

**ARTICLE III
PERMITTED, CONDITIONAL AND ACCESSORY USES**

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SECTION 30 GENERAL PROVISIONS

Section 30.01 Purpose and intent

The purpose of this Section is to establish those land uses permitted in a zoning district; those permitted in the zoning district under certain special conditions; and those that are accessory to the principal land use on the parcel. In this regard, these regulations are also intended to:

- (a) Preserve agricultural areas until the marketplace determines a change to a more intense land use is justified;
- (b) Ensure the principles of the Right-To-Farm Act are implemented;
- (c) Segregate residential and commercial land uses by density and intensity of activity;
- (d) Protect all property owners and environmentally sensitive lands from encroachment of incompatible land uses;
- (e) Encourage innovative land use regulation techniques;
- (f) Encourage preservation of on-site open space by limiting lot coverage;
- (g) Establish development criteria for certain special land uses;
- (h) Establish criteria for the review of temporary land uses.

Section 30.02 District boundaries

The zoning district boundaries depicted on the Official Zoning Map of Clarendon County may be periodically revised pursuant to the requirements of Article IX of this Code. When uncertainty occurs as to the boundaries of zoning districts, the following rules shall apply:

- (a) Zoning district boundaries using roadways to divide the districts shall be construed to mean the centerline of such roadway;
- (b) Boundaries indicated as approximately following parcel lines, section lines and/or platted lot lines shall be construed to follow such lines;
- (c) Boundaries indicated as using railroad or utility lines, shall be construed to mean the centerline of such railroad, or utility line;
- (d) Boundaries indicated as using creeks, canals, streams, rivers or similar waterways shall be construed to mean the centerline of such waterway;
- (e) Boundaries indicated as using a lake or pond shoreline shall be construed to the mean high water mark;
- (f) Boundaries indicated as using political boundaries shall be construed as following such boundaries as determined by the affected local government; and
- (g) Boundaries indicated as being parallel to any of the above and for which no measurement is specified, shall be measured using the best economically, available methodology.

Section 30.03 Application of districts

Section 6-29-540, SC Code of Laws, requires all that public and private development be subject to the requirements of this Code. It is unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy, any land, building, or other structure, without first obtaining the appropriate permit, or permit approval, as described in this Code. Further, it is a misdemeanor violation for any official other than the planning director or his/her designee, to issue any permit, for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration, of a building or structure, without the approval of the planning director or his/her designee [Section 6-29-950 (A), SC Code of Laws]

In accordance with Section 6-29-1145, SC Code of Laws, the Department must inquire in the application whether the tract or parcel is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted use. If there is such a conflict the Department must not issue the permit unless the Department receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

Section 30.04 Official zoning map

- (a) Clarendon County is hereby divided into the zoning districts shown on the Official Zoning Map and is a part of this Code by reference;
- (b) The Planning Department shall maintain the only Official Zoning Map on one, or more appropriate scale maps;
- (c) Unauthorized changes to the Official Zoning Map shall be a violation of this Code and be subject to the applicable enforcement provisions herein;

- (d) Except as described in subsection (e) below, no changes shall be made in the Official Zoning Map without completion of the process described in Section 91 of this Code;
- (e) The Planning Department shall have the authority to adjust the boundaries on a parcel of five acres or less, in size that has two or more zoning district classifications;
- (f) In the event that the Official Zoning Map requires updating, becomes, damaged, destroyed, lost or difficult to interpret because of the nature of the changes and additions, a new Official Zoning Map shall be adopted pursuant to the requirements of Article IX.

SECTION 31 COMPREHENSIVE PLAN RELATIONSHIP

Section 31.01 Purpose and intent

Section 6-29-720 (B), SC Code of Laws requires that any regulations established to implement the Comprehensive Plan be in accordance with the Plan. Table III-1 establishes the relationship between the land use categories in the Future Land Use Element of the Comprehensive Plan and the zoning districts to ensure compatibility and consistency between the documents. Density is based on the gross acreage of the subject parcel.

**TABLE III – 1
FUTURE LAND USE MAP & ZONING DISTRICT COMPATIBILITY**

Future Land Use Map Designation	Density or Intensity Limits	Compatible Zoning Districts
Conservation	Nap (1)	CON (2)
Agriculture	Nap	AGR I & II
Institutional		INS & PZ
Industrial		IND I, II & PZ
Commercial		NC, GC & PZ
Residential Estate	Up to 1.0 DU/ac (5)	RE & PZ
Single Family Residential	1.1 to 4.3 DU/ac	RC, SFR & PZ
Multifamily Residential	4.4 DU/ac plus	RMF, RC & PZ

- (1) Nap = not applicable
- (2) See table III-2
- (3) DU/ac = Dwelling unit per acre

SECTION 32 DESCRIPTIONS AND USES

Section 32.01 Purpose and intent

The purpose of this Section is to describe the zoning district characteristics and the uses contained therein. These descriptions and designations are necessary to implement the objectives and policies of the Comprehensive Plan and protect the health and safety of the citizens of the County. These regulation specifically implement

Section 32.02 Zoning district descriptions

Table III – 2 below presents the zoning district descriptions and their purpose. In addition to the stated purpose of each zoning district, all districts are also intended to protect against the encroachment of incompatible land uses and to aggregate similar uses by their function and external site impacts.

Section 32.03 Permitted, conditional and accessory use designations

Table III - 3 below presents the permitted, conditional and accessory land uses by zoning district in matrix format.

- (a) The uses designated as P in the matrix are those that are permitted, subject to compliance with the applicable requirements of the resource protection standards in Article IV; the site design criteria in Article V; and the application requirements in Article IX. A footnote means the use is also subject to the special development criteria found in Section 33 of this Article; and
- (b) The uses designated as C require an additional approval process described in Section 98 of this Code. Conditional uses are also required to be in compliance with the applicable requirements of the resource protection standards in Article IV; the site design criteria in Article V; and the application requirements in Article IX; and
- (c) A use designated as “A” is one that is supportive of, and subordinate to, the principal use of the parcel, i.e., an accessory use; and
- (d) A use designated as “PPC” is one that is permitted and requires review by the Planning Commission to set additional development standards if necessary to ensure consistency and compatibility with existing communities and neighborhoods.
- (e) Permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists, or other regulations of this Code, uses not specifically referenced by either a “P”, a “C”, a “PPC” or an “A”, are expressly prohibited.
- (f) In accordance with Section 6-29-1145, SC Code of Laws, the Department must inquire in the application whether the tract or parcel is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted use. If there is such a conflict the Department must not issue the permit unless the Department receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

Section 32.04 Similar or compatible uses

From time to time, a use may be proposed that is similar to, and/or compatible with, a use listed herein, but is not specifically listed in Table III – 3. In such cases, the Planning Department is authorized to allow the use if:

- (a) It is consistent with the relevant objectives and policies of Comprehensive Plan;
- (b) Does not generate greater off-site impacts than the adjacent land uses; and
- (c) Is substantially similar to the other permitted uses in the zoning district.

Section 32.05 Appeals

Pursuant to the requirements of Section 6-29-800 (A), SC Code of Laws, an applicant may appeal the Department’s determination of a similar and/or compatible use to the Zoning Board of Appeals pursuant to the requirements of Section 94 of this Code.

**TABLE III – 2
ZONING DISTRICT DESCRIPTIONS AND PURPOSE**

District Title & Designation	Purpose & General Description
Conservation CON no minimum parcel size	Conserve environmentally sensitive lands and including, but not limited to, wetlands, 100 year floodplains and Carolina Bays
Agriculture AGRI no minimum parcel size	Protect agricultural lands, provide for rural residential uses and reserve land until the marketplace determines a more intense land use is justified - maximum two residences per parcel one family business permitted on same parcel Non-Regulated Animal Facilities
Agriculture AGR II no minimum parcel size	Protect agricultural lands, provide for rural residential uses and reserve land until the marketplace determines a more intense land use is justified - maximum two residences per parcel one family business permitted on same parcel Regulated Animal Facilities or Intensive Animal Production Facilities
Institutional INS no minimum parcel size	Designate parcels used for public and/or semi-public use, including, but not limited to, government buildings, public schools, the airport, public recreation facilities and similar uses. Designation follows use, not “official map” designation
Industrial IND I 10,000 sq. ft. min. parcel size	Designate lands for manufacturing, fabrication and distribution use – no commercial or institutional uses – single family residential permitted on existing lots of record or five (5) acre lots or larger Does not allow Junk, Salvage or Wrecking Yards, & Sexually Oriented Businesses,
Industrial IND II 10,000 sq. ft. min. parcel size	Designate lands for manufacturing, fabrication and distribution use – no commercial or institutional uses – single family residential permitted on existing lots of record or five (5) acre lots or larger
Neighborhood Commercial NC 5000 sq. ft. min. parcel size	Designate land for low intensity commercial uses, including, but not limited to personal services and limited retail uses not requiring frontage on arterial or principal roadways. In certain cases approved by the PPSC, residential uses will be allowed with commercial uses
General Commercial GC 5000 sq. ft. min. parcel size	Designate lands for all types of commercial uses requiring, but not limited to, those requiring frontage on arterial or principal roadways. No industrial uses are allowed however, in certain cases approved by the PPSC, residential uses will be allowed with commercial uses.
Residential Conservation RC No min. lot size	Designate land for various residential lot size – excludes manufactured homes – subdivisions permitted
Residential Estate RE 1 acre min. parcel size	Designate lands for residential estates and limited low intensity agricultural activities - subdivisions are permitted
Single Family Residential SFR	Designate lands for single family residential development - subdivisions permitted – 10,000 sq. ft. minimum lot size with water & sewer 20,000 sq. ft. minimum lot size with central water service and with SCDHEC septic tank approval or with central sewer and well water. 30,000 sq. ft. minimum lot size with well water and SCDHEC septic tank approval
Performance PZ	Designate lands for what may include a single use or any combination of a variety of housing types with commercial and civic and or industrial uses.
Residential Multifamily RMF 2 acre min parcel size	Designate lands for multifamily residential developments, including but not limited to, manufactured home parks/courts, apartments, townhouses, etc

TABLE III - 3

PERMITTED, CONDITIONAL AND ACCESSORY USES ZONING DISTRICTS

USE, STRUCTURE OR ACTIVITY	AG I	AG II	RE	RC	SFR	RMF	NC	PZ	GC	IND I	IND II	CON	INS
Accessory Dwelling Units (36)													
Adult Entertain. Facilities (1)(2)											P		
Agriculture – Animals (exc. Pets)	P	P	P					PPC					
Agriculture – Apiaries	P	P	P					PPC					
Agriculture – Crop Production	P	P	P					PPC					
Agriculture – Silviculture	P	P	P					PPC					
Alcoholic Beverage Vendors (2)	P	P					P	PPC	P		S		
Animal Boarding	P	P						PPC					
Animal Facility Non-Regulated	P	P						PPC					
Animal Facility Regulated		P											
Animal Feed Lots	P	P											
Animal Range Facility	P	P	P					PPC					
Animal Waste Lagoons (3)		P											
Antennas & Satellite Dishes (4)	P	P					P	PPC	P	P	P		P
Antennas – Private	A	A	C					PPC		P	P		
Backyard Chickens (35)	P	P	P	P	P			P				P	
Aquaculture	P	P	P					PPC		P	P	P	
Bed/Breakfast Facility	P	P	P	P	P	P	P	PPC	P				
Big Box Retail Establishments								PPC	P	P	P		
Boarding Houses	P	P					P	PPC	P				
Boat/Watercraft – Boathouse	A	A	A	A	A	A		PPC	A			A	
Boat/Watercraft – Landings	P	P	P				P	PPC	P	P	P	P	P
Boat/Watercraft – Repair								PPC	P	P	P		
Borrow Pits/Mining/Extract. (5)	P	P								P	P	P	
Campgrounds-Commercial	P	P	P					PPC	P			P	
Cemeteries	P	P	P					A		P	P	P	
Child Care Centers-Commercial. (8)	P	P					P	PPC	P	P	P		
Church	P	P	P	P	P	P	P	PPC	P	A	A	A	A
Civic/Social/Fraternal Facilities	P	P					P	PPC	P			P	
Community Centers	P	P	P	P	P	P	P	PPC	P	P	P	P	
Compost Facilities-Commercial (6)	P	P						PPC		P	P		
Condominiums						P		PPC	P				
Convalescent/Nursing Homes	P	P					P	PPC	P				
Correctional Facilities													P
Country Clubs (2) (7)	P	P	P					PPC					
Crematoriums	P	P						PPC	P	P	P		
Distribution Facilities > 10,000 SF								PPC		P	P		
Distribution Facilities < 10,000 SF	P	P					P	PPC	P	P	P		
Eating/Drinking Establishments (2)	P	P	P				P	PPC	P			P	
Equestrian Facilities (see also Animal Range Facility)	P	P	P					PPC				P	
Fabrication Operations								PPC		P	P		
Family Business – Agriculture	P	P						PPC					
Family Day Care Centers (8)	P	P	P	P	P	P	P	PPC	P	P	P		
Farm Produce Stands	P	P	P				P	PPC	P	P	P		
Financial Institutions							P	PPC	P	P	P		

**TABLE III - 3
PERMITTED, CONDITIONAL AND ACCESSORY USES (cont'd)**

ZONING DISTRICTS

USE, STRUCTURE OR ACTIVITY	AG	AG	RE	RC	SFR	RMF	NC	PZ	GC	IND	IND	CON	INS
	I	II								I	II		
Flea Markets (9)	P	P						PPC	P				
Funeral Homes Mortuaries	P	P						PPC	P	P	P		
Garages – Private	A	A	A	A	A	A	A	PPC				A	
Gazebos and sheds	A	A	A	A	A	A	A	PPC	A	A	A	A	
General Retail Establishments (2)	P	P						P	PPC	P	P	P	
General Service Establishments								P	PPC	P	P	P	
Golf Courses	P	P	P	P	P	P		PPC					P
Government Facilities								P	PPC	P	P	P	P
Group Homes	P	P	P	P	P	P	P	PPC	P	P	P	P	P
Gun/Skeet Clubs- Outside (10)	P	P						PPC					P
Guest Cottage								PPC					
Handicapped Homes (8)(11)	P	P	P	P	P	P	P	PPC	P	P	P	P	P
Hazardous Waste Disposal (12)											P		
Hunt Clubs	P	P						PPC					P
Home Occupations (13)	A	A	A	A	A	A		PPC					A
Hotels	P	P	P					P	PPC	P			
Incinerators (14)													P
Indoor Recreation	P	P						P	PPC	P	P	P	
Industrial Parks								PPC		P	P		
Infectious Waste Disposal (15)													P
Intensive Animal Production Facilities Regulated by SC DHEC (16)		P											
Junkyards/Salvage Yards (17)												P	
Kennels (18)	P	P						PPC	P	P	P		
Light Industrial								PPC	P	P	P		
Livestock (19)	P	P						PPC					P
Lounge/Night Club								PPC	P		P		
Manufactured Homes-single units	P	P	P		P			PPC/P (32)				P	
Mfgd. Home Park/Court (20)						P		PPC					
Mfgd. Home Sales Lot (21)								PPC	P	P	P		
Mfgd. Home Subdivisions			P		P			PPC					
Medical/Dental/Veterinary Clinics	P	P						P	PPC	P	P	P	
Migrant Worker Housing (28)	P	P											
Mini-warehouses								P	PPC	P	P	P	
Modular Homes	P	P	P	P	P	P		PPC/P (33)					
Motels (2)	P	P						P	PPC	P	P	P	
Nuclear Waste Facilities (22)													P
Outdoor Gun Ranges	P	P						PPC					P
Outdoor Recreation-Private	P	P	P					PPC					P
Outdoor Recreation-Public	P	P	P					PPC					P
Outdoor Sales	P	P	P					PPC	P				P
Outdoor Storage	P	P	P					PPC	A	A	A	P	

**TABLE III - 3
PERMITTED, CONDITIONAL AND ACCESSORY USES (cont'd)**

ZONING DISTRICTS

USE, STRUCTURE OR ACTIVITY	ZONING DISTRICTS													
	AG I	AG II	RE	RC	SFR	RMF	NC	PZ	GC	IND I	IND II	CON	INS	
Parking-Private	A	A	A	A	A	A	A	PPC	A	A	A	A		
Parking-Commercial	A	A	A	A	A	A	P	PPC	P	P	P			
Pets (23)	P	P	P	P	P	P	P	PPC	P			P		
Places of Worship-Cemeteries	A	A	A	A	A	A	A	PPC	A	A	A	A	A	
Places of Worship-Recreation	A	A	A	A	A	A	A	PPC	A	A	A	A	A	
Places of Worship-Sanctuaries	P	P	P	P	P	P	P	PPC	P	A	A	A	A	
Places of Worship-Schools	A	A	A	A	A	A	A	PPC	A	A	A	A	A	
Plant Nurseries	P	P	P				P	PPC	P	P	P	P		
Private Landing Strips	P	P						PPC		P	P			
Professional Offices	P	P	P				P	PPC	P	P	P			
Public Utility Facilities	P	P	P				P	PPC	P	P	P		P	
RV Campgrounds/Parks (24)	P	P	P				P	PPC	P	P	P	P		
RV Sales								PPC	P	P	P			
Residential-Duplexes				P	P			PPC						
Residential-Apartments						P		PPC						
Residential-Single Family	P	P	P	P	P	P	P	PPC/P (33)	P					
Residential-Townhouses				P		P	P	PPC	P					
Sawmills	C	C						PPC		P	P			
Schools-Private	P	P	P		P		P	PPC	P	P	P			
Schools-Public	P	P	P		P		P	PPC	P	P	P		P	
Sensitive Natural Areas	P	P						PPC				P		
Signs-On-Site	P	P	P				P	PPC	P	P	P	P		
Solar Farm/System (34)		P								P	P		P	
Slaughter Houses (25)		P												
Stockyards Non-Regulated (26)	P	P												
Stockyards Regulated (26)		P												
Swimming Pools-Private	A	A	A	A	A	A	A	A	A	A	A	A	A	
Swimming Pools-Public	P	P	P				P	PPC	P				P	
Subdivisions-Conventional			P	P	P	P	P	PPC	P	P	P	P	P	
Subdivisions-Minor (29)	P	P	P	P	P	P	P	PPC	P	PPC	PPC	PPC	PPC	
Transfer Stations										P	P			
Towing/Impoundment									P					

**TABLE III - 3
PERMITTED, CONDITIONAL AND ACCESSORY USES (cont'd)**

USE, STRUCTURE OR ACTIVITY	ZONING DISTRICTS												
	AG I	AG II	RE	RC	SFR	RMF	NC	PZ	GC	IND I	IND II	CON	INS
Truck Stops	A	A						PPC	P	C	P		
Vehicle Body Shops								PPC	P	C	P		
Vehicle Repair (30)	P	P	P					PPC	P	C	P		
Vehicle Sales								PPC	P	C	P		
Vehicle Service	P	P						PPC	P	C	P		
Vehicle Race/Test Tracks (27)	P	P								C	C		
Vehicle Towing/Impoundment & Recovery Yards (31)									P		P		
Video Game Parlors							P	PPC	P				
Warehouses								PPC		P	P		
Wholesale Facilities	P	P						PPC		P	P		
Woodworking Shop	A	A	A		A		A	PPC	A	A	A	A	

**TABLE III - 3
FOOTNOTES**

- (1) See Article XV, Sexually Oriented Business
- (2) See Section 33.02 – Alcoholic Beverage Vendors
- (3) See Section 33.03 – Animal Waste Lagoons
- (4) See Section 33.04 – Satellite Dishes
- (5) See Section 33.05 – Borrow Pits, Mining and Extraction
- (6) See Section 33.06 – Commercial Compost Facilities
- (7) See Section 33.07 – Country Clubs
- (8) Must Meet State Requirements
- (9) See Section 33.08 – Flea Markets
- (10) See Section 33.09 – Gun Clubs/Skeet Ranges
- (11) Limited to 9 residents
- (12) See Section 33.10 – Hazardous Waste Disposal
- (13) See Section 33.11 – Home Occupations
- (14) See Section 33.12 - Incinerators
- (15) See Section 33.13 – Infectious Waste Disposal
- (16) See Section 20.02 – Intensive Animal Production
- (17) See Section 33.14 – Junk, Salvage and Wrecking Yards
- (18) See Section 33.15 – Kennels
- (19) See Section 20.02 - Livestock
- (20) See Section 33.16 – Manufactured Home Park/Court
- (21) See Section 33.17 – Manufactured Home Sales Lot
- (22) See Section 33.18 – Nuclear Waste Disposal Facility
- (23) See Section 20.02 - Pet
- (24) See Section 33.19 – RV Campgrounds
- (25) See Section 33.20 – Slaughter Houses
- (26) See Section 33.21 – Stockyards
- (27) See Section 33.22 – Vehicle Racing/Testing Tracks
- (28) See Section 33.23 – Migrant Worker Housing
- (29) See Section 60.05 – Minor Subdivisions

- (30) Vehicle repair in RE is limited to property owner's vehicles
Limited to 5000 square of enclosed space and on the same parcel as the residence
- (31) See Section 33.25 – Vehicle Towing/Impoundment & Recovery Yards
- (32) Existing mobile homes may be replaced within 90 days of removal or may be placed on existing mobile home subdivision lots of record.
- (33) Permitted on existing lots of record.
- (34) All Solar Energy System/Solar Farm related uses shall include Removal and Indemnity Agreements.
- (35) See Section 33.26 Backyard Chickens
- (36) See Section 33.27 Accessory Dwelling Units

SECTION 33 – SPECIAL USES REQUIREMENTS

The following land uses are subject to the special restrictions described in addition to the applicable Resource Protection Standards described in Article IV, the Site Development Criteria described in Article V and the appropriate application processes described in Article IX. The special standards provided below apply regardless of how the use is designated in Table III-3. No activity listed in Section 33 of the Code may begin operation until the Department certifies the applicant has complied with the criteria listed in this Code, in its entirety, and a certificate of occupancy has been issued and all state and federal permits are in place. All South Carolina and U. S. Government approvals and permits must be received prior to the issuance of a certificate of Occupancy.

Section 33.01 Reserved

Section 33.02 Alcoholic beverage vendors

The purpose of this section is to separate vendors of alcoholic beverages from certain land uses to minimize any deleterious effect on those land uses. These regulations implement the requirements of Section 61-2 et.seq., 61-4 et.seq. and 61-6, et.seq. SC Code of Laws. The separation criteria are listed below:

- (a) An alcoholic beverage vendor shall not be established closer than 500 feet to an existing public recreation facility, an existing structure of a public school, any public building visited by the general public or an existing place of worship;
- (b) A public recreation facility, the structure of a public school or a place of worship shall not be established closer than 500 feet to an existing alcoholic beverage vendor; and
- (c) The separation requirements shall be measured from the front door to the alcoholic beverage vendor to nearest portion of use or structure described in (a) and (b) above.

Section 33.03 Animal waste lagoons

The purpose of this Section is to comply with the provisions of Title 46, Chapter 45 of the South Carolina Code of Laws the "Right to Farm Act", 47-4-160 of the South Carolina Code of Laws, and relevant regulations, such as, R. 61-43, Standards for Permitting of Agricultural Animal Facilities:

- (a) The application shall show the exact location of the proposed lagoons on an aerial photograph at a scale of no greater than 1 inch to 400 feet prepared by a SC licensed surveyor;
- (b) All state and federal permits have been received and are in place; and,

Section 33.04 Satellite dishes

The County finds that it is necessary to regulate the placement of certain antennas and satellite dishes in order to protect the property values of adjacent properties by minimizing the structure clutter that may occur on a parcel. The criteria implementing this policy are found below:

- (a) Pursuant to the requirement of the federal Telecommunications Act of 1993, a satellite dish with a diameter of 91.5centimeters [approximately 36 inches], or less, shall not be regulated by the County nor require a building permit.

Section 33.05 – Borrow pits, mining and extraction

The purpose of this Section is to allow mining and extraction activity to occur where needed and to ensure the site is restored to its pre-development condition or another acceptable use. With the exception of storm water management ponds, each proposed facility shall comply with the criteria listed below:

- (a) The active mining operation shall not be located closer than 1,320 feet to the property line unless an environmental easement is obtained from the adjoining landowner(s).
- (b) The facility shall have direct access to a collector or arterial roadway and shall not use any local street for

- access;
- (c) The applicant shall submit a copy of all state and/or federal permits that may be required;
- (d) The outside edge of the active operating area shall not be closer than 1320 feet to the Clarendon County Industrial Park boundary line;
- (e) Any lawfully permitted mining operation at the date of adoption of this Code may continue to operate on the present site without compliance to these requirements. However, any expansions must meet ordinance requirements; and
- (f) All federal and state permit requirements have been satisfied and are in place.

Section 33.06 Commercial compost/waste tire facilities

The purpose of this Section is to establish criteria that implement the objectives of Solid Waste Management Act of 1991. The criteria listed below implement this policy:

- (a) No such use, building, structure or other improvements shall be located closer than 1,500 feet to the nearest property line unless an easement is obtained from the adjacent landowner(s);
- (b) Each facility shall be totally screened from view of the adjacent property by any combination of earthen berms, vegetation and fencing;
- (c) Each facility shall have direct paved driveway access to a collector or arterial roadway; and
- (d) The outside edge of the compost, or waste tire, facility shall not be closer than 1500 feet to the Clarendon County Industrial Park boundary line or a parcel zoned INS, NC or GC.
- (e) All federal and state permit requirements have been satisfied and are in place.

Section 33.07 Country clubs

The County finds that since country clubs usually include a variety of recreational and commercial uses, it is necessary to establish special criteria for their development. The criteria shown below implement this policy:

- (a) Unless part of a PZ or Development Agreement, an applicant for a country club shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (b) All access to the facility shall be directly to a collector, or arterial, roadway and shall not use a local or residential street;
- (c) Each facility shall supply the required parking for each separate use of the site;
- (d) The principal access point to the club house structure shall via a paved driveway to a collector or arterial roadway.

Section 33.08 Flea markets

The purpose of this Section is to establish criteria for the location and operation of flea markets that provide safe access for pedestrians and vehicles. The criteria below implement this policy:

- (a) An applicant for a flea market shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (b) All access to the facility shall be directly to a collector or arterial roadway and shall not use a local or residential street;
- (c) All activities shall be conducted completely inside enclosed buildings;
- (d) The use of an outside display or outside tables shall be permitted on a quarterly basis by the planning director or his/her designee.

Section 33.09 Gun clubs/skeet, trap, rifle ranges

The County finds it necessary for the safety of its residents to locate outdoor gun clubs, and similar uses in the less populated areas of the County. The criteria listed below implement this policy:

- (a) The outside edge of the target area or skeet shooting area shall not be closer than 1500 feet to the nearest existing residential structure;
- (b) The outside edge of the target area or skeet shooting area shall not be closer than 1500 feet to the Clarendon County Industrial Park boundary line or any parcel zoned INS, NC GC, SF30, SF10 or RMF;
- (c) The applicant shall maintain a minimum of adequate safety measures, such as dirt mounds and back stops, to protect adjacent properties from stray bullets.

Section 33.10 Hazardous waste disposal

The County finds it necessary to establish criteria to locate proposed hazardous waste disposal, storage and/or treatment sites that protect adjacent properties from the effects of such operations. The criteria below implement this policy:

- (a) An applicant for a hazardous waste disposal facility shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (b) All access to the facility shall be directly to a collector or arterial roadway and shall not use a local or residential street;
- (c) Each applicant shall submit a copy of the federal Environmental Impact Statement with the site plan application material;
- (d) The entire site perimeter shall be surrounded by minimum eight (8) foot high security fence and other appropriate security measures;
- (e) The active portion of the site shall be screened from view by adjacent properties;
- (f) The active portion of the site shall be located no closer than 2640 feet to the nearest property line unless an environmental easement is obtained from the adjoining land owner(s);
- (g) A residence, a place of worship, a public school, a commercial structure shall not be permitted to locate closer than 2640 feet to the active portion of an existing hazardous waste disposal, treatment or storage site;
- (h) The facility shall post an irrevocable reclamation bond in the amount of 150 percent of the estimated reclamation cost;
- (i) The site plan application shall include a copy of the all approved federal and state permits.
- (j) The outside edge of the operation area shall not be closer than 2640 feet to the Clarendon County Industrial Park boundary, any water body or any parcel zoned INS, NC or GC .

Section 33.11 Home occupations

The County finds that since modern telecommunications allow more persons to work at home, it is necessary to establish criteria to protect adjacent residences from the off-site impacts of such uses. The criteria below implement this policy:

- (a) The business shall not be operated in a manner that creates a nuisance to adjacent parcels;
- (b) No more than one sign up to four (4) square feet in area may be located on the site.
- (c) No more than 20 percent of the principal structure shall be used for the home occupation
- (d) Parking shall be provided in the rear of the property.
- (e) The use of an accessory building for a home occupation shall require an exemption issued by the PC.

Section 33.12 Incinerators

The County finds it necessary to establish criteria for the location and operation of incinerators, to protect the health and safety of its citizens. The criteria listed below implement this policy:

- (a) The principal incinerator structure shall not be located closer than 2640 ft. to the nearest property line unless an environmental easement is obtained from the adjoining landowner(s);
- (b) No residence, place of worship, public school or public recreation facility shall locate closer than 2640 feet to an existing incinerator;
- (c) An applicant for an incinerator shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (d) All access to the facility shall be directly to a paved roadway and shall not use a local or residential street;
- (e) Each applicant shall submit a copy of the federal Environmental Impact Statement, if required, with the site plan application material;
- (f) The site plan application shall include a copy of all SCDHEC and USEPA permits; and
- (g) The outside edge of the operation area shall not be closer than 2640 feet to the Clarendon County Industrial Park boundary line or any parcel zoned for institutional, commercial or residential.

Section 33.13 Infectious waste disposal

The County finds it necessary to establish criteria to locate proposed infectious waste disposal, storage and/or treatment sites that protect adjacent properties from the effects of such operations and to implement the objectives of the Infectious Waste Management Act. The criteria below implement this policy:

- (a) An applicant for a infectious waste disposal site shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (b) All access to the facility shall be directly to a collector or arterial roadway and shall not use a local or residential street;
- (c) Each applicant shall submit a copy of the federal Environmental Impact Statement with the site plan application material;
- (d) The active portion of the site shall be screened from view by adjacent properties;
- (e) The active portion of the site shall be located no closer than 2640 feet to any property line unless an environmental easement is obtained from the adjoining landowner(s);
- (f) A residence, a place of worship, a public school, a commercial structure shall not be permitted to locate closer than 2640 feet to the active portion of an existing infectious waste disposal, treatment or storage site;
- (g) The site plan application shall include a copy of the all federal and state permits in place; and
- (h) The outside edge of the operation area shall not be closer than 2640 feet to the Clarendon County Industrial Park boundary line or any parcel zoned for institutional, commercial or residential use.

Section 33.14 Junk, salvage and wrecking yards

The County finds it necessary to regulate the location and operation of junkyards in order to improve the appearance of the community and to mitigate the off-site impacts to adjacent property owners. The criteria listed below implement this policy:

- (a) A junkyard shall not locate closer than 500 feet to an occupied residence, an existing place of worship, an existing public school, an existing historical place or an existing public recreation area;
- (b) A residence, a place of worship, a public school, or a public recreation area shall not located closer than 500 feet to a junkyard;
- (c) No material that may be transported by wind or storm water may be placed in outside storage;
- (d) Every junkyard must be enclosed on all sides by a fence not less than six (6) feet in height and vegetation that shall provide an unbroken, continuous hedgerow at maturity. The fence and vegetation shall be constructed and planted such that the junkyard is protected from children and other trespassers and is hidden from view. The vegetation shall be located on the outside of the fence and shall be as near the fence as practical. Any vegetation that dies shall be replaced within sixty (60) days;
- (e) Every junkyard operator shall conduct all business within the fenced area of their property;
- (f) The facility shall have a paved driveway directly to paved roadway;
- (g) All state and federal permits must be in place;
- (h) Existing non-conforming junkyards holding a valid retail license for operation at its present location from the S.C. Department of Revenue issued before August 8, 2005, shall comply with items ©, and the front yard requirements of item (d) no later than July 1, 2006. The side yard requirements of item (d) shall be in place no later than July 1, 2007.; the rear yard requirements of item (d) shall be in place and adherence to item (e) no later than July 1, 2008;
- (i) All existing and new junkyard owner/operators shall register their junkyard with the Clarendon County Planning & Public Service Commission no later than July 1, 2006. A registration form must be completed and \$125.00 fee paid to cover the cost of registration and inspection for compliance. Thereafter, all junkyard registrations must be renewed annually by July 1st at a renewal fee of \$100.00;
- (j) Beginning July 1, 2006, it shall be unlawful for any person, corporation or business entity, unless registered with Clarendon County Planning & Public Service Commission as a junkyard owner/operator, to have upon its premises any items of junk or two or more abandoned, unlicensed, untagged vehicles unless:
 - (1) Each vehicle is covered with a car cover (tarps are not allowed) or stored in a totally enclosed building.
 - (2) All junk is stored in a totally enclosed building.
 - (3) This section of the UDC shall not apply to any business storing five (5) or fewer vehicles subject to valid Garage man's Liens as provided by State Statute or to farm equipment located on property having an agriculture tax exemption.

*****NOTE***** Failure to comply with any of the above requirements is a misdemeanor punishable by a fine of \$500 or 30 days of community service for each day of non-compliance.

Section 33.15 Kennels

The purpose of this Section is to establish regulations for the location and operation of kennels. The criteria below implement this policy:

- (a) The application shall show the exact location of the proposed kennel on an aerial photograph of a scale of 1 inch to 400 feet;
- (b) No portion of any kennel shall be closer than 100 feet to the nearest portion of an occupied residential structure, an existing place of worship structure, an existing public school structure, an existing commercial structure or an existing industrial structure;
- (c) Except for the kennel owner/operator's residence, a residence, place of worship, a public school structure, a commercial structure nor an industrial structure shall locate within 100 feet of an existing kennel.

Section 33.16 Manufactured home park/court

The purpose of this Section is to establish regulations for the location and operation of manufactured home parks. The criteria below implement this policy:

- (a) A manufactured home park/court (MHP) shall have a minimum parcel size of two (2) acres and a minimum width of 200 feet on a roadway;
- (b) The application shall show the exact location of the proposed MHP on an aerial photograph at a scale of no greater than one (1) inch to 400 feet prepared by a SC licensed surveyor;
- (c) An applicant for a MHP shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (d) All access to the facility shall be directly to a paved roadway and shall not use a local or residential street;
- (e) All interior MHP streets shall be paved to County standards;
- (f) The intersection of MHP streets shall be provided with a street light as well as street lights at intervals of no less than 400 feet apart on the interior streets;
- (g) Each manufactured home shall be at least 25 feet from any other manufactured home and at least 25 feet from any drive that provides common circulation;
- (h) Every manufactured home shall comply with the latest version of the SC Manufactured Home Board installation requirements;
- (i) Each MHP is required to get approved street names and addresses for each space;
- (j) SCDHEC well and septic tank permits are in place; and
- (k) Lots of 20,000 square feet or less will require both water and sewer service. Lots over 20,000 square feet will require water service with approved SCDHEC septic tank documentation..

Section 33.17 Manufactured home sales lot

The purpose of this Section is to establish regulations for the location and operation of manufactured home sales lots. The criteria below implement this policy:

- (a) The application shall show the exact location of the proposed sales lot office on an aerial photograph at a scale of no greater than one (1) inch to 400 feet;
- (b) An applicant for a sales lot shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (c) All access to the facility shall be directly to a collector or arterial roadway and shall not use a local or residential street;
- (d) The minimum MH sales lot shall be one (1) acre;
- (e) Each manufactured home on the front of the lot shall use either approved underpinning or vegetative planters to hide the undercarriage of units on display;
- (f) The office shall be setback a minimum of 50 feet from the right-of-way line of a road;
- (g) A Type A buffer yard shall be required along the adjacent roadway;
- (h) The units for sale shall not be closer than 25 feet to the front property line on a roadway with a speed limit of 55 mph; or 20 feet to the front property line on a roadway with a speed limit of 45 mph; or 15 feet to the front property line on a roadway with a speed limit of 35 mph;
- (i) The site shall provide adequate loading, unloading and turnaround space on-site so that no loading, unloading or turnaround activity shall occur in the public roadway or on adjacent parcels; and
- (j) A MH sales lot may not have more than 20 percent used units on the site at any one time.

Section 33.18 Nuclear waste disposal

The County finds it necessary to establish criteria to locate proposed nuclear waste disposal, storage and/or treatment sites that protect adjacent properties from the effects of such operations. The criteria below implement this

policy:

- (a) An applicant for a nuclear waste facility shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (b) All access to the facility shall be directly to a paved roadway and shall not use a local or residential street;
- (c) Each applicant shall submit a copy of the federal Environmental Impact Statement with the site plan application material; the entire site perimeter shall be surrounded by minimum eight (8) foot high security fence and other appropriate security measures;
- (d) The active portion of the site shall be screened from view by adjacent properties;
- (e) The active portion of the site shall be located no closer than 2640 feet to a property line unless an environmental easement is obtained from the adjoining landowner(s);
- (f) A residence, a place of worship, a public school, a commercial structure shall not be permitted to locate closer than 2640 feet to the active portion of an existing nuclear waste facility; and
- (g) The site plan application shall include a copy of all state and federal permits.

Section 33.19 – RV/Camper/Park Model campgrounds/parks

The purpose of this Section is to establish regulations for the location and operation of recreational vehicle/camper/park model campgrounds or parks (RVP). The criteria below implement this policy:

- (a) The application shall show the exact location of the proposed RVP on an aerial photograph at a scale of no greater than one (1) inch to 400 feet prepared by a SC licensed surveyor;
- (b) An applicant for a sales lot shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (c) The minimum RVP parcel size is two (2) acres;
- (d) The maximum impervious surface ratio shall not exceed 0.15;
- (e) The minimum setback for all structures and recreational vehicles shall be as follows:
 - [1] Arterial Roadway 50 feet
 - [2] Collector Roadway 40 feet
 - [3] Local Street 30 feet
 - [4] All property lines 25 feet
- (f) The maximum density for an RVP is 12 vehicles per acre;
- (g) All areas designated for parking and/or loading shall be physically separated from public roadways;
- (h) All driveways shall be a minimum of 150 feet from any street intersections;
- (i) All streets within an RVP shall be private roads and shall not be maintained by the County;
- (j) All RVPs shall be served by a DHEC approved water and sewer system; and
- (k) All RVPs shall have prepared a fire protection plan and install such facilities as may be required by the Fire Chief.
- (l) Recreational Vehicles or RV/campers/park models, as defined under Article II, shall not be set up for use or occupancy as allowed under this ordinance except in approved campgrounds/parks under this section. However, an RV/Camper may be temporarily connected to electrical, water, and sewer service **only** for maintenance purposes on residentially improved property where the RV/Camper is stored by the property owner while not in use.
- (m) All existing and future RV/Camper/Park Model Parks/Campgrounds shall submit a manifest of RVs, campers and park models situated within its park/campground to the Clarendon County Planning Commission no later than January 15 of each calendar year. Said manifest shall include all RVs, campers, and park models situated within said park/campground as of January 1 of each calendar year. The list shall include the make, model, VIN, and registered owner's name and address of each RV, camper and park model.

Section 33.20 Slaughter houses

The purpose of this Section is to provide locations for slaughter houses that are remote enough to minimize disturbing effects to adjacent property owners. The criteria provided below are additional to any other criteria that may be required by other state and/or federal agencies:

- (a) The application shall show the exact location of the proposed houses on an aerial photograph at a scale of no greater than one (1) inch to 400 feet;
- (b) No portion of any slaughter house shall be closer than 1500 feet to the nearest environmental easement is obtained from the adjoining landowner(s);
- (c) The applicant shall supply an as-built survey of the slaughter house site after the are poured and prior to

- construction of the house;
- (d) Except for the owner's residence no structure shall locate within 1500 feet of an existing slaughterhouse; and
- (e) All state and federal permits are in place.

Section 33.21 Stockyards

The purpose of this Section is to provide locations for stockyards that are remote enough to minimize disturbing effects to adjacent property owners. The criteria provided below are additional to any other criteria that may be required by other state and/or federal agencies:

- (a) The application shall show the exact location of the proposed stockyard on an aerial photograph at a scale of no greater than one (1)1 inch to 400 feet prepared by a SC licensed surveyor;
- (b) No portion of any stockyard shall be closer than 1500 feet to the nearest property line unless an environmental easement is obtained from the adjoining landowner(s)
- (c) All state and federal permits are in place.
- (d) The applicant shall supply an as-built survey of the stockyard site after the footings are poured and prior to construction of the houses;
- (e) No stockyard may be operated until the Department certifies the applicant has complied with the criteria listed above via issuance of a Certificate of Occupancy.
- (f) Neither a residence, a place of worship, a public school structure, a commercial structure nor an industrial structure shall locate within 1500 feet of an existing stockyard.

Section 33.22 – Vehicle Racing/Testing Tracks

The purpose of this Section is to establish regulations for the location and operation of vehicle racing/testing tracks. The criteria below implement this policy:

- (a) The principal operation area shall not be located closer than 2640 feet to an occupied residence, an existing place of worship, an existing public school or an existing public recreation area;
- (b) No residence, place of worship, public school or public recreation facility shall locate closer than 2640 feet to the principal operation area or vehicle racing/testing tracks.
- (c) An applicant for a vehicle racing/testing track shall submit a site plan in conformance with the resource protection requirements of Article IV and the site design requirements of Article V;
- (d) All access to the facility shall be directly to a collector or arterial roadway and shall not use a local or residential street; and
- (e) The entire site shall be screened from view from the public road by any combination of fencing and vegetation.

Section 33.23 Migrant worker housing

The purpose of this Section is to establish criteria for the location of migrant farm worker housing facilities for legitimate farming operations. The criteria areas follow:

- (a) A minimum of 40 acres active farming for crops requiring hand labor;
- (b) The number of residential units shall be limited to the number required by the Department of Labor;
- (c) The units shall be located on the land owned by the applicant regardless of how much is farmed by the applicant; and
- (d) The applicant shall be required to have all SC Department of Labor permits and to submit a copy of the annual inspection report from the SC Department of Labor.

Section 33.24 Airport compatibility district (ACD)

The purpose of this Section is to establish development standards around airports in general, and specifically around the Clarendon County airport, to prevent the location of structures, or natural vegetation, that may constitute a hazard to aircraft operations at the airport. The Airport Compatibility District is an overlay zone. In order to accomplish this purpose, the regulations described herein shall be additional to those in the underlying zoning district and, where conflicting, shall supersede the underlying district restrictions.

- (a) Approach zones include all land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of an approach surface is the

- same width and elevation as, and coincides with, the end of the primary surface, unless otherwise specified;
- (b) Table III – 4 presents the dimensions of the various approach zones around airports;
 - (c) No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in the primary approach or transitional zones to a height in excess of the height established in Table III – 5;
 - (d) The height limitations described in Table III-5 are determined by calculating a slope ratio (measured in feet outward and upward) from the end of the runway extending along the extended runway centerline to the prescribed horizontal distance;
 - (e) The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The horizontal zone is established by swinging arcs of 5,000 feet radii for utility and visual runways, and 10,000 feet for all other runways, from the center of each end of the runway and connecting the adjacent arcs by drawing lines tangent to those arcs;
 - (f) The horizontal zone does not include the approach or transitional zone;
 - (g) All these zones shall be portrayed on the Tax Maps the County Assessor’s Office;
 - (h) The height limit in the horizontal zone is 150 feet above the airport elevation;
 - (i) The height limit in the conical zone is established by measuring from the periphery of the horizontal zone and at 150 feet above the airport elevation, outward and upward, at a slope of 20:1 to a height of 350 feet above the airport elevation;
 - (j) Table III – 6 summarizes the prohibited land uses in the various zones around airports. Except for private airports and runways for other than precision instrument landings, residences and places of assembly within the approach zone shall be constructed to provide a peak indoor noise level of no greater than 30 decibels;
 - (k) The owner of any existing vegetation that is currently penetrating/obstructing any surface referenced above shall permit the removal of such vegetation as required by the Federal Aviation Administration or the SC Aeronautics Commission;
 - (l) The owner of any existing structure that is currently penetrating any surface referenced above shall permit the installation, operation, and maintenance of any markers and/or lights required by the Federal Aviation Administration or the S.C. Aeronautics Commission.
 - (m) Pursuant to Title 55, Chapter 9 and Section 55-9-330(E) of the S.C. Code of Laws, 1976 as amended , if an aviation hazard as a public nuisance or nonconformity with applicable aviation safety or zoning regulations, or both on private property are discovered, Clarendon County, its employees, agents or assigns shall be allowed to enter upon the property containing the aviation hazard as a public or nonconformity with applicable aviation safety or zoning regulations and remove such hazard or nonconformity pursuant to normal standards. However, before Clarendon County, its employees, agents or assigns shall be permitted to enter the property and remove the hazard or nonconformity; written notice shall be provided to the owner of the property where the hazard or nonconformity is located or the owner of the hazard or nonconformity if this owner is different from the owner of the property. Said written notice shall describe the hazard or nonconformity and request that the hazard or nonconformity be removed at the expense of the owner within thirty (30) days of the date of the written notice. The notice shall further provide that if the hazard or nonconformity is not removed within the thirty (30) day period, Clarendon County, its employees, agents or assigns shall enter the property where the hazard or nonconformity is located and remove said hazard or nonconformity at its expense. Examples of hazards or nonconformities may include, but be limited to trees, structures or other natural vegetative life which penetrate the existing approach and landing zones of airports located within Clarendon County or any provisions of this ordinance.
 - (n) If the removal of the hazard or nonconformity by the owner will take longer than thirty (30) days to remove, the owner may, with good cause, request that the County Administrator grant an additional time period for such removal. The County Administrator is authorized to provide for an additional reasonable time period if he feels that sufficient cause has been provided by the owner.

**(a) TABLE III – 4
APPROACH ZONE DIMENSIONS**

Type of Runway	Dimensions
Visual utility	Expand uniformly to 1250 feet wide at 5000 ft. off end of runway
Non-precision instrument utility	Inner edge 500 ft. & expand outward to 2000 feet wide at 5000 ft. off end of runway
Precision instrument	Inner edge 1000 ft. & expand outward to 16,000 feet wide at 50,000 ft. off end of runway
Instrument utility visual	Expand uniformly to 1500 feet wide at 5000 ft. off end of runway
Larger than Utility – visibility > ¾ mi. with non-precision instrument	Expand uniformly to 3500 feet wide at 10,000 ft. off end of runway
Larger than utility – visibility < ¾ mi. with non-precision instrument	Inner edge 1000 ft. & expand outward to 4000 feet wide at 10,000 ft. off end of runway
Heliport	Expand uniformly to 500 feet wide at 4000 ft. off end of runway

**TABLE III – 5
HEIGHT RESTRICTIONS IN AIRPORT AREAS**

Type of Runway	Horizontal Distance	Slope Ratio
Utility visual	5000	20:1
Utility non-precision instrument	5000	20:1
Precision instrument plus additional	10,000 40,000	50:1 40:1
Larger than utility visual	5,000	20:1
Larger than utility – visibility > ¾ mi. & non-precision instrument	10,000	34:1
Larger than utility – visibility < ¾ mi. & non-precision instrument	10,000	34:1

**TABLE III – 6
PROHIBITED USES IN AIRPORT ZONES**

All Airport Zones	Primary Approach & Transitional Zones Only
Uses that create electrical interference with navigational signals or radio communication between the airport and the aircraft	Single family residential, including manufactured homes, in excess of two dwelling units per acre
Uses that diminish the ability of pilots to distinguish between airport lights and other lights	Multifamily dwellings, cluster housing projects. Mobile home parks and group housing
Uses that result in glare in the eyes of pilots using the airport	Transient lodgings motels and hotels
Uses that impair visibility in the vicinity of the airport	Hospitals, sanatoriums and nursing homes
Uses that create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport	Schools, day care centers, places of worship, theaters, auditoriums, and similar places of assembly

Section 33.25 Vehicle Towing/Impoundment & Recovery Yards

The County finds it necessary to regulate the location and operation of vehicle towing/impoundment and recovery yards in order to improve the appearance of the community and to mitigate the off-site impacts to adjacent property owners. The criteria listed below implement this policy:

- (a) A vehicle towing/ impoundment and recovery yard shall not locate closer than 500 feet to an occupied residence, an existing place of worship, an existing public school, an existing historical place, or an existing public recreation area;
- (b) A residence, a place of worship, a public school, or a public recreation area shall not locate closer than 500 feet to a vehicle towing/impoundment and recovery yard;
- (c) The facility shall have a paved driveway directly to a paved roadway;
- (d) Owners/operators of vehicle towing/impoundment and recovery yards shall maintain records on all vehicles towed to and/or stored on the property and shall have such records available for inspection by County Enforcement Officials during normal business hours. Such records shall include:
 - 1) The vehicle owner's name, address, telephone number and state of license origin (if current ownership and contact information is not available, the recording of ownership and contact information, as identified by the vehicle identification number (VIN) shall suffice for meeting this requirement. If information recorded is from the VIN, that shall be so noted in the record.);
 - 2) The date the vehicle was placed on the site;
 - 3) The vehicle's VIN; and
 - 4) The vehicle's license plate number and state of origin, if applicable;
- (e) Long-term storage of inoperable vehicles owned by the owner/operator of the vehicle towing/impoundment and recovery yard is prohibited. No more than two (2) unlicensed vehicles or vehicles that are unfit to operate on the public roadways of South Carolina, as specified in Title 56, Article 35 of the South Carolina Code of Laws, and that are owned by any person or entity listed herein shall be located on a vehicle towing/impoundment and recovery yard for a period exceeding ninety (90) days, beginning with the date upon which such vehicle is first located in the yard, or the date upon which a vehicle previously located in the yard is titled to one of the classes of persons listed herein. Subject persons and entities to which this provision applies include: the owner or operator of the yard; the owner of the property upon which the yard is located; any employee of the yard; any company, corporation, or other legal entity under the ownership or control of any of the classes of persons listed herein; any immediate family member of any of the classes of persons listed herein;
- (f) All vehicle towing/impoundment and recovery yards must be enclosed on all sides by an opaque fence not less than six (6) feet in height and of a sufficient height to hide from view all vehicles stored therein. The finished side of the fence shall face the outside of the yard toward public rights of way and adjoining parcels. All stored vehicles must be placed within the enclosure. In addition, any commercial vehicles, (as defined by South Carolina Code of Laws, Title 56, Chapter 3, section 630), tractors, and other heavy equipment used in association with the vehicle towing/impoundment and recovery yard must be parked or located within the fenced area. Such vehicles and other heavy equipment shall not be parked, maintained, or stored outside of the fenced area;
- (g) All state and federal permits must be in place;
- (h) Existing non-conforming vehicle towing/impoundment and recovery yards holding a valid retail license for operation at its present location from the S.C. Department of Revenue issued before August 8, 2005, shall comply with items (d), (e), and (f) no later than July 1, 2006;
- (i) All existing and new vehicle towing/impoundment and recovery yard owners/operators shall register their vehicle towing/impoundment and recovery yard with the Clarendon County Planning & Public Service Commission no later than July 1, 2006. A registration form must be completed and \$125.00 fee paid to cover the cost of registration and inspection for compliance. Thereafter, all vehicle towing/impoundment and recovery yard registrations must be renewed annually by July 1st at a renewal fee of \$100.00.

NOTE Failure to comply with any of the above requirements is a misdemeanor punishable by a fine of \$500 or 30 days of community service for each day of non-compliance.

Section 33.26 Backyard Chickens

The purpose of this section is to establish regulations for the location and keeping of backyard chickens as a hobby in residential areas of Clarendon County. The criteria below implement this policy:

- (a) Male birds/roosters are not permitted, only hens;
- (b) There shall be no more than four (4) birds for every ten thousand (10,000) square feet of land in a parcel, not to exceed a maximum of sixteen (16) birds on any residentially occupied parcel. Birds shall not be kept

- on unoccupied parcels;
- (c) All birds must be kept in an enclosure from which they cannot escape;
- (d) No bird enclosure is permitted within fifty (50) linear feet of another residential structure not owned by the person owning the birds and within fifteen (15) feet of a property line;
- (e) No bird enclosure shall be kept on a property where it can be seen by an adjoining residential property or structure, or where it may be visible from a public right-of-way or street;
- (f) In the event a bird is slaughtered, it must be done in an enclosed structure so that the activity is not visible from another private property or a public right-of-way;
- (g) Chickens shall not be raised for commercial purposes and no eggs laid by the chickens shall be offered for sale or sold.

Section 33.27 Accessory Dwelling Units

I. General Provisions

A. Purpose and Intent

- (1) The Clarendon County Council finds and declares:
 - (a) Clarendon County can play an important role in reducing barriers that prevent homeowners from building accessory dwellings.
 - (b) There are benefits associated with legal accessory dwellings in single-family zones, including:
 - i) Increasing the supply of more affordable housing that does not require government subsidy;
 - ii) Assisting older homeowners, single parents, and young home buyers that seek a range of housing types, prices, and locations;
 - iii) Creating convenient living arrangement that allows family members or others to provide care and support for an individual in a semi-independent living situation without the latter leaving his or her community;
 - iv) Providing an opportunity for increased security, home care, and companionship for older and other homeowners;
 - v) Reducing burdens on taxpayers by enhancing the local property tax base by providing a cost-effective means of accommodating development without incurring the cost of building, operating, and maintain new infrastructure.
- (2) Accessory dwelling units are therefore an essential component of the housing supply in Clarendon County.
- (3) Accessory Dwelling Unit (ADU) means a residential living unit on the same parcel as a single-family dwelling. An ADU provides complete independent living facilities for one or more persons. An ADU may take various forms, including a detached unit; a unit that is part of an accessory structure, e.g. a detached garage; or a unit that is part of an expanded or remodeled dwelling.
- (4) The ADU may only be occupied by an immediate family member of the occupants of primary residence or an official caregiver to the primary residence occupant.
- (5) The ADU shall not be rented or leased.

B. Authorization of ADUs by Zone.

Accessory dwelling units are allowed in all single-family residential zoning districts, subject to the requirements of this ordinance. Refer to Table III-3.

C. Number of ADUs per Lot

- (1) Any lot with, or zoned for, a principal single-family dwelling unit may have no more than one (1) accessory dwelling unit.

II. Standards

A. Minimum lot size in single-family zones

ADUs may be created on any lot that meets the minimum lot size required for a single-family dwelling. Attached and internal accessory dwelling units may be built on any lot with a single-family dwelling that is nonconforming solely because the lot is smaller than the minimum size, provided the ADU will not create additional nonconformity of the residential use with respect to building height, bulk, or lot coverage.

B. Structure type

A modular dwelling unit may be used as an accessory dwelling unit in any zone in which ADUs are allowed.

ADUs must have a similar appearance in terms of architecture and materials as the primary structure.

C. Size

An accessory dwelling unit may be any size, provided the unit's total square footage is less than the primary dwelling unit's square footage, and other requirements are met.

D. Lot coverage

An accessory dwelling unit (detached, attached, or expansion of footprint of an existing dwelling) on a lot of 4000 square feet or more shall not occupy more than 15% of the total lot area. For single family lots of less than 4000 square feet, the combined lot coverage of the primary dwelling and the ADU shall not be more than 60%. ADUs built within the footprint of existing, legal accessory structures are considered not to have changed existing lot coverage.

E. Setbacks

- (1) A setback of no more than 4 feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and with the same dimensions as an existing structure.
- (2) A detached ADU is not permitted on the front half of a lot, except when located a minimum of 30 feet from the front line.

F. Height

The maximum height of an accessory dwelling unit is 25 feet or the height of the primary residence.

G. Entrances

Any regulations governing the location, type, and number of entrances into a primary dwelling also apply to ADUs.

H. Parking

No additional off-street parking is required for construction of an ADU. If the construction of the ADU necessitates the removal of an existing off-street parking space, it must be replaced on-site if required by the underlying zoning district.

I. Utilities

- (1) New or separate water and sewer lines directly between the accessory dwelling unit and the trunk lines are not required unless the accessory dwelling unit is constructed before or in conjunction with a new single-family dwelling. Applicants may choose to use a shared water meter for the primary structure and the ADU or have a separate water meter installed for each.
- (2) Where an additional private septic system is required for the ADU, the property must meet the lot size requirement specified in the Unified Development Code for either a private well with a private septic system or public water with a private septic system.

III. Administration

The Planning Director shall make decisions on approval of applications for accessory dwelling units.

A. Appeals

The Planning Director's decision on an ADU application shall constitute the final decision of Clarendon County.

B. Fees

Fees for processing ADU applications shall apply based on the schedule determined by the Clarendon County Council.

SECTION 34 – ACCESSORY USE REQUIREMENTS

Section 34.01 Intent

This Section is intended to present those accessory uses and structures that are subordinate to the principal land use or buildings use. The term accessory shall include, but not be limited to, such uses as gazebos, sheds, workshops, greenhouses, storage buildings and similar uses.

Section 34.02 General requirements

- (a) Except cemeteries associated with places of worship, all accessory uses, buildings and structures shall be located on the same lot as the principal use;
- (b) No accessory use shall exceed the height limits established for the zoning district in Article V;
- (c) Accessory buildings shall not be rented to someone other than the owner or resident of the parcel on which it is located;
- (d) Accessory building shall not be used or otherwise occupied as a dwelling unit.
- (e) Only accessory use structures requiring taxation by South Carolina Law shall require a building permit from the Department and shall conform to the setback requirements in Article V;

- (f) No accessory buildings shall be located within any required parking area, landscape area, stormwater management facility area or front yard in a NC, GC, IND or INS districts.
- (g) An existing accessory structure located on a lot without the existence of the principal use may have electrical service; service must be mounted to the accessory structure.
- (h) No electrical service may be established on a vacant parcel.

SECTION 35 - TEMPORARY USE REQUIREMENTS

Section 35.01 Intent

The purpose of this Section is to establish a process for administering requests for temporary uses of structures or lands. The County declares it is necessary to issue temporary permits to ensure the safety of the users during ingress and egress; ensure compliance the Fire and Safety Codes; ensure compliance with the Building Code; and ensure the site is restored to its pre-use condition. A temporary use is the use of a structure, or land, for a period not to exceed 90 days.

Section 35.02 Permitted uses

Table III-7 presents the various types of permitted temporary uses of land and/or structures that require a temporary use permit. Failure to obtain a TUP may subject the property owner and/or lessee to the code enforcement provisions of Article X of this Code.

**TABLE III – 7
TEMPORARY USES**

Permitted Temporary Uses	Zoning District
Seasonal produce or temporary goods sale	See Table III-3
Separate carnivals and/or revivals	See Table III-3
Carnivals and the like directly associated with existing places of worship or public schools	See Table III-3
Outdoor promotional sales	See Table III-3
Semi-annual inventory sales	See Table III-3

Section 35.03 Permit process

- (a) An applicant for a temporary use permit (TUP) shall complete an application form developed and periodically amended by the Department prior to initiating the use.
- (b) The Department Director, or his/her designee, shall either issue the TUP with conditions based on the criteria described in Section 35.04; modify the permit request based on the criteria in Section 35.04; or deny the permit, providing written reasons to the applicant, and
- (c) A TUP application shall require the signature of the property owner, or a signed statement authorizing the temporary use of the parcel.

Section 35.04 Permit Criteria

- (a) The proposed TUP shall demonstrate that safe ingress and egress from the site is provided for both vehicles and pedestrians;
- (b) The proposed TUP shall comply with the appropriate Fire and Safety Code provisions;
- (c) The proposed TUP shall comply with the appropriate Building Code provisions;
- (d) A TUP shall not be permitted to operate between the hours of 10:00 pm and 8:00 am, unless other hours of

- operation are approved by the PC;
- (e) A TUP shall specify the time period for the desired operation and shall not exceed 90 days in a calendar year;
 - (f) All TUP site lighting shall be directed away from adjacent properties and public roads;
 - (g) The applicant shall provide adequate assurance, including but not limited to, various forms of financial surety, that the site will be returned to its pre-permit condition;
 - (h) Regardless of the zoning district restrictions in Section 33, a temporary use permit may be granted to a property owner to live in one residence while constructing another residence on the same parcel only under the conditions listed below:
 - [1] The applicant must be the current occupant of the subject site;
 - [2] The applicant shall identify a timeframe for completion of the second residence;
 - [3] The applicant shall obtain all required building permits from the Department;
 - [4] The residence being replaced shall be totally removed within 30 days after the date of the Certificate of Occupancy by the Department;
 - [5] There must be a minimum of 20 feet separating the existing unit and the replacement unit during construction;
 - [6] The replacement unit shall conform to the setbacks for the zoning district.

SECTION 35.05 RV/CAMPER/MOTOR HOME PLACEMENT AND OCCUPANCY

I. General Provisions

A. Purpose and Intent

- (1) The purpose of this Article is to allow the temporary placement and occupancy of a recreational vehicle, camper, motor home, or other similar type vehicle (referred to hereafter as “RV”) while protecting the environmental and aesthetic values of Clarendon County. This article regulates the placement and occupancy of an RV outside of approved RV parks, county parks, state parks, or wildlife refuges. This article provides for the temporary occupancy of an RV for one time each calendar year for a period of no more than 30 consecutive days with a Temporary RV Permit obtainable from the Planning Director, with one 30-day extension for good cause.

B. Placement and Use

- (1) The placement and occupancy of a single RV is allowed, subject to compliance with the other provisions of this Article, in the following zones only: AGRI, AGRII, PZ, RC, RE, and SFR.
- (2) No RV shall be placed on a permanent basis.
- (3) The property on which the RV is placed for occupancy must be developed; RVs shall not be placed for occupancy on empty lots,
- (4) No RV shall be used for storage.
- (5) No RV shall be placed as a rental unit.
- (6) The placement of an RV is subject to Clarendon County floodplain requirements.
- (7) The placement of an RV is subject to all zoning regulations, including setbacks, applicable to the parcel on which it is placed. In addition to relevant setback requirements, the RV shall be placed an additional ten feet from all property lines.

C. Facilities and Improvements

- (1) Solid waste and sewage shall be disposed of using approved systems and are subject to all applicable SCDHEC regulations.
- (2) No temporary or permanent site-built additions or improvements shall be attached to an RV. Any structure such as a shed, porch, deck, carport, or similar shall be free-standing and requires all applicable building permits.

II. Permitting

A. Placement with a Temporary RV Permit

Subject to the provisions of Section I above, a single RV may be placed and occupied for a period of no more than 30 consecutive days upon the issuance of a Temporary RV Permit, with one 30-day extension for good cause. No more than one such permit may be issued to an applicant within a single calendar year.

- (1) A Temporary RV Permit may be issued by the Planning Director for the purpose of limited or emergency use, for example, temporary displacement from a primary dwelling unit. The circumstances necessitating the permit will be made plain by the applicant.
- (2) The Temporary RV Permit must be conspicuously displayed in the windshield or a window of the RV to which it applies such that it is easily visible from the outside.
- (3) The RV must be connected to any approved septic system or sanitary sewer upon placement.
- (4) The RV may be connected to electricity as recommended by the manufacturer.

- (5) All utility connections shall originate from the parcel on which the RV is placed. Utilities may be connected, subject to securing the appropriate permits, upon compliance with the requirements of this Article.

III. Administration

The Planning Director shall issue Temporary RV Permits

A. Appeals

Appeals may be made to the Planning Commission concerning the issuance of a Temporary RV Permit extension beyond 60 days, but for no more than a total of six (6) months, unless proof of extenuating circumstances is provided.

B. Fees

The fee for a Temporary RV Permit shall follow the schedule adopted by the Clarendon County Council.

SECTION 36 - PERFORMANCE ZONE

Section 36.01 Intent

The Performance Zone (PZ) permits the development of land in a manner consistent with the historic and timelessness of Clarendon County's existing neighborhoods. The PZ may allow a single use or any combination of a variety of housing types mixed with commercial, civic and or industrial uses. New development in the PZ may feature interconnected street networks and setbacks appropriate to create a public realm built on a human scale. Development in the PZ is such that the street network recognizes and compliments site topography and other natural features. The PZ relaxes certain standards to allow for creativity in design and to allow for affordable development and redevelopment. Those exceptions to the development standards are noted below. Unless noted the development standards will apply.

36.02 Use Patterns

Refer to Article III Table III-3 for uses permitted by the Planning Commission in the performance zone.

Size and Location of Site

New development in the PZ may be located adjacent to, but shall not be bisected by, an arterial street unless the street is designed to conform to the requirements of an avenue or main street as set forth in Article VI, Section 65, Road Design and Construction Standards. If development is located adjacent to a collector or higher classification street and the street is not designed to conform to the standards of an avenue or main street, the following criteria shall apply:

- a. The internal streets providing access to the development shall be aligned perpendicular to the collector or higher order street; and
- b. The buildings or structures that take access from the internal streets shall face the internal streets.

Development in the PZ may be divided into the following subareas:

- a. A "Center" should consist of civic, retail, service and multi-family uses. A Center shall only be located on a main street.
A continuous system of sidewalks shall connect the Center with streets and lanes which provide access to dwelling units.
- b. A neighborhood or series of neighborhoods consisting of multi-family and single-family uses, small-scale retail and service uses and public outdoor gathering places.
It is the intent of this Chapter that all areas within a neighborhood are within a five (5) minute walking distance from edge to edge. A neighborhood shall not exceed forty (40) acres in size, not including greenbelts.

Dimensional Standards

The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be set forth in the subdivision or site plan application.

Uses

The location of uses shall be governed by street frontage, as shown in Table 36-1, PZ Uses by Street Classification. In Table 36-1, "P" means the use is permitted on a lot with primary frontage on the designated street and the structure fronts on the designated street.

TABLE 36-1

	A	B	C	D	E
	Street	Civic Uses	Retail or Service Uses	Multi-Family Uses	Single-Family Uses
1.	Arterials	P	P	P	P
2.	Collectors	P	P	P	P
3.	Boulevard	P	P	P	—
4.	Large	P	P	P	—
5.	Local	—	P	P	P

Multi-family and non-residential buildings may be constructed on any lot type. Such buildings have no setback, build-to line or building coverage limitations. Parking is not allowed forward of any portion of the front plane of the building, except for on-street parking.

Accessory buildings and accessory dwellings shall conform to the provisions of Article III.

36.03 Site Capacity

Protecting the resources present on a site is fundamental to the Performance Zone. Development projects proposed in this zone must therefore complete a site capacity calculation following the process described below.

Resource Inventory

Determine the amount of acreage in each resource on the following Table 36-2 below. Required open space percentages are shown, both absolute and acceptable ranges.

TABLE 36-2 Resource Protection Standards

Resource	Acres	Required Open Space Percentage
Floodplains		100%
Wetlands		100%
Waterbodies		100%
Shorelines		100%
Riparian buffers		95%
Drainageways		90%
Forest core		85 – 98%

Forest edge		50 – 70%
Prime agricultural soils (prime farmland)		25 – 95%
Farmland of statewide importance		00 – 95%
Steep slopes 15-20%		25 – 95%
Steep slopes 20-30%		70%
Steep slopes greater than 30%		95%
Ravines		80%

Perform a base site area calculation using Table 36-3 below.

TABLE 36-3 Base Site Area

Base Area Calculation	Acres
Gross site area (as determined by survey)	#
SUBTRACT land in existing roads ROW	#
SUBTRACT land in utilities ROW (min 50' width)	#
SUBTRACT land inaccessible due to railroad, highway, river, or lake	#
SUBTRACT rivers and lakes	#
SUBTRACT land previously dedicated to open space	#
EQUALS Base Site Area	#

Open Space

Compute open space requirements using open space percentages for site resources and base site area shown in Table 36-4 below.

TABLE 36-4 Required Open Space Calculation

Resource	Required Open Space Percentage	Acres	Proposed Open Space Percentage	Acres x OSR = Acres Preserved
Floodplains	100%	#	100%	#
Wetlands	100%	#	100%	#
Waterbodies	100%	#	100%	#
Shorelines	100%	#	100%	#
Riparian buffers	95%	#	95%	#
Drainageways	90%	#	90%	#
Forest core	85 – 98%	#	#	#
Forest edge	50 – 70 %	#	#	#
Prime farmland	25 – 95 %	#	#	#
Farmland of statewide importance	00 – 95%	#	#	#
Steep slopes, 15-20%	25 – 40%	#	#	#
Steep slopes, 20-30%	70%	#	70%	#
Steep slopes, greater than 30%	95%	#	95%	#
Ravines	80%	#	80%	#
Acres of Resources Preserved				#
Required stormwater detention				#
Optional recreational lands				#
Buffer yard (not on resource protection land)				#
Required Minimum Open Space				#

Compute the area of the site eligible for development using Table 36-5 below.

TABLE 36-5 Developable Area

	Acres
Base Site Area	#
SUBTRACT Required Minimum Open Space	#
EQUALS Developable Area	#

36.04 Dimensional Standards

The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be set forth in the subdivision or site plan application.

Site Dimensions

The lot dimensions in the PZ district are indicated in the table below and shall be depicted in a development plan that is part of a development agreement between the County and the developer.

Minimum lot area	Variable. For single family detached residences 10,000 sq. ft. with public water and sewer; 20,000 sq. ft. with public water and private septic system or public sewer and well; 30,000 sq. ft. for private septic system and well
Minimum front yard	Variable
Minimum lot width	Variable
Minimum side yard	Variable
Minimum rear yard	Variable
Maximum residential (DU/ac)	Variable. For single family detached 4 DU/ac with public water and sewer; 2 DU/ac with public water and private septic system or public sewer and well; 1.25 DU/ac for private septic system and well
Max floor area ration (FAR)	Variable
Maximum percent lot coverage	Variable (percent of lot coverage by structures, pavements, and other impervious surfaces)
Maximum impervious coverage	70%

36.05 Buffer Yards

All buffer areas shall:

Be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line;

Shall not be located on any portion of an existing street or right-of-way;

May occupy part or all of any required front, side or rear yard or setback; and

May include stormwater retention ponds and landscaped areas.

No activity is permitted in the buffer yard other than necessary utility functions such as transmission lines, underground conduits, underground stormwater management devices, etc.

Determination of Buffer Yard Requirements

The following process shall be used to determine the required buffer yard between a specific project and an adjacent land use:

Determine the classification of the proposed use from Table 36-6, i.e., Class I, II, or III

Determine the type of required buffer yard from Table 36-7

Determine the buffer yard requirements form Table 36-8

TABLE 36-6 Land Use Intensity Classifications

Class I	Class II	Class III
Single family residential	Multifamily residential	Places of assembly
Two family residential	Manufactured home park	Body shops
Undeveloped (vacant)	RV park	Warehouse and/ or distribution
Cropland (vacant)	Mini warehouse	Hotels/motels
	Institutional	Shopping centers
	Unspecified neighborhood commercial	Outdoor storage
		Unspecified neighborhood commercial

TABLE 36-7 Buffer Yard Classifications

Classification	Proposed Class I	Proposed Class II	Proposed Class III
Existing Class I	D	E	F
Existing Class II	E	D	F
Existing Class III	F	E	D

Note:

A type D buffer yard is required between a Class II or Class III land use and the adjacent roadway.

TABLE 36-8 Buffer Yard Planting Requirements

BUFFER YARD D	
Minimum width	10 feet plus
Shrubs	12 plants/100 feet of lot line plus
Evergreen trees	2 trees 40 to 60 feet apart or
Deciduous trees	2 trees 40 to 60 feet apart
Wall or fences	Not required
BUFFER YARD E	
Minimum width	15 feet plus
Shrubs	12 plant/100 feet of lot line plus
Evergreen trees	8 plants/100 ft. 10 feet apart plus
Deciduous trees	2 trees 40 to 60 feet apart or
Wall or fences	6 foot fence
BUFFER YARD F	
Minimum width	20 feet plus
Shrubs	12 plants/100 feet of lot line plus
Evergreen trees	17 trees double row 10 feet apart plus
Deciduous trees	2 trees 40 to 60 feet apart or
Wall or fences	8 foot fence

Note:

All fences shall be either opaque, or chain link with plants that will obscure the chain link fence in 4 years.

Retained natural woodland shall be preferred landscaping. The buffer yards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining buffer yards, except that the Planning commission may take such existing buffering into consideration when determining the buffer yard requirements.

Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class II to Class III), the Planning Commission shall determine whether additional buffer yard is needed and if so to what extent and type.

Buffer Yard Maintenance

It shall be the responsibility of the property owner to maintain required landscaping and buffer yards. Dead plant materials must be replaced within 1 year of their original planting. Landscaped areas and buffer yards shall be kept free of noxious weeds and trash. Where natural plant growth changes the actual buffer effect over time, the Zoning Officer may require supplementary plantings to achieve the intent and purposes of this Chapter.

36.06 Adequate Public Facilities

The county hereby finds that the proximity of jobs and retail uses to housing in the PZ can achieve significant trip reductions produced by the internal capture of home-work and home-retail trips. The county further finds and determines that there is a compelling public interest to encourage new development to occur in accordance with the criteria set forth in this section.

36.07 Lot Types

Additional or modified lot types may be approved by the Planning Commission in conjunction with the concept plan for any phase or a preliminary plat.

Subdivision of Platted Lots

Unimproved individual single-family lots may be subdivided to create smaller lots provided that each resulting lot meets the dimensional requirements of this Chapter, and each lot is occupied by a primary residential structure. Adequate street frontage, access to the lot and parking must be provided.

Improved lots may not be subdivided to create smaller lots unless each resulting lot meets the dimensional requirements of Article V, each lot is subsequently occupied by a primary residential structure and each primary residential structure meets the setback requirements of this Chapter. Accessory dwelling units may not be subdivided from a single-family lot that also contains a primary residential structure unless both resulting lots and residential structures meet the dimensional requirements of this Chapter.

36.08 Architectural Elements and Appearance Standards

Architectural elements including stoops, ramps, stairs, porches, awnings, colonnades, arcades, marquees, balconies and bay windows, projecting forward of the front plane of the foundation may encroach upon the build-to zone (front setback) to within six (6) inches of the property line. Stoops, stairs, ramps, canopies and awnings may extend into the public rights of way and shall extend no further than three (3) feet into the right of way, provided vehicular and pedestrian circulation is not unreasonably restricted and the encroachment is approved in writing by the Director and County Engineer.

Manufactured Homes

All manufactured homes being located on Waterfront Lots within the Performance Zone shall be “double-wide” units and shall not be older than five (5) years of age. All manufactured homes being located on Second Row Lots within the Performance Zone shall not be older than ten (10) years of age. All manufactured homes being located in the Performance Zone areas that are not classified as Waterfront Lots or Second Row Lots shall not be older than thirty (30) years of age.

All manufactured homes shall install underpinning around the entire exterior of the unit. Acceptable underpinning material includes brick or masonry block on waterfront lots. Acceptable underpinning material includes brick, masonry block, or vinyl on second row lots. Refer to Article V Section 54.03 for acceptable underpinning materials elsewhere in the performance zone.

Refer also to Article V Section 54, as applicable.

36.09 Street Design

Streets shall comply with the street standards in Article V, Section 52 Roadway Standards.

All streets required to include curb and gutter shall have a six (6) inch vertical curb. Curb cuts shall provide handicap access at all intersections and points of pedestrian crossing.

All sidewalks shall run parallel with the street and have a width of not less than five (5) feet, as required by the Americans with Disabilities Act.

36.10 Landscaping

Uses within the PZ shall be exempt from the standards relating to landscaping and buffers in Article V, however, these will be determined by the PC as a part of the plan approval process.

36.11 Parking

Except as otherwise provided by this section, parking requirements for all uses shall be in accordance with Article V, Section 51- Parking/Loading Requirements.

36.12 Criteria for Evaluating Developments

1. Once the developable site area has been determined from the calculations in Section 36.03, the project is evaluated according to the criteria below. The intent is to produce a creative project that is compatible with the surroundings.
2. The Planning Commission shall use rating criteria, provided in item 36.12.5 below, to evaluate the performance of proposed projects. Performance criteria shall be taken into account in approving major subdivision, commercial projects, mobile home park developments and planned residential developments.
3. Performance criteria dealing with infrastructure, parking, and other requirements shall be considered absolute guidelines that must be met for the project to be approved.
4. The developer may use the performance criteria as a guide in preparing the site plan and should work cooperatively with the Planning Commission during the review process to address negative ratings.
5. Performance Criteria and Rating Factors

A. Compatibility

The proposed development maintains the general appearance of the area through the sensitive siting and design of new buildings and structures.

Performance Guideline	Score
Highly compatible and sensitive to existing landscape and architecture in surrounding area in terms of architectural details, style, scale, and design; complements the character of the area	10
Compatible with existing landscape and architecture in surrounding area	5
Disruptive to existing landscape and architecture in surrounding area	0

_____ Rating Score

B. Open Space

Proposed use demonstrates concern for environmental, scenic, and other natural features of the site.

Performance Guideline	Score
Open space plan exceeds requirements and recognizes natural features in a sympathetic way	10
Meets open space requirements	5
Insensitive to natural characteristics of the site and lacking in creativity; fails to meet requirements	0

_____ Rating Score

C. Site Design

Proposed use is compatible with the site in terms of building placement, infrastructure elements, design, and layout and relates well to existing roadways, adjoining land uses, and terrain.

Performance Guideline	Score
Highly sensitive to characteristic of the site in terms of the layout of buildings, existing infrastructure; uses land planning concepts in creative ways.	10
Proposed use addresses the needs of the site in an acceptable way	5
Insensitive to the site in terms of layout and placement of buildings, roads, and other infrastructure; very uncreative design	0

_____ Rating Score

D. Infrastructure / Roads and Related Features

Absolute criteria. Proposed use should provide for an adequate road network to serve the project and other infrastructure features, such as culverts, small bridges, curbing, and sidewalks should be appropriate for the site.

- (1) Roads and/or road network are sufficient in terms of width, construction, and design to handle anticipated demands.

(0 rating is not acceptable for the project to proceed)

Performance Guideline	Score
Roads and/or road network exceed the standard and are designed for ease of maintenance.	10
Roads meet standards for proposed use	5
Roads and network are not adequate to service the project, demonstrate poor design and /or appear to invite future maintenance problems	0

_____ Rating Score

- (2) Other infrastructure elements such as bridges, culverts, sidewalks, and curbing are sufficient to meet access and drainage demands of the site.

(0 rating is not acceptable for the project to proceed)

Performance Guideline	Score
Infrastructure elements meet requirements and address the Site needs safely and in a creative way	10
Addresses infrastructure needs of the project in an adequate manner	5
Infrastructure is poorly designed and inadequately sized to meet the requirements of the site, high maintenance, unsafe conditions are likely to result	0

_____ Rating Score

E. Landscaping

Proposed use recognizes the need for good landscaping to complement buildings and other structures, provides natural plantings within the project area and establishes a complimentary relationship with the surrounding landscape.

(0 rating is not acceptable for the project to proceed)

Performance Guideline	Score
Utilizes buffer yards and other landscaping elements to achieve a good relationship between existing and proposed buildings, project terrain, and surrounding environment	10
Adequate use of landscaping to complement buildings and surrounding environment	5
Poor design. Creates an abrasive relationship with the surrounding environment, does not relate well to existing buildings	0

_____ Rating Score

F. Parking

Absolute Criteria. Proposed parking is adequate to service the project and is designed in such a way as to complement adjoining land uses.

(0 rating is not acceptable for the project to proceed)

Performance Guideline	Score
Meets parking requirements and establishes a creative, well designed area that is attractively landscaped and makes excellent use of the site	10
Meets minimum parking requirements	5
Fails to meet minimum standards or fails to adapt well to the site and/or adjoining land uses	0

_____ Rating Score

G. Sewer and Water

Absolute Criteria. Sewer and water facilities are adequate to serve the site as well as demonstrate capacity for future needs if subsequent expansion is anticipated.

(1) Sewer Facilities

(0 rating is not acceptable for the project to proceed)

Performance Guideline	Score
Community sewer or on-lot system, including connecting lines where needed, is adequate to handle all current and expected future demands and meets or exceeds SCDHEC standards	10
System meets current demand and SCDHEC standards	5
System is inadequate to meet present needs and allows for no expansion	0

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____ Rating Score

(2) Water Resources

(0 rating is not acceptable for the project to proceed)

Performance Guideline	Score
Water source is adequate for present and projected needs, including capacity, level of pressure, and size of lines	10
Water source is adequate to serve present needs	5
Water supply inadequate to serve the intended use, inadequate levels of pressure, and /or undersized lines	0

____ Rating Score

H. SUMMARY TOTALS OF EVALUATIVE CRITERIA

- ____ A. Compatibility
- ____ B. Open Space
- ____ C. Site Design
- ____ D. Infrastructure/roads and related features
 - ____ 1. adequate road network
 - ____ 2. sufficient infrastructure elements
- ____ E. Landscaping
- ____ F. Parking
- ____ G. Sewer and Water
 - ____ 1. sewer
 - ____ 2. water
- ____ TOTAL SCORE

The minimum total score for project approval shall be 45; all absolute criteria shall be met. The Planning Commission shall make comments as appropriate in support of the rating criteria, including a listing of specific inadequacies and/or problem areas in the proposed plan.