of such damage. An extension of the 12-month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12-month timeframe. However, reconstructed or replaced buildings or structures shall not exceed the square footage contained in the structure at the time the damage occurred by more than 25 percent.

Furthermore, all reconstructed or replaced buildings, structures, or uses which alter, improve, or are built on a different location on the same parcel from the original construction shall meet all applicable requirements for the zoning district in which the building, structure, or use is to be located unless such requirements are modified by the board of zoning appeals pursuant to its powers enumerated in article 2.

Damage or destruction of nonconforming buildings, structures, or uses shall not include the deterioration of such due to a failure to adequately maintain or allow structures to fall into disrepair.

9:3.9. *Repair and alteration of nonconforming uses.* Normal maintenance and repair of a building or structure occupied by a nonconforming use is permitted provided no other provisions of this ordinance are violated.

9:3.10. *Cessation of nonconforming uses of land, buildings and structures.* When a nonconforming use of land ceases for a continuous period of 12 months, or the use is brought into conformity through actions of the owner, operator, occupier, or a governmental body, subsequent use of the land shall conform to the regulations for the zoning district in which the land is located unless otherwise provided in this ordinance. If a non-conforming condition existing on the land is reduced in scope, or partially removed, such non-conforming condition shall not thereafter be re-established or expanded, unless express permission is granted pursuant to subsection 9:3.7(2). An extension of the 12 month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12-month timeframe.

When a nonconforming use of a structure is discontinued or abandoned for 12 months, the use shall not be resumed and the subsequent use shall conform to the regulations for the district in which the structure is located, unless otherwise provided for in this ordinance. An extension of the 12-month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12-month timeframe.

When a mobile home is removed or an applicant wishes to replace a mobile home the dwelling may be re-established within a 12-month timeframe. Past 12 months, adherence to all current zoning ordinance regulations is required. In regard to shared septic systems, any replaced mobile home must adhere to current DHEC regulations.

9:3.11. *Temporary nonconforming uses of land.* Temporary nonconforming uses of land for carnivals, waste lots during the development of lots, and similar uses may be permitted according to the provisions of section 10:1, Provisions for group development.

9:3.12. *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of a nonconforming use, buildings, structure or lot, provided there is no change in character to the nonconformity and that all building and fire codes are met.

9:3.13. *Right-of-way relocation.* Where a nonconforming front yard setback or buffer is created as a result of additional road right-of-way width being acquired by the South Carolina Department of Transportation or county public works, the building or parking lot may be improved or expanded without the need to obtain a variance from the board of zoning appeals, provided the following conditions are met:

1. The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.
2. The building or parking lot expansion will not reduce the depth of the front yard setback.
3. All other ordinance requirements are met and necessary approvals obtained.

9:3.14. *Nonconforming mobile home parks.*

1. This chapter shall regulate mobile home parks (see article 21) which are legal nonconformities as well this chapter regulates illegal nonconforming parcels.
2. After March 18, 2007, mobile home parks and may continue only through compliance with the parking and operational requirements driveway restrictions, screening requirements and performance standards of this ordinance and the land development regulations. Also, the mobile home park must meet the requirements

of any applicable federal, state or county regulations or guidelines, including but not limited to DHEC regulations, the addressing and road naming ordinance, the Standard Building Code, and the assessor's mobile home registration process.

3. Whenever all mobile homes within a mobile home park are removed or become unoccupied for a continuous period of 12 months including up to 12 months prior to the adoption of this ordinance, the mobile home park may be reestablished only through compliance with all of the restrictions applicable to a new park.
4. If a structure in a legally nonconforming mobile home park is damaged or destroyed the structure may be repaired or replaced without increasing the degree of nonconformity as allowed through subsection 9:3.8.
5. Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming mobile home park. However, no alterations are allowed except in compliance with article 21.

9:3.15. *Nonconforming camper and recreation vehicle parks.* Notwithstanding the provisions of section 9:3 hereof, nonconforming camper and recreation vehicle (RV) parks shall meet the requirements of subsection 6:2.12 not later than one year following the adoption of this ordinance or such use shall immediately cease.

(Ord. No. 08-11, §§ 3—7, 5-5-08; Ord. No. 10-08, § 1, 5-3-10; Ord. No. 2020-04, § 2, 3-16-20)

Editor's note— Ord. No. 10-08, § 1, adopted May 3, 2010, changed the title of section 9:3 from "Nonconforming uses and structures" to "Nonconforming uses, structures, lots, and sites." The historical notation has been preserved for reference purposes.

9:4. - Public access to property.

Every building hereafter erected or moved shall be located on a lot adjacent to and have a minimum of 50 feet of access frontage to a public street, highway, road, or other public right-of-way or private road with the exception of cul-de-sac radii in which case the frontage can be reduced to 30 feet.

9:5. - Parking and storage of vehicles.

9:5.1 *Storage and use of campers or recreational vehicles.* No more than three recreational vehicles may be stored outdoors in any Zoning District unless approved through "Camps and Recreational Vehicle Parks" conditional use review.

No recreational vehicles shall be stored in front yards aside from in an established driveway. Parking is prohibited within the building area setback, however, such item may be parked anywhere on a parcel of record for a period not to exceed 48 hours during loading or unloading. Recreational vehicles may be used for temporary lodging up to seven days unless approved through a temporary emergency dwelling permit (below), but permanent power sources shall not be approved. Recreational vehicles shall be parked no less than five feet away from a habitable structure.

9:5.1.1 *Temporary emergency dwelling.* The owner of a parcel of land may apply for a temporary emergency dwelling permit under the following circumstance:

1. A temporary emergency hardship exists when a fire, flood, or other accident renders a permanent dwelling uninhabitable.
- 2.

The owner of the parcel is in the process of repairing or rebuilding a permanent dwelling on that parcel because a temporary emergency hardship rendered the permanent dwelling uninhabitable and whereas, a building permit has been issued for such repairs and/or reconstruction.

3. The owner must have occupied the permanent dwelling prior to the temporary emergency hardship and must intend to occupy the repaired or rebuilt dwelling.

In order for the Jasper County planning and building services department to issue a temporary emergency dwelling permit, the following conditions must be met:

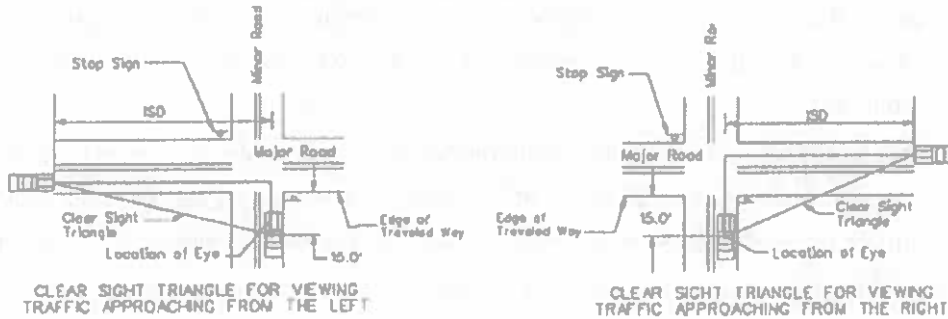
1. The parcel size must be at least one acre and located in the Residential, Rural Preservation, or Community Commercial Zoning District.
2. There shall be no more than one temporary emergency dwelling per parcel.
3. A current vehicular license or registration shall be maintained for any recreational vehicle used as a temporary emergency dwelling.
4. The placement of the temporary recreational vehicle must meet SCDHEC requirements for water and wastewater connections and Jasper County requirements for temporary electrical service.
5. A temporary recreational vehicle shall remain road ready at all times.
6. The temporary recreational vehicle shall not be attached or affixed to anything including a permanent foundation, porch, patio, storage buildings, or etc.
7. The temporary recreational vehicle shall be located behind the permanent dwelling if one exists; if not possible, the recreational vehicle shall be located in a rear or side yard.
8. The temporary recreational vehicle shall be screened from the road or public access. Screening shall consist of a wooden fence, landscaping, berm or similar materials.

A temporary Emergency Dwelling permit shall expire six months from the date of issuance. One six-month extension may be granted. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the DSR. Occupancy of a temporary emergency dwelling shall cease immediately upon expiration or revocation of such permit. All utilities shall be disconnected and the temporary emergency dwelling shall be removed upon expiration or revocation of the temporary emergency dwelling permit. An unoccupied RV may be stored on the property with all utilities disconnected so long as it meets the setback requirements for a residential structure and no one lives in the RV.

9:5.2. Parking, storage and use of non-residential vehicles and equipment.

1. No automobile, truck, or trailer of any kind or type, without current registration and license plates, shall be parked and construction equipment shall not be stored on any lot in the R or RP Zoning Districts, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property.
2. Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in the R Zone District shall be limited to one FHWA Class 8 or less vehicles. See chart below.

INTERSECTION SIGHT DISTANCES
(For Vehicles Approaching from the Left and
For Vehicles Approaching from the Right on a Two-Lane Highway or Street Only)



3. Vehicles used for commercial, industrial, or construction purposes are prohibited from parking in the front yards within residential zones unless on a driveway, nor within street/highway right-of-way in such districts, when not actively involved in commerce. Parking within the side and rear yards is allowed, but not within the setbacks.
4. No commercial vehicles used for transporting or hauling explosives, gasoline, or liquid petroleum products shall be permitted to park in any residential zone district.

(Ord. No. 12-02, § 1, 2-21-12; Ord. No. 2018-05, § 1, 4-2-18)

9:6. - Accessory structures.

An accessory structure is any structure over 120 square feet that supports an approved accessory use as defined in article 4.

9:6.1. *General standards.*

1. Except for accessory structures used in connection with agricultural uses or accessory dwelling units allowed by section 11:6 or 11:7, accessory structures shall not exceed 20 feet in height.
2. Accessory dwelling units and commercial accessory structures are limited to height restrictions required in article 7:5.
3. Accessory structures shall be at least ten feet from the principal structure and at least ten feet from another accessory structure. Placement may be subject to fire marshal approval.
4. No accessory structure shall occupy any part of a bufferyard.
5. No accessory structure shall occupy any part of a required setback.
6. Structures 120 square feet or larger require a building and zoning permit. Structures under this size must still adhere to the provisions of this section.

9:6.2. *Accessory structures and dwelling units in the residential zoning district.* Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. One dwelling unit is allowed per lot, except as allowed by section 11:6 or 11:7. However, second floor garage apartments are considered an approved accessory structure and use.

2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment.
3. Accessory structures shall be allowed in side and rear yards and shall meet all setback requirements stated in article 7. Detached garages in conjunction with the primary dwelling may be located in front yards but are subject to setback requirements. All other accessory structures shall be allowed in side and rear yards.
4. For larger-lot residential designated property (over two acres), accessory structures in front yards shall be allowed but are subject to 75-foot setbacks.
5. Where an accessory building is erected in the side yard adjacent to a street on a corner lot, it shall not be located closer to the street than the required front yard setback distance.
6. Shipping containers cannot be used as accessory structures in the residential zoning district.
7. There is a limit to three accessory structures per residential lot.

9:6.3. *Accessory structures in commercial, industrial and community commercial zoning districts.*

1. There is no limit on accessory structures for approved accessory uses as defined in article 4.
2. Accessory structures shall meet all setbacks as noted in article 7.

9:6.4. *Accessory structures in resource conservation and rural preservation zoning districts.* Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment
2. There is no limit on the number of accessory structures.
3. Accessory structures can be placed in side and back yards but must adhere to setback requirements. Front yard accessory units are only allowed if they meet a 75-foot setback.

9:6.5. *Hunt camp and rural accessory seasonal dwelling units.* Hunt camp and rural accessory seasonal dwelling units (mobile homes and cabins) are allowed on land owned by hunt club organizations or large land owners without subdivision for the purpose of seasonal hunting and recreational use, provided:

1. Clustering is acceptable, but 25 feet between structures must be maintained.
2. Building setback is 150 feet from any public roadway or property line.
3. One hunt camp and rural accessory seasonal dwelling unit is allowed for every 100 acres of land.
4. Zoning and building permits must be attained prior to construction.

ARTICLE 10. - PROVISIONS FOR GROUP DEVELOPMENT

10:1. - General standards.

- A. *Setbacks/height.* See Article 7.
- B. *Roads.* All roads or drives within the group development shall meet the County Land Development Regulations requirements for private roads. If the roads are to be conveyed to Jasper County, they shall be built in compliance with the county land development regulations.
- C. *Traffic circulation.* Traffic circulation within the group development shall be reviewed and approved by the planning commission.
- D. *Off-street parking.* See Parking Table 12.1.
- E. *Off-street loading.* See Off-Street Loading Table 12.3.
- F. *Exterior lighting.* Adequate exterior lighting shall be provided in all group developments. For lighting of horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" (no light output above 90 degrees at any lateral angle around the fixture). Fixtures shall not be mounted in excess of 30 feet above finished grade. All other outdoor lighting such as floodlights and spotlights shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway.
- G. *Signage.* All signage in a group development shall be in accordance with the provisions set forth in the county sign ordinance.
- H. *Screening and buffering.* A wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least six feet in height shall be provided along side and rear exterior lot lines where any non-residential use is adjacent to a residential use and/or district for the purpose of screening non-residential activities from view. Additionally, a 15-foot landscaped buffer along the exterior property lines adjacent to residential uses and districts shall be maintained. No development is permitted in this buffer.
- I. *Parking lot landscaping.* Off-street parking lot landscaping shall be provided as set forth in section 12:4, Parking lot landscaping.

10:2. - Site plan review for group developments.

This section lists the criteria by which group developments are reviewed. Permitted uses must be in conformance with the site plan requirements listed in this section.

In any group development no building permit shall be issued until a site plan meeting the requirements of this section has been reviewed and approved by the DSR. All site review approvals are valid for two years, where upon if no building permit has been issued; a new site review will be required. A minimum of three copies of the site plan meeting the requirements of this section must be submitted to the DSR.

10:2.1. *Site plan submittal requirements.* In order to ensure proper and expeditious review, the site plan must meet the following criteria:

- A.

The site plan must be drawn to a scale of not less than 50 feet to one inch by an appropriate, qualified professional of the State of South Carolina;

- B. A vicinity map, title block, scale, north arrow, site size, and property line survey;
- C. The location of any utility easements;
- D. The land use for every part of the site and the number of acres devoted to each use;
- E. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
- F. The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;
- G. Stormwater management and sedimentation and erosion control plans, which must be submitted to the county soil and water conservation district;
- H. The site's sign plan, which includes all exterior signage of the development;
- I. The site's lighting plan, including the location, height, and type of all exterior light fixtures;
- J. If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;
- K. If applicable, the location of all proposed residential structures, their general exterior dimensions, the number of residential dwelling units by type, and the number of the bedrooms in each unit;
- L. If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc. and the dimensions thereof;
- M. The screening and landscape plan for the site; including the location, size, and type of plant material;
- N. Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;
- O. Elevations of proposed development;
- P. Prospective sketch indicating colors and materials of all structures and screening.

ARTICLE 11. - CONDITIONAL USE REVIEW AND REGULATIONS

Footnotes:

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Editor's note— Ord. No. 11-24, § 8, adopted September 6, 2011, amended article 11 in its entirety to read as herein set out. Formerly, article 11, sections 11:1—11:6, pertained to provisions for conditional uses, and derived from an ordinance adopted November 13, 2007, and Ord. No. 08-11, § 8, adopted May 5, 2008.

11:1. - Purpose and findings.

The county zoning ordinance provides for certain uses that, because of unique characteristics or potential impacts to adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards set forth in the zoning ordinance or by the planning commission, be approved. These uses shall be permitted after plans prove adherence to the conditions through a zoning permit, zoning certification or site plan review and approval by the DSR.

No inherent right exists to establish a conditional use. Such authorization must be approved after satisfaction of a specific set of circumstances and conditions, in some cases applied by the planning commission. Each application and situation is unique. Every conditional use approval shall at a minimum be required to comply with all applicable regulations and rules in the county zoning ordinance and land development regulations and applicable industry or case specific conditions to ensure that the use can be appropriately accommodated on the specific property; that it will conform to the comprehensive plan; that it can be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the community; and that the public interest, health, safety, and general welfare will be promoted in some cases. Mere compliance with the generally applicable requirements however may not be sufficient, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

(Ord. No. 11-24, § 8, 9-6-11)

11:2. - Conditional use review applicability.

The provisions of this section apply to any application for approval of a conditional use. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design, and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. This manner of approval is not required for any use permitted by right in a given zoning district.

(Ord. No. 11-24, § 8, 9-6-11)

11:3. - Initiation.

Any landowner or that owner's authorized representative may apply for a conditional use review for a specific use by filing an application with the DSR at least three weeks prior to the desired planning commission meeting if the request is subject to planning commission review or at the time of application for site plan, zoning permit, or zoning certification if subject to DSR review.

In cases where planning commission review of the conditional use is required, the applicant shall provide at minimum a full narrative discussing the proposal and a site plan with sufficient refinement to adequately represent the proposed use and site layout.

(Ord. No. 11-24, § 8, 9-6-11)

11:4. - Review authority.

Uses subject to industry specific conditions are approved by the DSR by issuance of a zoning permit, zoning certification or site plan development permit by demonstrating adherence to the conditions during review and construction. In cases where certain conditional uses are proposed for parcels adjacent to residential areas, public parks, day cares, religious uses, historic and archaeological sites (listed on the National List of Historic Places or identified by the state department of archives and history) or environmentally sensitive areas (protected lands, critical habitat for endangered species and receiving waterways as defined by DHEC OCRM), the planning commission shall review and decide upon any additional case specific conditions appropriate to add to the land use proposal after considering the recommendation of the DSR. Industries requiring planning commission review of conditions if triggered by the aforementioned adjacent uses include the following:

Sector 31-33: Manufacturing

Sector 42: Wholesale Trade

Sector 48-49: Transportation and Warehousing

Sector 56: Waste Management and Remediation Services

In all cases, the DSR reviews the final plans submitted by the applicant for the desired permit and enforces all conditions. Failure to satisfy industry specific conditions noted in this chapter or case specific conditions required by the planning commission will prevent the issuance of a zoning permit, zoning certification or site plan approval for a conditional use. Administrative appeal of any determination of the DSR is heard by the board of zoning appeals consistent with procedures outlined in article 3. In cases where industry specific conditions or case specific conditions required by the planning commission cannot be met, the BZA has the authority to hear and decide upon variances in cases of hardship as outlined in article 3.

(Ord. No. 11-24, § 8, 9-6-11)

11:5. - Case specific conditions.

When considering uses subject to their review the planning commission may impose case specific conditions, including reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in the zoning ordinance or land development regulations as it may deem necessary to protect the public interest and welfare. However, if conditions cause hardship, the landowner or applicant may be eligible to be granted a variance from the case specific conditions by the BZA. Such additional standards may include, but need not be limited to:

1. Dedication or reservation of land;
2. Creation of restrictive covenants or easements;
3. Enhanced setbacks;
4. Yard requirements;
5. Increased screening or landscaping requirements;
6. Area requirements;
7. Development phasing;
8. Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
9. Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment.
10. Require that a performance guarantee acceptable in form, content, and amount to the DSR and county attorney be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

(Ord. No. 11-24, § 8, 9-6-11)

11:6. - Consideration for determining case specific standards for Sector 31-33: Manufacturing, Sector 42: Wholesale Trade, Sector 48-49: Transportation and Warehousing, Sector 56: Waste Management and Remediation Services when subject to planning commission review.

During review the planning commission shall ensure the proposal shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district. In making a determination of case specific conditional standards, consideration shall be given to the following factors which may assist with development of additional conditions (including but not limited to):

1. Appropriateness of design and operation so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character or negatively impact aesthetics of the area and/or corridor in which it is proposed;
2. Appropriateness of location, type, and height of buildings or structures;
3. Appropriateness of the type and extent of landscaping and screening on the site is sufficient; and
4. Consistency with any policy of the comprehensive plan that encourages mixed uses and/or densities.
5. Availability of utilities and services such as highways, streets, police and fire protection, drainage structures, water and sewage facilities.
6. Minimization of traffic hazards and to minimize traffic congestion on the public roads.
7. Mitigation of vibration, noise, odor, dust, smoke, or gas.
8. Avoidance of impact to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
9. Avoidance of designs that may impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
10. Avoidance of detrimental impact or endangerment to the public health, safety, morals, comfort, or general welfare.
11. Compatibility with the goals, objectives, and policies of the county comprehensive plan and promote the intent of the zoning district in which the use is proposed.
12. Appropriateness of the hours of operation.

The planning commission has the authority to request additional information related to the use/site and, where necessary, require additional mitigating steps to ensure that the proposed use is compatible with the surrounding land uses as noted in the previous section (11:5).

(Ord. No. 11-24, § 8, 9-6-11)

11:7. - Industry specific conditional use regulations.

The industry specific conditions contained in this section are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this ordinance are imposed herein on all conditional uses listed on Table 6.1 and set out below.

11:7.1. *Sector 112111: Livestock, except feedlots.*

1. The parcel size shall be a minimum of two acres.
2. The number of animals permitted shall be limited to no more than one per every 6,000 square feet.

3. All buildings or structures (excluding fences) shall be located a minimum of 150 feet from the property line.

11:7.1.A. *Sector 11531: Forestry.*

- a. All Forestry Activities must meet the criteria as defined in Act No. 48 of 2009.

11:7.2. *Sector 1123: Poultry and eggs.*

1. The parcel size shall be a minimum of two acres.
2. The number of animals permitted shall be limited to no more than one per every 6,000 square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of 150 feet from the property line.

11:7.3. *Sector 1129: Animal specialties.*

1. The parcel size shall be a minimum of two acres.
2. The number of animals permitted shall be limited to no more than one per every 6,000 square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of 150 feet from the property line.

11:7.4. *Sector 21: Mining and mine operation.*

1. Article 6:1, Table 1 "Mining" encompasses "Mining and mine operation".
2. Mining and mine operation must have all required state and federal permits and meet the requirements of all state and federal statutes and regulations.
3. For the purposes of section 16:2, mining and mine operation shall be deemed to be a manufacturing use.
4. Mining and mine operation must meet all applicable roadway improvement standards.
5. Mining and mine operation must meet the following setbacks:

Setback Requirements for Mining and Mine Operation

Required Setbacks Where Permitted	Adjacent Zoning						
	RE	RC	RP	R	CC	GC	ID
From Property Line	50'	1,000'	300'	1,000'	1,000'	300'	100'
From Existing Residential Structures *	N/A	N/A	1,000'	N/A	N/A	1,000'	N/A

* Residential structures existing when submittal deemed complete.

11:7.5. *Sector 22132: Treatment.*

1. Maximum 30,000 gallons per day.

11:7.5.B. *Sector 22114: Solar electric power generation—Accessory solar.*

Where solar electric power generation is allowed as a conditional use and considered accessory solar, such uses shall meet the following requirements:

1. A solar collection device or combination of devices are to be designed and located to avoid directing glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
2. A plan must be submitted showing the proposed location of solar panels, the arrangement of the panels, distance from the roof, pitch of the finished roof, and distance from the proposed site improvements to all property lines.
3. Solar energy system components must have a UL listing and must be designed with anti-reflective glare coatings to minimize solar glare, and the entire system must meet all requirements of the prevailing edition of the National Electric Safety Code and the International Fire Code.
4. Written authorization from the local public utility company acknowledging that it has been informed of the applicant's intent to install an interconnected (i.e., back into the public utility grid) customer-owned generator and that it also approves such connections shall be provided by the applicant.
5. Roof-mounted solar collector systems shall meet the following additional standards:
 - a. The system shall comply with the maximum height standards for the zone in which it is located, provided that a roof-mounted system shall not extend more than the width of the panel above the roofline of the structure on which it is mounted, and be in accordance with the manufacturer's recommendation for exposure above the roof line
 - b. Panels and all component parts shall be installed per manufacturer's specifications.
 - c. The collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - d. Roof mounted systems shall be located so as not to impede the ability of emergency personnel to access the roof for firefighting purposes.
6. Ground mounted solar collector systems shall meet the following additional standards:
 - a. Ground mounted accessory collector systems in the commercial/industrial districts shall not exceed the height restriction of the district for accessory buildings.
 - b. In residential and rural preservation districts, the location of solar panels shall be limited to the side and rear of the structure and rear lot only, within applicable setback requirements, and shall not exceed eight feet in height.
 - c. Ground mounted accessory collector systems in parking lots or over travel lanes in commercial areas shall have a minimum bottom edge clearance above the travel surface of 14 feet and six inches.
 - d. Ground mounted systems shall be located so as not to impede the ability of emergency personnel to access the site for firefighting purposes.
 - e. Maximum area coverage. For residential properties, a ground-mounted solar energy system shall not exceed 50 percent of the footprint of the principal building served or 1,000 square feet per ½ acre, whichever is greater.

- f. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or public access areas.
- g. Mounting hardware and framing shall be non-reflective or matte black in color.
- h. Panels, ground mounts, and all component parts shall be installed per manufacturer's specifications.
- i. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the health department.
- j. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

11:7.6. *Sector 235: Special trade contractors.*

- 1. Screen on-site storage and construction vehicles as required in section 12.8.

11:7.7. *Sector 31-33: Manufacturing.*

- 1. No such use shall be located closer than 1,000 feet to the property line of any existing residential use, church, school, historical place or public park.

11:7.8. *Sector 42: Wholesale trade.*

Sector 421140. Used Motor Vehicle Parts and Sector 42193. Recyclable Materials:

- 1. The use shall be consistent with the most current Jasper County Solid Waste Management Plan.
- 2. No such use shall be located closer than 1,000 feet to any residential use, church, school, historical place or public park, measured from the property line.
- 3. No such use shall be located within view of and/or 1,000 feet of Interstate I-95, US 17, US 17A, US 278, US 301, US 321, US 601, SC 46, SC 170, SC 315, and SC 462 from I-95 (Exit 28) to Highway 170 (North Okatie Highway).
- 4. The outdoor operations area, including parking and storage areas, shall be located outside the 100 year floodplain.
- 5. No material incapable of being reused or recycled in some form shall be placed in open storage.
- 6. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
- 7. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.
- 8. All materials and activities not within fully enclosed buildings shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a wooden privacy fence, or fencing of other material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four inch by four inch nominal cross section.
 - a. The term "fence" shall mean an eight foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the operations area, including all recyclable material and non-recyclable

materials defined as "junk" in [article 18](#) of the Jasper County Zoning Ordinance, and shields the operation area and recyclable material and non-recyclable materials from view, and is capable of withstanding the effects of the local climate.

- b. The term "evergreen screening" shall mean evergreen trees or shrubs with a minimum height of five feet at time of installation, and not less than eight feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one foot from the body of the adjacent planting. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.
 - c. Landscaping is required outside of the fencing when evergreen screening is not used. One evergreen shrub shall be installed for every five linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be three to five 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.
9. In addition to the fencing requirements, buffering and landscaping requirements shall be met in accordance with [article 12:8](#).
 10. No items/materials may be stacked higher than the required fencing.
 11. All activity conducted on the premises must be contained within the visual screen, and the fencing shall be securely locked unless being actively and contemporaneously supervised.
 12. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
 13. No outdoor burning of any material other than material specifically designed or suitable for the purpose of employee comfort. Any exception must be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.
 14. Upon receiving an appliance, vehicle, or any other material for recycling purposes, the business shall remove, as applicable, the battery, lubricants, fluids, coolants, refrigerants, and the like and shall recycle or dispose of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
 15. Disposal of toxic/hazardous matter is prohibited anywhere without a state permit.
 16. At least 75 percent of the total volume of each separated material type received during a calendar year and remaining on site from a previous year shall be used, reused, recycled, or transferred to a different site for use, reuse, or recycling
 17. Storage of items/materials shall be so arranged as to permit easy access for firefighting purposes.
 18. New construction, expansion or renovation of these facilities shall require submission to the planning commission of a storm water management plan using best management practices designed to protect adjacent properties, wetlands, ditches and watersheds.
 19. Certain activities permitted by DHEC or other state or federal agencies may require a bond, letter of credit or other form of financial security to provide for de-commission, clean-up and/or close-out of these facilities. No development permit or business license for activities requiring such financial securities shall be issued by Jasper County unless the county is provided a copy of such financial

security, and the financial security must also be in favor of Jasper County, if available as part of the State's financial security, to cover any costs or expenses incurred by the county in the event the operation or condition of the facility result in the need to abate a nuisance situation, ameliorate a public health or safety condition, clean-up, decommission and/or close-out the facility. In the event Jasper County cannot for whatever reason be included as a covered party under the state financial security, or it is more efficient and economical to provide a separate financial security to the County, then a separate financial security may be provided to the county instead.

- a. In the event a financial security is not required by DHEC as part of its permitting requirements, or no DHEC permit is required, nonetheless, a letter of credit or other financial security in favor of the county approved by the county administrator is required before either a development permit or business license can be issued, to be in an amount no less than the total capacity of the facility at a rate of \$60.00 per cubic yard.

11:7.9. *Sector 441; Motor Vehicles, Retail Trade.*

1. Minimum lot size one acre.
2. Automobile hoods shall not be propped up as a form of advertising or to draw attention.
3. No banners are allowed.
4. Maximum number of automobiles for sale shall not exceed 25 at any time.
5. Retail sales of motor vehicle parts shall not be allowed.
6. Maintenance, service, or dismantling of motor vehicles shall not be allowed.
7. Other than motor vehicles for sale, outside storage shall not be allowed.
8. Outdoor speaker systems shall not be allowed.
9. Hours of operation are limited to Monday - Saturday from 8:00 a.m. - 8:00 p.m.
10. A structure consisting of a minimum of 400 square feet must be provided for an office with a restroom facility.
11. Where an existing residential use is adjacent to the site, a visually opaque screen shall be provided. An opaque screen may be composed of a wall, fence, building, landscaping, landscaped berm, or combination thereof. Natural vegetation may also be used to meet screening requirements.
12. A site plan is required in accordance with the Jasper County Land Development Regulations.

11:7.9A. *Sector 441310: Automotive parts and accessories store.*

1. Buildings limited to 5,000 square feet.
2. No outdoor display and storage.

11:7.10. *Sector 4441: Lumber and building materials.*

1. Buildings limited to 5,000 square feet.
2. No outdoor display and storage.

11:7.10.A. *Sector 45393: Manufactured Home Dealers.*

- a. Sales office only.
- b. No inventory or models allowed.

11:7.11. *Sector 45431: Fuel dealers.*

11:7.11A. *Sector 484210: Used household and office goods moving.* Where used household and office goods moving is allowed as a conditional use, such uses shall meet the following requirements:

- A. No outdoor display and storage.
- B. Adequate access must be provided for anticipated truck traffic.
- C. Structures must meet screening and buffering requirements per article 12.
- D. Article 16: Manufacturing use performance standards apply to this specific use.
- E. Hours are limited to 7:00 a.m. to 7:00 p.m., Monday to Saturday.
- F. Vehicles used for this specific use shall not exceed FHWA Class 8.

11:7.11.B. *Sector 488410: Motor Vehicle Towing and Sector 561491, Repossession Services.*

1. In the General Commercial District, Industrial Development District and the Mixed Business District, the use shall be at least 250 feet from any existing residential developed property, measured from the property line.
2. Vehicles and/or any outdoor storage shall be stored to the rear of the principal structure and completely screened (100 percent opacity) from adjacent properties using berms, fencing, landscaping, buildings or a combination thereof.
3. Screening shall be a minimum of eight feet in height and a maximum of ten in height. Tin is not allowed.
4. Landscaping is required for all outdoor storage areas. One evergreen shrub shall be installed for every five linear feet of screened area on the side of the screened area facing a neighboring property or public right-of-way. The minimum shrub shall be three to five 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.
5. In addition to the outdoor screening requirements, buffering and landscaping requirements shall be met in accordance with article 12:8.
6. The number of vehicles stored on site shall be limited to ten vehicles; storage of more than ten vehicles shall constitute a junkyard.
7. Individual vehicles shall not be stored more than 90 consecutive days unless the owner or operator of the establishment demonstrates steps have been taken to remove the vehicles from the premises using the appropriate legal means.

11:7.12. *Sector 5131: Communications and antenna.*

New towers:

1. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
2. The proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure; and all applicable safety code requirements shall be met.
3. The proposed structure will not impair the use of or prove detrimental to neighboring properties.
- 4.

The proposed structure is necessary to provide a service that is beneficial to the surrounding community.

5. The proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character.
6. The proposed use is consistent with potential land uses as outlined in the comprehensive plan.
7. Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
8. No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained after mediation.
9. Towers or antennas shall have a maximum height of 185 feet.
10. Tower or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure that no structure will be built within the fall zone. In addition to the tower's fall zone, the permitted uses shall meet the setback requirements of the underlying zoning district in which it is located.
11. Landscaping shall be required as follows:
 - a. Around the base of the communication tower, outside of the security fence, at least one row of evergreen plant material capable of forming a continuous screen at least six feet in height shall be provided, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum two inches DBH (diameter at breast height) measured three and one-half feet above grade, at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.
 - b. The landscaping requirements may be waived in whole or in part by the DSR if it is determined that existing natural vegetation provides adequate screening or if the DSR determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located.
 - c. All required landscaping shall be installed according to established planting procedures using good quality plant materials.
 - d. A certificate of use and occupancy shall not be issued until the required landscaping is completed in accordance with the approved landscape plan and verified by an on-site inspection by the DSR unless such landscaping has been waived in accordance with subsection b. above. A temporary certificate of use and occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the county a form of surety satisfactory to the county attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the DSR and the owner or developer.
 - e. All required landscaping must be installed and approved by the first planting season following issuance of the temporary certificate of use and occupancy or the surety bond will be forfeited to the county.

- f. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the landscape plan.
 - g. Eight-foot high fencing shall be provided around the communication tower and any associated structure.
12. A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.
 13. Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

Submittal information:

1. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
2. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
3. Identification of the owners of all antennae and equipment to be located on the site.
4. Written authorization from the site owner for the application.
5. Evidence that a valid FCC license for the proposed activity has been issued.
6. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
7. A written agreement to remove the tower and/or antenna within 120 days after cessation of use. Must put a bond up front for the removal of the tower.
8. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county.
9. A statement shall be submitted from a registered engineer that the NIER (non-ionizing electromagnetic radiation) emitted there from does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by any regulatory agency of the United States Government or the American National Standards Institute. For roof mounted communication towers, the statement regarding the NIER shall address spaces, which are capable of being occupied within the structure on which the communication tower is mounted.
10. Communication towers and their foundations shall meet the requirements of the current building code for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina registered professional engineer and shall be submitted with the building permit application.
11. Satisfactory evidence shall be submitted, with the building permit application for a freestanding communication tower, that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or

meeting the applicant's necessary height criteria, or provide a location free of interference from AM towers.

12. Prior to issuance of a building permit, applicants shall provide documentation that the proposed communication tower has been reviewed by the FAA, if so required, and that a finding of no hazard to air navigation has been determined. Copies of the plans shall also be provided for comment to the Ridgeland Airport and Savannah/Hilton Head International Airport, prior to the issuance of permits. If any airport has an objection to the proposed tower, an advisory conference composed of airport officials, county officials and representatives of the communication company(ies) shall be convened. The results and findings of such conference shall be presented to the DSR prior to any permit being issued. Because the proximity of communication towers near aeronautical facilities affects the safety of the public, careful consideration should be given to the results and findings and such may be grounds for the DSR denying the issuance of a permit or requiring that certain additional requirements be imposed as a condition for the issuance of a permit.
13. Site plan, which shall include the following information:
 - a. The location of tower(s), guy wires and anchors (if any);
 - b. Tower height;
 - c. Transmission building and other accessory uses;
 - d. Existing structures and proposed structures;
 - e. Fall zone;
 - f. Parking;
 - g. Access;
 - h. Landscaped areas;
 - i. Fences;
 - j. Adjacent land uses; and
 - k. Photos of site and immediate area.

Existing towers:

1. The increase in height to the existing transmission tower shall not exceed 25 feet; and communication towers on buildings, the maximum height shall be 20 feet above the roofline of buildings 50 feet or less in height, and 40 feet above the roofline of buildings 50 feet in height or greater. In addition, with the exception of towers constructed for aeronautical purposes, communication towers may not penetrate any imaginary surface, as described in Title 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport;
2. The total number of antennae added to an existing transmission tower shall not exceed six; and
3. Any additions, changes, or modifications that are proposed to the site or its components, proper plans, specifications, and calculations shall be submitted for permit approval to the DSR. Drawings indicating various types of antenna(s) to be located on the communication tower shall be submitted at the time of the permit application.

11:7.13. *Sector 51412: Libraries.*

11:7.14. *Sector 53113: Mini-warehouses.*

1. No such use shall be located closer than 250 feet to the property line of any existing residential use, church, school, historical place or public park.
2. Screen units from public right-of-way as required in section 12.8.
3. Minimum lot size of one acre; maximum lot size of five acres.

11:7.15. *Sector 5621: Waste collection.*

1. Shall be consistent with the most current county solid waste management plan.

11:7.16. *Sector 562212: Solid waste landfill.* Shall be consistent with the most current county solid waste management plan. Solid waste landfills are divided by this section into two categories and regulated as follows:

A. *Sanitary Landfills (Class 3).*

1. The boundary of the fill area shall not be located within 1,000 feet of any residence, day-care center, church, school, hospital or publicly owned recreational park area. The state will determine whether the proposed landfill or landfill expansion meets this requirement prior to publication of the notice of intent to file a permit application pursuant to Part I, Section D.1 of the state regulation.
2. The boundary of the fill area shall not be located within 200 feet of any property line not under control of the permittee.
3. The boundary of the fill area shall not be located within 200 feet of any surface water that holds visible water for greater than six consecutive months, excluding ditches, sediment ponds, and other operational features on the site.
4. The boundary of the fill area shall not be located within the distances designated below from any well used as a source of water for human consumption that is in a hydrologic unit potentially affected by the landfill. Exemptions may be granted if the applicant can demonstrate to the satisfaction of the DSR and state that the hydrologic conditions below the landfill provide protection to the aquifer in use.
 - a. The boundary of the fill area shall not be located any closer than 500 feet from a well hydraulically up gradient of the landfill.
 - b. The boundary of the fill area shall not be located any closer than 750 feet from a well hydraulically side gradient of the landfill.
 - c. The boundary of the fill area shall not be located any closer than 1,000 feet from a well hydraulically down gradient of the landfill.
5. Waste material shall not be placed on or within any property rights-of-ways or 50 feet of underground or above ground utility equipment or structures, i.e., water lines, sewer lines, storm drains, telephone lines, electric lines, natural gas lines, etc., without the written approval of the impacted utility.
6. A geotechnical engineering firm approved by the DSR shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
- 7.

The facility shall be enclosed by an eight-foot high opaque fence or wall structure on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

8. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

B. *Construction and demolition landfills (Class 2).*

1. The boundary of the fill area shall not be located within 1,000 feet of any residence, school, day-care center, church, hospital, or publicly owned recreational park areas. The state will determine whether the new landfill or expansion of an existing landfill meets this requirement prior to the publication of the notice of intent to file a permit application pursuant to Part I, Section D.1 of the state regulation.
2. The boundary of the fill area shall not be located within 100 feet of any property line.
3. A landfill located in a 100-year floodplain shall demonstrate that engineering measures have been incorporated into the landfill design to ensure the landfill will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, minimize potential for floodwaters coming into contact with waste, or result in the washout of solid waste so as to pose a hazard to human health or the environment.
4. The landfill shall be in compliance with applicable requirements concerning wetlands imposed by U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the department of health and environmental control.
5. Access to the landfill shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent promiscuous dumping and unauthorized access.
6. The boundary of the fill area shall not be located within 200 feet of any surface water that holds visible water for greater than six consecutive months, excluding drainage ditches, sedimentation ponds and other operational features on the site.
7. The boundary of the fill area shall not be located within 100 feet of any drinking water well. A greater buffer may be required for compliance with the state's bureau of water requirements.
8. Waste material shall not be placed on or within any property rights-of-way or 50 feet of underground or above ground utility equipment or structures, i.e., water lines, sewer lines, storm drains, telephone lines, electric lines, natural gas lines, etc., without the written approval of the impacted utility.
9. Owners/operators of all Class 2 landfills located within 10,000 feet of any runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft shall demonstrate that the units are designed and operated so that the Class 2 landfill does not pose a bird hazard to aircraft.
10. Owners/operators proposing to site new Class 2 landfills and lateral expansions located within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA).
11. No material shall be placed in open storage or areas in such a manner that is capable of being transferred out by wind, water, or other causes.
12. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the DSR where such facility will be utilized for a period not to exceed 90 days.

11:7.17. *Sector 562213: Solid waste incinerators.*

1. Shall be consistent with the most current county solid waste management plan.

11:7.18. *Sector 56292, Material Recovery Facilities (including single stream recycling).*

1. The use shall be consistent with the most current Jasper County Solid Waste Management Plan.
2. The material recovery facility may only accept non-food items, such as, glass, newspaper, cardboard, metal, construction and demolition debris, or other similar materials. Sewage or hazardous substances shall not be permitted.
3. All recovery and storage activities shall be conducted within an enclosed building with a concrete floor. Doors may remain open during active operations but must be closed otherwise and should not face the right-of-way; nor should they be visible from adjacent properties through the use of complete screening (100 percent opacity) using berms, fencing, landscaping, buildings or a combination thereof
4. Recovered wood, concrete, and dirt may be stored outside temporarily, but shall not be stacked or stored higher than the required fencing.
5. All areas adjacent to the transfer point, such as the tipping floor, the turning area, and the area supporting the trailer while it is being packed, shall be paved with concrete.
6. Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles at any time stand on a public right-of-way waiting entrance to the site.
7. All materials and activities not within fully enclosed buildings shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a wooden privacy fence, or fencing of other material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four inch by four inch nominal cross section.
 - a. The term "fence" shall mean an eight foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the operations area, including all recyclable material and non-recyclable materials defined as "junk" in article 18 of the Jasper County Zoning Ordinance, and shields the operation area and recyclable material and non-recyclable materials from view, and is capable of withstanding the effects of the local climate.
 - b. The term "evergreen screening" shall mean evergreen trees or shrubs with a minimum height of five feet at time of installation, and not less than eight feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one foot from the body of the adjacent planting. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.
 - c. Landscaping is required outside of the fencing when evergreen screening is not used. One evergreen shrub shall be installed for every five linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be three to five 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.

8. Screening, buffering and landscaping requirements shall be met in accordance with article 12:8. Buildings viewable from a public right-of-way are required to have foundation buffers as part of its landscape plan. The DSR may require additional landscaping to make the site more aesthetically pleasing.
9. All activity conducted on the premises must be contained within the visual screen, and the fencing shall be securely locked unless being actively and contemporaneously supervised.
10. No burning of any material other than material specifically designed or suitable for the purpose of employee comfort. Any exception must be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.
11. At least 75 percent of the total volume of each separated material type received during a calendar year and remaining on site from a previous year shall be used, reused, recycled, or transferred to a different site for use, reuse, or recycling
12. Storage of items/materials shall be so arranged as to permit easy access for firefighting purposes.
13. Stormwater runoff shall be addressed through the use of BMPs listed in the Jasper County Stormwater Management Manual to prevent additional post development runoff discharge rate and volume as seen in article 10:6 of the Jasper County Land Development Regulations.
14. The use shall comply with all state and federal regulations.
15. New construction, expansion or renovation of these facilities shall require submission to the planning commission of a storm water management plan using best management practices designed to protect adjacent properties, wetlands, ditches and watersheds.
16. Certain activities permitted by DHEC or other state or federal agencies may require a bond, letter of credit or other form of financial security to provides for de-commission, clean-up and/or close-out of these facilities. No development or other permit, or business license for activities requiring such financial securities shall be issued by Jasper County unless such financial security is also in favor of Jasper County, if available as part of the state's financial security, to cover any costs or expenses incurred by the county in the event the operation or condition of the facility result in the need to abate a nuisance situation, ameliorate a public health or safety condition, clean-up, decommission and/or close-out the facility. In the event Jasper County cannot for whatever reason be included as a covered party under the state financial security, or it is more efficient and economical to provide a separate financial security to the county, then a separate financial security may be provided to the county instead.
 - a. In the event a financial security is not required by DHEC as part of its permitting requirements, or no DHEC permit is required, nonetheless, a letter of credit or other financial security in favor of the county approved by the county administrator is required before either a development permit or business license can be issued, to be in an amount no less than the total capacity of the facility at a rate of \$60.00 per cubic yard.
17. County owned and operated facilities are exempt from these regulations.

11:7.19. *Sector 56299: All other waste management.*

1. Shall be consistent with the most current county solid waste management plan.

11:7.19a. *Section 6116: Other schools and instructions.*

1. Use is subject to all applicable zoning code requirements and land development regulations.
2. Facilities are limited to 3,000 square feet.
3. Architecture of new structures must complement the nearby community and be compatible with the character of the area.
4. Services are limited to 20 students at any one time.
5. Owner/operator must provide proof of all outside agency approvals for services provided.
6. Hours are limited to 7:00 a.m. to 7:00 p.m., Monday to Friday and 7:00 [a.m.] to 5:00 p.m. on Saturdays.
7. Structures must meet buffering and screening requirements per [article 12](#).
8. Off-street parking must be accommodated on-site.
9. Off street parking is prohibited within the building setback.
10. One flat two-sided business sign not larger than four square feet per face is permitted to identify the business. Signs shall not be illuminated.
11. Use of existing structures is subject to fire marshal and building official review and approval.
12. Facilities must be served by sewer systems or by septic systems sized appropriately to meet DHEC minimum standards for the use and size.

11:7.20. *Sector 6231: Nursing care facilities.*

1. The facility shall be designed to be compatible with residential development.
2. Screen parking from adjacent properties and public right-of-way as required in section 12.8.

11:7.21. *Sector 6233: Community care for elderly.*

1. The facility shall be designed to be compatible with residential development.
2. Screen parking from adjacent properties and public right-of-way as required in section 12.8.

11:7.21.A. *Sector 623990: Other residential care facilities.* Where other residential care facilities are allowed as a conditional use, such uses shall meet the following requirements:

1. The residence and its grounds shall be designed to be compatible with surrounding residential development.
2. There shall be minimal visually identifiable differences from the outside of the residential structure that would distinguish the residence from a typical residential dwelling as determined by the development services representative.
3. For all units the minimum setbacks shall be as prescribed in Article [7:3](#), Table 1.

11:7.22. *Sector 6244: Day care services.*

1. Approval must be obtained from the South Carolina State Department of Public Welfare Rules and Regulations relating to licensing care facilities and care centers, and the following requirements.
2. The minimum lot area for a care center shall be 20,000 square feet. At least 75 square feet of outdoor exercise area shall be available for each person based on the maximum enrollment.
- 3.

The building shall contain a minimum of 35 square feet of floor area for each person based on the maximum enrollment.

4. A fence having a minimum height of six feet constructed to provide maximum safety to the occupants shall enclose the entire outdoor exercise area.
5. Off-street parking shall be provided in accordance with provisions set forth in section 12:1, Off-street parking.
6. Applicant must show an indication of impact for such items as traffic, noise, delivery vehicles, site access, etc. of the proposed care center.

11:7.23. *Sector 712: Museums and historical sites.*

1. Screening of parking as required in section 12.8.

11:7.24. *Sector 71393: Marinas.*

11:7.25. *Sector 713990: Gun club and skeet ranges.* The unique nature of this use is such that the following criteria shall be observed in placing any such use in the county.

1. It shall be located no closer than one mile to any residential use.
2. Gunfire shall be oriented away from habitable areas.
3. The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of surrounding residents.
4. Adequate warning signs shall be placed to warn public of activity.

11:7.26. *Sector 721191: Bed and breakfast inns.* Bed and breakfast inns are intended to provide a unique transit lodging experience. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, bed and breakfast inns, where permitted by this ordinance, shall:

1. Be occupied by the resident/owner.
2. Serve no regularly scheduled meal other than breakfast.
3. Provide off-street parking on the basis of one and one-half space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.
4. Be permitted one non-illuminated identification sign, not to exceed four square feet in area. Self illuminated, can use landscape lighting.

11:7.27. *Sector 72121: Camps and recreational vehicle.* Camps and recreational vehicle (RV) park, where permitted by Table 6.1, shall comply with the following site and design standards:

1. The site shall be at least five acres.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - b. Minimum setbacks for all structures and recreational vehicles shall be:
Street frontage: 100 feet.

All other property lines: 50 feet.

- c. Maximum density shall not exceed ten vehicles per acre.
 - d. Bufferyards shall be as specified by article 12.
4. Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drivers shall be located at least 150 feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
 5. All streets within RV parks shall be private and not public.
 6. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

11:7.27.A. Sector 8111: Auto repair and maintenance.

1. In the Community Commercial District, the use shall be 250 feet from any existing residential development, school or daycare. Measured from the property line.
2. Openings to repair bays shall not face road ROWs and shall be designed to minimize visual intrusion onto adjacent properties.
3. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area located to the rear or the side of the principal structure and completely screened (100 percent opacity) from adjacent properties and ROWs using berms, fencing, landscaping, buildings or a combination thereof.
4. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days unless the owner or operator of the establishment demonstrates steps have been taken to remove the vehicles from the premises using the appropriate legal means.
5. All automobile parts and similar materials shall be stored within an enclosed building or completely screened (100 percent opacity) from adjacent properties and ROWs using berms, fencing, landscaping, buildings or a combination thereof.
6. Landscaping is required for all outdoor storage areas. One evergreen shrub shall be installed for every five linear feet of screened area on the side of the screened area facing a neighboring property or public right-of-way. The minimum shrub shall be three to five 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.
7. In addition to the requirements of the outdoor storage area, Buffering and Landscaping requirements shall be met in accordance with Article 12:8.
8. The open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises is prohibited.
9. The use shall not include outdoor storage lots or impoundment yards for towed vehicles.

11:7.28. Sector 8121: Personal care services.

1. Screening of parking required in section 12.8.

11:7.29. Sector 81222: Cemeteries.

1. The minimum area for a perpetual care cemetery shall be 30 acres. Cemeteries in existence prior to January 1, 2003 are exempt from this requirement. The minimum area for a church cemetery shall be one acre.
2. Where a cemetery adjoins non-residentially-zoned property, no setback is required. When a cemetery adjoins residentially zoned property, no building, structure, burial plot or storage of equipment or materials shall be located closer than 35 feet of any property line, and mausoleums, columbaria, and chapels shall not be located closer than 50 feet of any property line.
3. Screening shall be provided in accordance with the provisions set forth in section 12:8. Screening and buffering requirements.
4. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a road right-of-way.
5. All cemetery access shall be provided from an arterial or collector street.
6. Mausoleums may be located only within the boundaries of approved cemeteries.
7. Cemetery review standards in accordance with S.C. Code 1976, tit. 27, ch. 43, shall apply to all cemeteries, regardless of zoning classification.
8. A storm water plan must be submitted and approved by the DSR before cemetery approval may be granted.
9. A cemetery may not be located in a flood hazard overlay district.

Pre-existing cemeteries. Any cemetery or portion of a cemetery that was approved, or was in the process of gaining approval, on the date of adoption of this ordinance shall be considered a nonconforming use. All others shall be subject to the specific provisions of this ordinance.

11:7.29.A. *Sector 812910; Animal Shelters.*

1. Minimum lot size five acres.
 - a. No exotic animals as defined by Title 9 of the Code of Federal Regulations, Section 1.1 are allowed.
2. Structures that house animals must be at least 100 feet away from adjacent property lines.
3. Where an existing residential use is adjacent to the subject property Bufferyard 4 shall be required (See Article 12:8.2, *Bufferyards*).
4. Where the Shelter is for non-household animals, i.e., horses, cattle, goats, sheep, etc., the minimum site area must accommodate one-half acre per horse or cow, and one-quarter acre for smaller animals such as sheep and goats.
5. A five-foot high fence shall be provided for all paddock and pasture areas.

11:7.30. *Second single-family residential dwelling unit.*

1. There is a minimum of one-half acre per dwelling unit in the residential and community commercial district (one acre parcel minimum) and a minimum of one acre per dwelling unit in the rural preservation district (two acre parcel minimum), so as to not increase overall allowed density.
2. The applicant must provide a sketch plan, or work with the DSR to develop a sketch plan, to show dwelling location on an existing plat or tax map copy to demonstrate conditional use compliance at time of application. The following must be demonstrated:

- a. All applicable lot area and setback requirements are met for both units as if they were established separately on their own lots and so arranged to ensure public access in the event the property is subsequently subdivided for sale or transfer.
 - b. If not connected to sewer, the lot is sufficient in size and shape so that the two units can be designed around two separate septic systems that can be entirely located on separate lots in the case of future subdivision for sale or transfer. Septic permits are necessary prior to conditional use approval.
3. Second single-family residential dwelling unit cannot share a septic system and separate DHEC septic permits must be attained prior to issuance of a conditional use review zoning permit, if units are not connected to sewer lines.
 4. Zoning and building permits must be attained prior to construction.

11:7.30.B. *Manufactured housing in community commercial.* Where other residential care facilities are allowed as a conditional use, such uses shall meet the following requirements:

1. The standards for manufactured housing in community commercial district shall be the same as the standards for manufactured housing and single-family housing in the residential district, including but not limited to lot area, setbacks, and densities, as if in the residential district.
2. For all units the minimum setbacks shall be as prescribed in Article 7:3, Table 1.
3. Any applicable overlay district requirement shall be applied.

11:7.31. *Duplexes.* Due to the unique design features of duplex housing, the following supplemental design requirements shall apply:

1. Such projects shall be located in areas that are served by public water and sewer providers. Septic systems, including community septic systems are strictly prohibited.
2. Such projects shall have a minimum of one acre and a maximum of ten acres in the Residential, Community Commercial and General Commercial Zoning Districts.
3. Such projects shall have a minimum of two acres and a maximum of ten acres in the Rural Preservation District.
4. For all units, the lot area, yard, and setbacks shall be as prescribed in Article 7:3-Table 1.
5. Building orientation shall be representative of that exhibited by surrounding single-family development.
6. The size, bulk, height and scale of proposed structures shall reflect the characteristics of existing single-family structures in the area.
7. At least one duplex front door should be visible from the front of the structure.
8. Entrances should be visible and approaches to the front entrance of each dwelling unit should be clearly delineated by improved walkways and landscaping.
9. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.
10. When a duplex development is proposed on a single parcel of land for rental purposes, it shall be considered a major subdivision, except within an approved Planned Development District (PDD) where a development agreement is in effect and a master plan has been approved.

11:7.31.A. *Multi-family apartments.* Where multi-family apartments are allowed as a conditional use, such uses shall meet the following requirements:

1. Such projects shall be a minimum of five acres.
2. Such project shall have a maximum density of ten units per acre.
3. For all units the minimum setbacks shall be as prescribed in Article 7:3, Table 1.
4. Sidewalks not less than five feet in width shall be provided along the front property line of each project, building.
5. Not less than 15 percent of the project site shall be diverted to contiguous common open space which is designated for use by the residents.
6. The project must demonstrate availability of water and sewer that will meet the capacity requirements of the development.
7. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.

11:7.32. *Townhouses.* Due to the unique design features of townhouses, the following supplemented design requirements shall apply:

1. Such projects shall be located in areas that are served by water and sewer.
2. Such projects shall have a minimum of one and one-half acre.
3. Not more than eight or fewer than three townhouses may be joined together, with approximately the same front line (may be staggered).
4. Minimum distance between rows of buildings shall be not less than 20 feet.
5. For all units, the lot area, yard, and setbacks shall be as prescribed in Article 7:3-Table 1.
6. Sidewalks not less than four feet in width shall be provided along the front property line of each project, building.
7. Not less than ten percent of the project site shall be diverted to contiguous common open space which is designed for use by the residents.
8. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.
9. When a townhouse development is proposed on a single parcel of land for rental purposes, it shall be considered a major subdivision, except within an approved Planned Development District (PDD) where a development agreement is in effect and a master plan has been approved.

11:7.33. *Patio homes.* Due to the unique design features of patio homes, the following supplemental design requirements shall apply:

1. Such projects shall be located in areas that are served by public water and sewer providers. Septic systems, including community septic systems, are strictly prohibited.
2. Such projects shall have a minimum of one acre and a maximum of ten acres.
3. For all units, the lot area, yard, and setbacks shall be as prescribed in Article 7:3-Table 1.

4. Not less than ten percent of the project site shall be diverted to contiguous common open space which is designed for use by the residents.
5. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.
6. When a patio home development is proposed on a single parcel of land for rental purposes, it shall be considered a major subdivision, except within an approved Planned Development District (PDD) where a development agreement is in effect and a master plan has been approved, and must comply with major site plan requirements.

11:7.34. *Manufactured Housing - Second Unit, Family Member Only.* The purpose of allowing, in certain circumstances, the placement of a second manufactured house on the same parcel is for the benefit of family members only; and excludes any property or structures that are used for rental properties. The property shall be subdivided whenever possible; however, in the event that the property cannot be subdivided at such time of application, a second manufactured house will be allowed by the County for family members, where conditionally permitted by Table 6:1, provided that the following requirements must be met:

1. The person whom will occupy the second manufactured house is related to the owner of the property by blood, marriage, or adoption.
2. A second manufactured house shall not be leased or rented for five years from the date of approval unless the lessee is related to the property owner by blood, marriage, or adoption.
3. There is a minimum of a half-acre per dwelling unit in the Residential and Community Commercial District (1 acre parcel minimum) and a minimum of one acre per dwelling unit in the Rural Preservation District (2 acre parcel minimum), so as to not increase overall allowed density.
4. The applicant must provide a sketch plan, or work with the DSR to develop a sketch plan, to show dwelling location on an existing plat or tax map to demonstrate conditional use compliance at time of application. The following must be demonstrated:
 - a. All applicable lot area and setback requirements are met for both units as if they were established separately on their own lots and so arranged to ensure public service access in the event the property is subsequently subdivided for sale or transfer;
 - b. If not connected to sewer, the lot is sufficient in size and shape so that the two units can be designed around two separate septic systems that can be entirely located on separate lots in the case of future subdivision for sale or transfer. Septic permits are necessary prior to conditional use approval.
5. Second Manufactured House cannot share a septic system and separate DHEC septic permits must be attained prior to issuance of a conditional use review Zoning Permit, if units are not connected to sewer lines.

11:7.35 *Family Estate.* The purpose of the Family Estate is to address situations where there are title issues, i.e heirs property; and to support a traditional family way of life; and to respect cultural and historical settlement patterns in Jasper County. For purposes of this subsection, a single family dwelling unit includes,

stick built house, manufactured homes, and modular homes. Family Estate shall meet the following requirements, where conditionally permitted by Table 6:1:

1. If the property is "heirs property", the county shall permit additional family dwelling units and/or permit a subdivision by the person or persons in control of the property (i.e. the family member or members who pays taxes, occupies the property), upon application and determination that both of the following are satisfied:
 - a. 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 30 years.
 - b. 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.
2. Single family dwelling unit design is as follows:
 - a. Family dwelling units may be built at the densities set forth in Family Estate below as limited by subsection (4) of this section.

Family Estate Density Table

Minimum Site Area (acres)	Zoning of the property is Residential, Community Commercial or General Commercial:	Zoning of the property is Rural Preservation:
1	2	1
2	4	2
3	6	3
4	8	4
5	10	5
6	12	6
7	12	7
8	12	8
9	12	9
10	12	10
11	12	11

12 or More	12	12
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- b. The applicant must provide a sketch plan, or work with the DSR to develop a sketch plan, to show dwelling location on an existing plat or tax map to demonstrate conditional use compliance at time of application. The following must be demonstrated:
 - i. All applicable lot area and setback requirements are met for all units as if they were established separately on their own lots and so arranged to ensure public service access in the event the property is subsequently subdivided for sale or transfer;
 - ii. If not connected to sewer, the lot is sufficient in size and shape so that all of the units can be designed around separate septic systems that can be entirely located on separate lots in the case of future subdivision for sale or transfer. Septic permits are necessary prior to conditional use approval.
- c. No family dwelling unit shall be built unless the appropriate agency has determined that septic and water supply systems and reserve areas in the family estate are sufficient to serve all units in the estate and are properly permitted. If three or more units are served by a single well, the well must be properly licensed and maintained in accordance with SC DHEC standards.
- d. Paved roads may not be required, but must comply with standards pursuant to Section 7.1 of the Jasper County Land Development Regulations. Any placement of homes 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.
- 3. No family dwelling unit shall be leased or rented for five years from the date of approval unless the lessee is related to the property owner by blood, marriage, or adoption.
- 4. No portion of a tract of land 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:
 - a. 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.
 - b. Not operate to prohibit actions in foreclosure brought by lenders that are participating in the secondary mortgage market.
 - c. Not operate to prohibit sale by the county of the entire tract or a portion of it for nonpayment of property taxes.
- 5. Violations and penalties for violation of this section are as follows:
 - a. 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.
 - b. A violation of this section shall consist of the following:
 - i. Intentional misrepresentation during the application process;
 - ii. Lease of a family dwelling unit to a nonfamily member within five years of approval; or

- iii. 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.
 - c. 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.
 - d. Until the fine has been paid, the DSR shall not permit additional family dwelling units or further subdivision under this section in the violator's family estate.
 - e. 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.
 - f. A violation shall not have the effect of clouding the title of a parcel subdivided under this section.
6. Applicants must submit a sworn affidavit with the following information:
- a. Certification that the parcel in question has been in the family for at least 30 years as required by this section.
 - b. 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.
 - c. Acknowledgment that resale of any parcel approved as part of a family estate shall be restricted for five years as provided for in this section.
7. If the property leaves the family, the new owner must comply with all applicable sections of the Jasper County Zoning Ordinance and Jasper County Land Development Regulations as it relates to minimum lot sizes, densities, setback requirements, access roads, mobile home park standards, and major or minor subdivision regulations.

11:7.36. *Home occupation.* Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table 6.1.

1. The home occupation shall be carried on wholly within the principal building.
2. The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal building, up to 400 square feet.
3. No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
4. No signs shall be allowed.
5. No merchandise or articles shall be displayed so as to be visible from outside the building.
6. One person not residing in the residence shall be employed in the home occupation in addition to residents.
7. No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
8. No parking is needed above that required by the principal residential use.
9. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
10. The occupation, profession, or trade generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.
11. The occupation shall not involve the retail sale of merchandise manufactured off the premises.

11:7.37. *Buildings, structures, lift stations, etc.*

1. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness.
2. Open area on the premises shall be landscaped.

11:7.38. *Open storage.*

1. Such storage area does not occupy over 20 percent of the build-able area.
2. Shall not be located in any required setback area.
3. Must be screened from public view.

11:7.39. *Temporary uses.*

Type and location. The following temporary uses and no others may be permitted, subject to the conditions herein.

1. Tents or other temporary structures for the conduct of any use permitted in the GC and CC Districts for a period not to exceed 45 days.
2. Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
3. Portable classrooms in any district for cultural or community facilities, educational facilities, or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on the same site as the principal structure.
4. Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.

Permit required.

1. No temporary use may be established without receiving such permit.
2. Temporary use permits may be renewed no more than twice within a 12-month period, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses.
3. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the DSR.
4. Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

11:7.40. *Temporary accessory dwelling unit.* A manufactured home as defined in article 4 of this ordinance may be permitted in any zoning district as a temporary accessory residential use which shall be clearly subordinate to a principal single-family detached dwelling or manufactured home, whether or not such principal use is conforming, subject to all of the requirements listed below. In authorizing the temporary accessory residential use, the DSR may impose such reasonable and additional stipulations, conditions, or safeguards that in the DSR's judgment will better fulfill the intent of this ordinance.

The DSR may authorize issuance of a permit for a temporary accessory residential use for a period not to exceed six months. At the end of that time, the DSR may, after a complete review of the request, grant an extension of the permit for a period not to exceed one year. The review procedure shall be the same as the original application procedure. It shall be the responsibility of the DSR to present to the council after each six-month period a status report of the conditions and to notify the applicant of the review.

The DSR may at any time terminate the authorization at the request of the initiating applicant or upon the finding that the extenuating conditions no longer exist. The temporary accessory residential use and any associated services shall be removed from the premises within 30 days after notice of termination.

The DSR shall determine that the following requirements have been satisfied:

1. The use shall be necessitated by the incapacity, infirmity, or extended illness of an individual who requires continuous nursing care. The attending physician shall certify the physical and/or mental condition of the person in question.
2. The use is intended only to meet a temporary need or hardship.
3. If the principal residential use is nonconforming, the provisions of section 9:3, Nonconforming uses and structures, shall be satisfied.
4. The temporary accessory residential use shall meet all of the requirements contained in this ordinance for accessory uses.
5. The temporary accessory residential use shall conform to all of the requirements for uses permitted by conditional use as set forth in subsection 6:2.6, Conditional uses.
6. No minimum lot area or lot width requirements shall be required for the temporary accessory residential use.
7. The temporary accessory residential use shall conform to the front, side, and rear yard requirements established for the district in which the use is located.
8. Off-street parking shall be provided in accordance with the provisions set forth in section 12:1, Off-street parking, for the principal residential dwelling only.
9. A manufactured home which is being utilized as a temporary accessory residential use may not be physically attached to or be a part of the principal structure located on the lot.
10. No permit to allow a temporary accessory residential use shall be issued until all applicable regulations of the county building department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection. In seeking approval of the temporary accessory residential use, the applicant must demonstrate to the DSR that these facilities and services are adequately situated with respect to the lot in question.
11. The principal for whom the accessory use is requested must be a relative by blood or marriage or in a relationship created through adoption or through foster parental care.
12. To provide for adequate notification of the permit application to surrounding property owners, the applicant shall provide to the DSR signatures of the following:
 - a. All property owners who own property abutting the subject property.
 - b. All property owners of property located directly across a street from the subject property.

(Ord. No. 11-24, § 8, 9-6-11; Ord. No. 12-03, § 2, 3-5-12; Ord. No. 12-09, §§ 1, 2, 6-18-12; Ord. No. 12-16, § 2, 9-17-12; Ord. No. 13-04, § 2, 4-1-13; Ord. No. 14-25, §§ 2—6, 12-1-14; Ord. No. 15-18, § 2, 8-17-15; Ord. No. 15-29, § 2, 9-21-15; Ord. No. 15-26, § 2, 12-7-15; Ord. No. 17-04, § 4, 4-17-17; Ord. No. 17-13, § 2, 5-15-17; Ord. No. 2020-04, § 1, 3-16-20; Ord. No. 2020-22, § 2, 10-5-20; Ord. No. 2020-24, §§ 3—5, 1-21-20; Ord. No. 2020-25, §§ 2, 3, 2-3-20; Ord. No. 2023-15, §§ 3—5, 9-18-23)

Editor's note— Ord. No. 2020-24, adopted Jan. 21, 2020, added new provisions designated as Sections 11:7.34 and 11:7.35, and subsequently renumbered Sections 11:7.34—11:7.38 as Sections 11:7.36—11:7.40.

ARTICLE 12. - DEVELOPMENT STANDARDS

12:1. - Off-street parking.

12:1.1. *General requirements.*

1. There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved open space. All portions of the required space, which are paved, shall be marked in accordance with the standards contained herein. Lines shall be visibly marked with paint.
2. Where application of the requirements of Table 12.1 result in a fractional space requirement, the next larger requirement shall apply.
3. Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or other wise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
4. Off-street parking areas provided to comply with the provisions of this ordinance shall not be reduced below the requirements of this ordinance.
5. Off-street parking areas shall be designed, developed and maintained in accordance with the requirements of this article. Where parking decks or garages are proposed to meet off-street parking requirements, such structures shall meet the minimum zoning requirements for the district in which it is located.
6. Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required, unless it meets the requirements for subsections 12:1.3, 12:1.4.
7. For shell buildings with no identified tenant, parking requirements should be determined by the building's projected use, applying the highest parking ratio permitted for a given zoning district to ensure there is adequate parking for all possible future tenants and to comply with the provisions of this ordinance.
8. In the event that the number of parking spaces required in Table 12.1, Minimum parking requirements, cannot be placed on the site in accordance with these regulations without the demolition of an existing structure or damage of significant trees on the site or in the public right-of-way to accommodate a parking area, or if written documentation that demonstrates that fewer spaces than required are needed because of the nature of the business, hours of operation, or availability of adjacent parking the BZA may authorize up to a 25 percent reduction in the total number of parking spaces required on the site.

Table 12:1 IPOD Minimum Parking Requirements

	NAICS	Required Off-Street Parking Space (a)
Sector 11: Agriculture, Forestry, Fishing and Hunting		
Agriculture, Forestry, Fishing and Hunting	11	NONE
Sector 21: Mining and Mine Operations (Sec. 6:2.14)		
Mining	212	NONE
Sector 22: Utilities		
Electric, Gas, and Sanitary Services	221	1.0 per 500 s.f. GFA
Sector 23: Construction		
Construction	23	1.0 per 1,000 s.f. GFA
Sector 31-33: Manufacturing		
Manufacturing	31-33	1.0 per 500 s.f. GFA
Sector 42: Wholesale Trade		
Wholesale Trade	42	1.0 per 5,000 s.f. GFA
Sector 44-45: Retail Trade		
Retail Trade	441-446	1.0 per 350 s.f. GFA
Gasoline Stations	447	1.0 per 600 s.f. GFA
Truck Stops	44719	1.0 per 600 s.f. GFA
Retail Trade	448-453	1.0 per 350 s.f. GFA
Flea Markets	4533	2 per stall
Manufactured Home Dealers	45393	1.0 per 600 s.f. GFA

Non-Store Retailers	454	1.0 per 350 s.f. GFA
Fuel Dealers	45431	1.0 per 500 s.f. GFA
Sector 48-49: Transportation and Warehousing		
Air Transportation	481	1.0 per 250 s.f. GFA
Transportation	482-488	1.0 per 500 s.f. GFA
U.S. Postal Service	491	1.0 per 350 s.f. GFA
Warehousing and Storage	493	1.0 per 1,000 s.f. GFA
Shell buildings with no identified tenant (see Article 12:1.1(7) above)	N/A	1.0 per 500 s.f. GFA
Sector 51: Information		
Publishing Industries	511	1.0 per 500 s.f. GFA
Motion Pictures and Sound Industries	512	1.0 per 350 s.f. GFA
Motion Picture Theaters	512131	1.0 per 5 seats
Broadcasting and Telecommunications	513	1.0 per 350 s.f. GFA
Communication Towers and Ant.	5131	NONE
Information	514	1.0 per 350 s.f. GFA
Sector 52: Finance and Insurance		
Finance and Insurance	52	1.0 per 350 s.f. GFA
Sector 53: Real Estate and Rental and Leasing		
Real Estate	531	1.0 per 350 s.f. GFA
Mini-Warehouses	53113	10 spaces plus 1 per employee and 1 space per 100 self-storage units

Rental and Leasing Services	532	1.0 per 500 s.f. GFA
Video Tape Rental	53223	1.0 per 350 s.f. GFA
Sector 54: Professional, Scientific, and Technical Services		
Professional, Scientific, Technical Services	541	1.0 per 350 s.f. GFA
Display Advertising—Signs	54185	NONE
Veterinary Services	54194	1.0 per 350 s.f. GFA
Sector 55: Management of Companies and Enterprise		
Management of Companies and Enterprises	551	1.0 per 350 s.f. GFA
Sector 56: Administrative and Support and Waste Management and Remediation Services		
Administrative and Support Services	561	1.0 per 350 s.f. GFA
Landscape Services	56173	1.0 per 1,000 s.f. GFA
Waste Management Services	562	
Waste Collection	5621	1.0 per 1,000 s.f. GFA
Hazardous Waste Treatment and Disposal	562211	NA
Solid Waste Landfill	562212	1.0 per 1,000 s.f. GFA
Solid Waste Incinerators	562213	1.0 per 1,000 s.f. GFA
Material Recovery Facilities	562920	1.0 per 1,000 s.f. GFA
All Other Waste Management	56299	1.0 per 1,000 s.f. GFA
Sector 61: Educational Services		
Educational Services	611	
Elementary Schools	6111	2.0 per classroom, plus 5 admin. Spaces

Secondary Schools	6111	5.0 per classroom, plus 10 admin. spaces
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	5.0 per classroom, plus 2 per admin. Office
Business Schools, Computer, and Management Training	6114-5	5.0 per classroom, plus 2 per admin. office
Other Schools and Instruction	6116	5.0 per classroom, plus 2 per admin. Office
Educational Support Services	6117	1.0 per 200 s.f. GFA
Sector 62: Health Care and Social Assistance		
Ambulatory Health Care Services	621	1.0 per 150 s.f. GFA
Hospitals	622	0.7 per bed
Nursing and Residential Care Facilities	623	0.4 per bed
Nursing Care Facilities	6231	1.0 per 500 s.f. GFA
Community Care for Elderly	6233	0.4 per bed
Social Assistance	624	1.0 per 350 s.f. GFA
Day Care Services	6244	1.0 per 200 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation		
Performing Arts, Spectator Sports and Related Industries	711	1.0 per 300 s.f. GFA
Museums, Historical Sites, and Similar Institutions	712	1.0 per 1,000 s.f. GFA
Amusement, Gambling, and Recreation	713	By individual review
Golf Courses and Country Clubs	71391	5.0 per hole
Marinas	71393	1.0 per slip

Gun Club and Skeet Ranges	71399	1.0 per 150 s.f. GFA
Sector 72: Accommodation and Food Services		
Accommodations	721	
Hotels and Motels	72111	<u>1.5</u> per rental unit
Bed and Breakfast Inns	721191	<u>1.5</u> per bedroom
Camps and Recreational Vehicle Parks	72121	Not applicable
Rooming and Boarding Houses, Dormitories, Group Housing	72131	1.0 per bedroom
Eating Places	7221-3	1.0 per 150 s.f. GFA
Fast Food Restaurants		1.0 per 150 s.f. GFA
Drinking Places	7224	1.0 per 150 s.f. GFA
Sector 81: Other Services (except Public Administration)		
Auto Repair and Maintenance	8111	
General Auto Repair	811111	1.0 per 500 s.f. GFA
Other Repair	8112-4	1.0 per 350 s.f. GFA
Personal and Laundry Services	812	
Personal Care Services	8121	<u>2.5</u> per chair or basin
Funeral Homes and Services	81221	5.0, plus 1.0 per 2 seats main assembly
Cemeteries	81222	NONE
Crematories	81222	1.0 per 500 s.f. GFA
Laundry and Dry Cleaning Services	8123	1.0 per 500 s.f. GFA

Coin Operated Laundries/Dry Cleaning	81231	1.0 per 250 s.f. GFA
Pet Care	81291	1.0 per 1,000 s.f. GFA
Automotive Parking Lots and Garages	81293	NONE
Sexually Oriented Business	81299	1.0 per 350 s.f. GFA
All Other Personal Services	81299	1.0 per 300 s.f. GFA
Religious, Fraternal, Professional, Political, Civic, Business Organizations	813	
Religious organizations	81311	1.0 per 350 s.f. GFA
All Other organizations	8132-9	1.0 per 500 s.f. GFA
Sector 92: Public Administration (Article 11:5)		
Executive, Legislative, and General Government	921	1.0 per 350 s.f. GFA
Justice, Public Order and Safety	922	1.0 per 350 s.f. GFA
Correctional Institutions	92214	1.0 per jail cell, plus 10 per 250 s.f. GFA
Fire Protection	92216	4.0 per bay
Administration of Human Resources	923	1.0 per 350 s.f. GFA
Administration of Environmental Quality and Housing Program	924-5	1.0 per 350 s.f. GFA
Public Parks and Recreation	924120	By individual review
Administration of Housing, Planning, CD Programs	925	1.0 per 350 s.f. GFA
Administration of Economic Programs	926	1.0 per 350 s.f. GFA
Residential Uses		
Site Built Housing	NA	

*Single-Family Detached	NA	2.0 spaces per unit
*Duplex	NA	2.0 spaces per unit
*Multi-Family, Apartments	NA	<u>1.5</u> spaces per unit
*Townhouses	NA	2.0 spaces per unit
*Patio Homes	NA	2.0 spaces per unit
Manufactured Housing (Article <u>12:9</u>)	NA	
Residential Designed	NA	2.0 spaces per unit
Standard Designed	NA	2.0 spaces per unit
* Parking spaces shall be provided outside of garages and sidewalks		
Accessory Uses to Residential Uses		
Accessory Uses to Residential Uses	NA	NONE
Accessory Uses to Non-Residential Uses		
Accessory Uses to Non-Residential Uses	NA	NONE
Temporary Uses		
All Temporary Uses	NA	NONE

12:1.2. *Site plan.* Each application for a building permit or certificate of use submitted to the DSR, shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress and egress to such space. This information shall be the responsibility of the owner/developer and shall be sufficient to enable the DSR to determine whether or not the requirements of this section are met.

12:1.3. *Shared parking.* Shared use of required nonresidential parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing with the building and zoning permit application:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- 2.

The location and number of parking spaces that are being shared;

3. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

12:1.4. *Remote parking space.* If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use. Such space shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. It is further provided that the DSR may require a plat, deed, or other documentation necessary to show that remote parking space is controlled by and available to the applicant prior to the granting of a zoning certificate.

12:1.5. *Design of parking area.*

1. All off-street parking except off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or two-family dwellings located on a residential service street, shall be designed so that all traffic related activities are confined to the site and vehicles can turn around within the area and enter the street, road, or highway in such a manner as to completely eliminate the necessity of backing into the street, road, or highway. Off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or two-family dwelling units, which requires backing into a residential service street, shall be permitted provided that such movement can be made with reasonable safety and without interfering with other traffic.
2. Reserved.
3. Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, and there are no adverse impacts to surrounding areas, the DSR may exempt the developer from this requirement, provided that adequate provision is made for drainage.
4. When necessary off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the DSR.
5. Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least 75 feet, measured along the curb line, from the intersection of the nearest curb line.
6. Parking lots shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers may be used as necessary to ensure efficient traffic operation of the lot. All pavement markings and traffic control signage shall be constructed and installed in accordance with the latest edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).
7. Lighting and landscaping shall be provided in parking lots in accordance with the appropriate sections of this ordinance.
8. All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations/garages.

12:1.6. *Mixed uses.* Where more than one principal use, whether with the same or different parking requirements occupy the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

However, up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that a signed, written agreement thereto is properly executed and filed with the county.

12:1.7. *Off-street parking space design standard.*

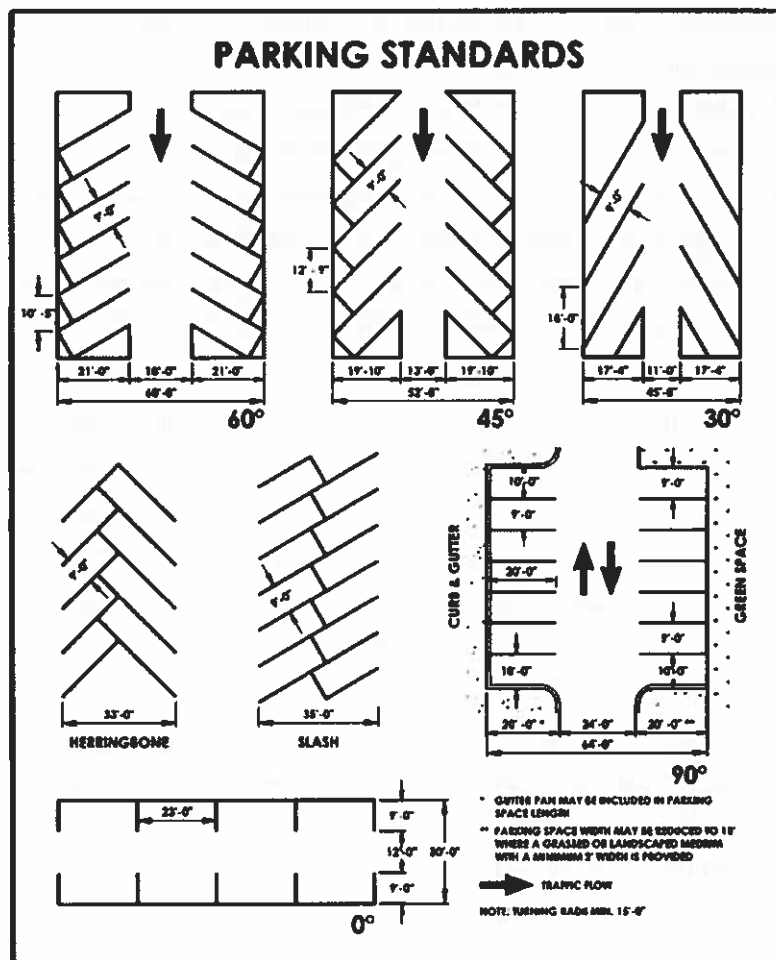


Table 12.2 Minimum Parking Requirements

Angle of Parking	Width of Stall	Depth of Stall**	Minimum Isle Width*	Length of Curb Per Car
0 (parallel)	9'	23'	12'	23'-0"
30	9'	17'-4"	11'	18'-0"

45	9'	19'-10"	13'	12'-9"
60	9'	21'-0"	18'	10'-5"
90	9'	20'-0"	24'	9'-0"

*Minimum isle widths shall be maintained to the point of intersection with the adjoining public or private right-of-way.

** In 90-degree parking stalls, the depth of the stall may be reduced to 18 feet where a grassed or landscaped median, with a minimum two feet width per row of parking stalls, has been provided for automobile overhang. Wheel-stops or curbing shall be provided to protect and delineate the median from the parking stalls.

At least one fire access lane must be provided and approved by the county emergency services department.

12:1.8. *Requirements for the physically disabled and/or handicapped.* When off-street parking is required for any building or use, except for single family, residential dwellings, parking for the physically disabled shall be provided in accordance with the latest ADA requirements.

12:1.9. *Storage and use of campers or recreational.* See section 9:5.1 of this ordinance.

12:1.10. *Parking, storage, and use of non-residential vehicles and equipment.* See subsection 9:5.2 of this ordinance.

(Ord. No. 08-11, §§ 9, 10, 5-5-08; Ord. No. 09-06, § 2, 2-2-09; Ord. No. 09-12, §§ 13, 14, 5-4-09; Ord. No. 11-22, § 21, 10-3-11; Ord. No. 11-24, § 9, 9-6-11; Ord. No. 2018-02, § 1, 2-20-18; Ord. No. 2025-35, §§ 1—4, 12-1-2025)

12:2. - Off-street loading.

12:2.1. *Requirements for industrial and wholesale buildings.* Every industrial and wholesale building hereafter erected shall provide space as indicated herein for loading and unloading of vehicles. The number of off-street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 60 feet and 14 feet overhead clearance with adequate means for ingress and egress.

Table 12.3 Minimum Loading Requirements

Square Feet of Gross Floor Area in Structure	Number of Berths
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3

100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

12:2.2. *Design of loading spaces.* Off-street loading spaces shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises of the structures they are intended to serve.

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or sidewalk.

12:2.3. *Requirements for commercial uses.* All retail uses and office buildings with a total floor area of 10,000 square feet shall have one off-street loading berth for each 10,000 square feet.

12:3. - Parking lot landscaping.

All new off-street parking lots with ten or more spaces located adjacent to existing public right(s)-of-way shall establish roadside buffers. Roadside buffers shall be located outside of the rights-of-way of existing roads.

12:3.1. *Roadside buffers.*

1. The minimum roadside buffer width shall have an average planting width of eight feet with the minimum width for any buffer yard being five feet. Buffers shall contain the following plant materials:
 - a. An average of one tree for every 50 feet of linear road frontage.
 - b. Shrubs spaced to provide a continuous evergreen screen within three years of installation.
2. Within the buffer yard, fences, walls, earthen berms or any combination thereof may be used to meet the requirements of this section so long as they are a minimum of 30 inches in height and provide a continuous opaque visual screen. Berms shall have a side slope no greater than 3:1.
3. Where existing overhead power utility lines preclude sufficient space for a shade tree to grow then two small trees shall be substituted for each required shade tree.