

# ARTICLE 11: CONDITIONAL USE REVIEW AND REGULATIONS

## Section

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### **§ 11:1 PURPOSE AND FINDINGS.**

The Jasper 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 Jasper 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.

#### **§ 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, 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.

#### **§ 11:3 INITIATIONS.**

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.

#### **§ 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.

#### **§ 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.

**§ 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 & 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 Jasper 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).

#### **§ 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 (2) acres.
2. The number of animals permitted shall be limited to no more than one per every six thousand (6,000) square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of one hundred fifty (150) feet from the property line.

### **11:7.2 Sector 1123; Poultry & Eggs:**

1. The parcel size shall be a minimum of two (2) acres.
2. The number of animals permitted shall be limited to no more than one per every six thousand (6,000) square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of one hundred fifty (150) feet from the property line.

### **11:7.3 Sector 1129; Animal Specialties:**

1. The parcel size shall be a minimum of two (2) acres.
2. The number of animals permitted shall be limited to no more than one per every six thousand (6,000) square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of one hundred fifty (150) feet from the property line.

### **11:7.3.A, Sector 11531; Forestry:**

1. All Forestry Activities must meet the criteria as defined in Act No. 48 of 2009

### **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:

<b>Setback Requirements for Mining and Mine Operation</b>							
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.

**11:7.5B. 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 designated 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 designated 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 approved 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 8' 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 14'6".
  - 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% 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 421140; Used Motor Vehicle Parts:**

1. 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.
2. 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).
3. The outdoor operations area, including parking and storage areas, shall be located outside the 100 year floodplain.
4. No material incapable of being reused or recycled in some form shall be placed in open storage.
5. 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.
6. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.
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 (8) 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 5 feet at time of installation, and not less than eight (8) 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 (1) 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 (1) evergreen shrub shall be installed for every five (5) linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
8. In addition to the fencing requirements, Buffering and Landscaping requirements shall be met in accordance with Article 12:8.
  9. No items may be stacked higher than the required screen.
  10. 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.
  11. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.

12. 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.
13. 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. Disposal of toxic/hazardous matter is prohibited anywhere without a state permit.
14. Storage of items shall be so arranged as to permit easy access for firefighting purposes.
15. A surety bond in the amount below shall be required for remediation of the site.
  - a. Less than 50 acres - \$5,000.00 per acre.
  - b. 51 – 250 acres \$4,500.00 per acre.
  - c. 251 acres or more - \$4,000.00 per acre.

**11:7.8A, 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 (8) 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 5 feet at time of installation, and not less than eight (8) 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 (1) 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 (1) evergreen shrub shall be installed for every five (5) linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
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 seventy-five 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 1 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 am – 8:00 pm.
10. A structure consisting of a minimum of 400 s.f. 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 & 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:**

1. Sales Office Only.
2. No Inventory or Models Allowed.

**11:7.11 Sector 45431; Fuel Dealers:**

**11:7.11A Sector 484210; Used Household and Office Goods Moving:**

1. No outdoor display and storage.
2. Adequate access must be provided for anticipated truck traffic.
3. Structures must meet screening and buffering requirements per Article 12.
4. Article 16: Manufacturing Use Performance Standards apply to this specific use.
5. Hours are limited to 7:00 am to 7:00 pm, Monday to Saturday.
6. Vehicles used for this specific use shall not exceed FHWA Class 8.

**11:7.11B 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' 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 (8) feet in height and a maximum of ten (10) in height. Tin is not allowed.
4. Landscaping is required for all outdoor storage areas. One (1) evergreen shrub shall be installed for every five (5) 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 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.

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 10 vehicles; storage of more than 10 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 & 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 (1) row of evergreen plant material capable of forming a continuous screen at least six (6) feet in height shall be provided, with individual plantings spaced not more than five (5) feet apart. In addition, at least one (1) row of evergreen trees with a minimum two (2) inches DBH (diameter at breast height) measured 3½ feet above grade, at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifty (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 (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 Jasper 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 (1) year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.
  - g. Eight (8) 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 (2) 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 twenty (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 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:

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- 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;
- e. parking;
- f. access;
- g. landscaped areas;
- h. fences;
- i. adjacent land uses, and
- j. 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 (6); 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 two hundred fifty (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 (1) acre; maximum lot size of five (5) acres.

**11:7.15 Sector 5621; Waste Collection:**

1. Shall be consistent with the most current Jasper County Solid Waste Management Plan.

**11:7.16 Sector 562212; Solid Waste Landfill:**

1. Shall be consistent with the most current Jasper County Solid Waste Management Plan.
2. 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 (6) 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 1000 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 (8) 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 & 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 Two landfill does to 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 Jasper County Solid Waste Management Plan.

**11:7.18 Sector 562920; 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 (8) 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 5 feet at time of installation, and not less than eight (8) 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 (1) 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 (1) evergreen shrub shall be installed for every five (5) linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
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 seventy-five 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 Jasper County Solid Waste Management Plan.

**11:7.19A Sector 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 approval for services provided.
6. Hours are limited to 7:00 AM to 7:00 PM, Monday to Friday and 7:00 AM to 5:00 PM 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 (4) 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 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 designated to be compatible with surrounding residential development.
2. There shall be minimal visually identifiable differences from the outside of 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 (6) 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 & 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 & Skeet Ranges:**

The unique nature of this use is such that the following criteria shall be observed in placing any such use in Jasper 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 & 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 1 1/2 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 (4) square feet in area. Self illuminated, can use landscape lighting.

**11:7.27 Sector 72121; Camps & 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 (5) 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'
All other property lines	50'
  - c. Maximum density shall not exceed 10 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 one hundred fifty (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' 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 adjoining 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 adjoining properties and ROWs using berm, fencing, landscaping, buildings or a combination thereof.
6. Landscaping is required for all outdoor storage areas. One (1) evergreen shrub shall be installed for every five (5) 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 3 to 5 gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.

**NOTE:** Properties located within the Gateway Corridor Overlay District, shall meet the standards of Article 8:8.4A(8) for Outdoor Storage.

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 thirty (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 (1) 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 Chapter 43 Title 27 of the 1976 Code of Laws of South Carolina 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 5 acres.
2. No exotic animals as defined by Title 9 of the Code of Federal Regulations, Section 1.1 are allowed.
3. Structures that house animals must be at least 100' away from adjacent property lines.
4. Where an existing residential use is adjacent to the subject property Bufferyard 4 shall be required (See Article 12:8.2, *Bufferyards*).

5. 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.
6. 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 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.
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.

**11:7.30B. Manufactured Houses 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 have a minimum of one (1) acre and a maximum of ten (10) acres in the Residential, Community Commercial and General Commercial Zoning Districts.
2. Such projects shall have a minimum of two (2) acres and a maximum of ten (10) acres in the Rural Preservation District.
3. For all units, the lot area, yard, and setbacks shall be as prescribed in Article 7:3, Table 1.
4. Building orientation shall be representative of that exhibited by surrounding single-family development.
5. The size, bulk, height and scale of proposed structures shall reflect the characteristics of existing single-family structures in the area.
6. At least one duplex front door should be visible from the front of the structure.
7. Entrances should be visible and approaches to the front entrance of each dwelling unit should be clearly delineated by improved walkways and landscaping.
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.

### **11:7.31.A Multi-Family Apartments**

Where Multifamily Apartments are allowed as a conditional use, such uses shall meet the following requirements:

1. Such projects shall be a minimum of 5 acres.
2. Such project shall have a maximum density of 10 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 5 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 have a minimum of one and half (1-1/2) acre.
2. Not more than eight (8) or fewer than three (3) townhouses may be joined together, with approximately the same front line (may be staggered).
3. Minimum distance between rows of buildings shall be not less than 20 feet.
4. For all units, the lot area, yard, and setbacks shall be as prescribed in Article 7:3, Table 1.
5. Sidewalks not less than four (4) feet in width shall be provided along the front property line of each project, building.
6. Not less than 10 percent of the project site shall be diverted to contiguous common open space which is designed for use by the residents.
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.

**11:7.33 Patio Homes:**

Due to the unique design features of patio homes, the following supplemental design requirements shall apply:

1. Such projects shall have a minimum of one (1) acre and a maximum of ten (10) acres.
2. For units in the applicable areas of the Levy-Limehouse Overlay District (LLOD) or where water and sewer service is provided in accordance with Article 6 of the Jasper County Land Development Regulations, the lot area, yard, and setbacks shall be as prescribed in Section 8:4. For units not meeting these requirements, the minimum lot size shall be .5 acre and the yard, and setbacks shall be as prescribed in Section 7:3, Table 1.
3. Not less than ten percent (10%) of the project site shall be diverted to contiguous common open space which is designed for use by the residents.
4. 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.

**11:7.34 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 can not 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.
  - c. 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

- 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 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 forty-five (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 (1) 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.
7. Temporary use permits may be renewed no more than twice within a twelve (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 (6) 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 (1) 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 (6) 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 thirty (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 Section 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 Jasper 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.