



LAND MANAGEMENT ORDINANCE

**Land Management Ordinance
Fairfield County, South Carolina**

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LAND MANAGEMENT ORDINANCE

FAIRFIELD COUNTY, SOUTH CAROLINA

AN ORDINANCE OF FAIRFIELD COUNTY, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COUNTY; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE COMPREHENSIVE PLAN FOR FAIRFIELD COUNTY, SOUTH CAROLINA, THE COUNTY COUNCIL HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS THE LAND MANAGEMENT ORDINANCE OF FAIRFIELD COUNTY, SOUTH CAROLINA, AND SHALL BE APPLICABLE THROUGHOUT THE UNINCORPORATED AREA OF FAIRFIELD COUNTY, AS NOW OR HEREAFTER ESTABLISHED.

ARTICLE 1

ESTABLISHMENT, PURPOSE, AND RULES FOR THE INTERPRETATION OF ZONING DISTRICTS

Section 1.1 Establishment of Districts

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

PRIMARY DISTRICTS

R-1	Single-family Residential District
R-2	Inclusive Residential District
R-O	Residential-Office District
B-1	Limited Business District
B-2	General Business District
I-1	Industrial District
RC	Rural Community District
RD	Rural Resource District
RD-1	Rural Residential District

SPECIAL PURPOSE DISTRICTS

PDD	Planned Development District
APD	Airport Protection District
DOD	Design Overlay District
NCS	Neighborhood Conservation and Stabilization Overlay District

Section 1.2 Purpose of Districts

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

PRIMARY DISTRICTS

R-1 Single-Family Residential District

The purpose of this District is to foster, sustain, and protect areas in which the

principal use of land is for single-family dwellings and support uses.

R-2 Inclusive Residential District

The R-2 District is intended to promote and accommodate housing development that meets the diverse economic and social needs of a diverse population. To this end, this District is designed and intended to allow for the development of a variety of housing styles, types and densities on small lots or in project settings, including single-family, duplexes, triplexes, air-space condominiums, rental apartments, patio homes, townhouses, manufactured homes (Residentially designed)) etc., and to do so in a protected, compatible residential environment. The District is intended for application in areas accessible by major streets, and in proximity to commercial uses, employment opportunities and community facilities.

R-O Residential-Office District

The R-O District is intended to accommodate a limited mix of uses, including office, institutional, and residential in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for areas transitioning from rural or residential to more intensive, mixed use development.

B-1 Limited Business District

The intent of this District is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this District are of the “convenience variety.” The size of this District should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas, existing or proposed.

B-2 General Business District

The intent of this District is to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the traveling public, the resident population and the larger region of which the county is a part. Toward this end, a wide range of business and commercial uses are permitted in this District.

I-1 Industrial District

The intent of this District is to accommodate and protect on individual lots or in business park settings industrial and related wholesaling, distribution, warehousing, processing, office and administrative uses in an environment suited to such uses and operations, while promoting land use compatibility with the aid of performance standards. This District also is intended to protect for future development vacant sites and tracts with industrial potential.

RC Rural Community District

The intent of this District is to sustain and support rural community centers as an integral part of the rural environment, serving the commercial, service, social, and agricultural needs of nearby rural residents.

RD Rural Resource District

The intent of this District is to conserve, sustain, and protect forest and agricultural areas. The retention of open lands, woodlands, and farmlands, which make up a large part of this area, are essential to clean air, water, wildlife, many natural cycles, and a balanced environment, among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this district. Also provided by this District is a rural environment preferred by many people over subdivisions and higher density urban or community settings.

RD-1 Rural Residential District

The intent of this District is to encourage rural residential and expanding urban development in accord with the Comprehensive Plan, while maintaining to the extent practical and feasible the District's rural resources. Agricultural uses deemed incompatible with rural residential development are disallowed in this District.

SPECIAL PURPOSE DISTRICTS

PDD Planned Use District

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so

in a manner that will enhance public health, safety, morals, and general welfare.

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

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

APD Airport Protection District

The intent of the Airport Protection District is fivefold: (1) to protect the interests of the Fairfield County Airport, (2) to protect and promote the general health, safety, economy, and welfare of the airport's environs, (3) to prevent the impairment and promote the utility and safety of the airports, (4) to promote land use compatibility between the airports and surrounding development, and (5) protect the character and stability and enhance the environment of areas impacted by airport operations.

DOD Design Overlay District

The intent of the Design Overlay District is to promote unified planning and development along the County's major corridors, improve and enhance the aesthetic quality of land uses fronting on these corridors, and foster civic pride.

NCS Neighborhood Conservation and Stabilization Overlay District

The intent of the Neighborhood Conservation and Stabilization District is to preserve, protect and enhance the value of homes, the aesthetic quality and character of existing neighborhoods, and foster public health, safety, morals, general welfare, civic and neighborhood pride.

Section 1.3 Establishment of Official Zoning Maps

The boundaries of the Use Districts established by this Ordinance are shown on official zoning maps, which maps shall be maintained by the Zoning Administrator. The official zoning map and all amendments, certifications, and other matters entered on the official zoning map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

Section 1.4 Amendments to the Official Zoning Maps

Amendments to the official zoning maps shall be adopted by Ordinance as provided for herein. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered the official zoning maps to indicate the amendment, and shall enter the date of adoption and the effective date of the Ordinance amending the map.

Section 1.5 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of a district shown on the official zoning maps, the following rules shall apply:

Boundaries indicated as approximately, following the centerlines of streets, highways, railroad tracks, alleys, or public utility easements shall be construed to follow such centerlines.

Boundaries indicated as approximately, following platted lot or tract lines shall be construed as following such lines, whether public or private.

Boundaries indicated as approximately, following political boundaries shall be construed as following such boundaries.

Boundaries indicated as approximately, following the centerlines of natural barriers such as streams, shall be construed to follow such centerlines.

Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 4 above, shall be determined by the Zoning Administrator.

Where uncertainties continue to exist after the application of the above rules, an appeal may be taken to the Board of Zoning Appeals.

ARTICLE 2

DISTRICT REGULATIONS

Section 2.1 Establishment of Regulations

The uses permitted in the Primary Zoning Districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth in this Article.

Section 2.3 (Table 1) sets forth use and off-street parking requirements for each zoning district. Section 2.4 (Table 2) sets forth lot area, yard, setback, height, density, and impervious surface requirements for all districts. Section 2.5 establishes regulations for the Planned Development District; Section 2.6 establishes regulations for the Airport Protection District, and Section 2.7 establishes regulations for the Design Overlay District.

Section 2.2 Application of Regulations

The North American Industry Classification System, 2002, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual are identified by the letters "NA" (Not Applicable) in the NAICS Column.

Where the letter "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable requirements set out in Article 3.

Where the letter "N" is shown, the use to which it refers is not permitted in the indicated district.

Where a given use or NAICS reference is not listed by Table 1 said use shall not be permitted.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

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

Sector 11:	Agriculture, Forestry, Fishing and Hunting
Sector 21:	Mining
Sector 22:	Utilities
Sector 23:	Construction
Sector 31-33:	Manufacturing
Sector 42:	Wholesale Trade
Sector 44-45	Retail Trade
Sector 48-49:	Transportation and Warehousing
Sector 51:	Information
Sector 52:	Finance and Insurance
Sector 53:	Real Estate and Rental and Leasing
Sector 54:	Professional, Scientific, and Technical Services
Sector 55:	Management of Companies and Enterprises
Sector 56:	Administrative and Support and Waste Management and Remediation Services
Sector 61:	Educational Services
Sector 62:	Health Care and Social Assistance
Sector 71:	Arts, Entertainment, and Recreation
Sector 72:	Accommodation and Food Services
Sector 81:	Other Services (except Public Administration)
Sector 92:	Public Administration

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

Section 2.3 Table 1: Schedule of Permitted and Conditional Uses, and Off-Street Parking Requirements, By Zoning Districts

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required Off-street Parking (a)
Sector 11: Agriculture, Forestry, Fishing and Hunting											
Crop Production	111	N	N	N	N	P	P	P	P	P	NONE
Animal Production	112										
Livestock, cattle farming	1121	N	N	N	N	N	P	P	P	P	NONE
Hog and Pig farming	1122	N	N	N	N	N	N	N	P	P	NONE
Poultry & eggs	1123	N	N	N	N	N	P	P	P	P	NONE
Sheep & goat farming	1124	N	N	N	N	N	P	P	P	P	NONE
Animal Aquaculture	1125	N	N	N	N	N	P	P	P	P	NONE
Other animal production	1129	N	N	N	N	N	P	P	P	P	NONE
Horses & other equine (Sec. 3.23)	11292	C	C	N	N	N	P	C	P	P	NONE
Fur-Bearing animal production	11293	N	N	N	N	N	P	P	P	P	NONE
Concentrated Animal Feeding Operations, CAFOs (Sec. 3.1)	NA	N	N	N	N	N	N	N	P	N	NONE
Forestry and logging	113	N	N	N	N	P	P	P	P	P	NONE
Fishing, Hunting, Trapping	114	N	N	N	N	P	P	P	P	P	NONE
Support activities for agricultural/forestry	115	N	N	N	N	P	P	P	P	P	1 per 1,000 GFA
Sector 21: Mining											
Mining (Sec. 3.26)	212	N	N	N	N	C	C	N	C	C	NONE
Sector 22: Utilities											
Utilities	221										
Hydro, Fossil fuel & electric power	22111-3	N	N	N	N	N	P	N	P	P	
Renewable - Wind and Solar	221119	C	C	C	C	C	P	C	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural gas distribution	2212	N	N	N	P	P	P	P	P	P	1 per 500 GFA
Water supply systems	22131										
Storage/Treatment	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Transmission	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Sewerage systems	22132										
Collection	22132	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22132	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Steam and Air Conditioning Supply	22133	N	N	N	N	P	P	N	N	N	1 per 500 GFA

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Off-street parking
Sector 23: Construction											
Building Construction-general contract & operative builders	236	N	N	N	N	P	P	N	N	N	1 per 1,000 GFA
Heavy & Civil Engineering Construction	237	N	N	N	N	N	P	N	N	N	1per 1,000 GFA
Special Trade Contractors	238	N	N	N	N	P	P	N	N	N	1 per 1,000 GFA
Sector 31-33: Manufacturing (Sec. 3.2)											
Food	311	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Beverage & Tobacco	312	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Textile mills	313	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Textile Product Mills	314	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Apparel	315	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Leather & allied products	316	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Wood products	321	N	N	N	N	N	C	N	C	C	1 per 1,000 GFA
Paper	322	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Printing & related activities	323	N	N	N	N	C	C	N	N	N	1 per 1,000 GFA
Petroleum products	324	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Chemical products	325	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Plastic & Rubber Products	326	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Nonmetallic Mineral Products	327	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Primary Metal	331	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Fabricated metal products	332	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Machinery	333	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Computer & Electronic Products	334	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Electrical Equipment, Appliances & Comp.	335	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Transportation equipment	336	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Furniture & related products	337	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Miscellaneous manufacturing	339	N	N	N	N	N	C	N	N	N	1 per 1,000 GFA
Sector 42: Wholesale Trade											
Wholesale trade-durable goods	423	N	N	N	N	P	P	N	N	N	1 per 5,000 GFA
Wrecking, scrap and salvage (Sec. 3.3)	42314	N	N	N	N	P	C	N	N	N	1 per 5,000 GFA
Wholesale trade-non-durable goods	424	N	N	N	N	P	P	N	N	N	1 per 5,000 GFA
Wholesale Electronic markets	425	N	N	N	N	P	P	N	N	N	1 PER 5,000 GFA
Sector 44-45: Retail Trade											
Motor Vehicle Dealers	4411	N	N	N	N	P	N	N	N	N	1 per 1,000 GFA
Motorcycle, Boat & Other Vehicle Dealers	4412	N	N	N	N	P	N	N	N	N	1 per 1,000 GFA
Automotive parts, accessories and tires	4413	N	N	N	N	P	N	N	N	N	1 per 500 GFA

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required parking
Furniture & home furnishings	442	N	N	N	N	P	P	N	N	N	1 per 1,000 GFA
Electronics & Appliances	443	N	N	N	N	P	P	N	N	N	1 per 1,000 GFA
Building materials, garden supplies	444										
Home Centers	44411	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Paint & Wallpaper stores	44412	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Hardware Stores	44413	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Other Building Material Dealers	44419	N	N	N	N	P	P	P	N	N	1 per 1,000 GFA
Lawn & garden equipment & supplies stores	4442	N	N	N	P	P	P	P	P	P	1 per 1,000 GFA
Food & Beverage stores	445	N	N	N	P	P	N	P	N	N	1 per 350 GFA
Convenience Stores	4451	N	N	N	P	P	N	P	P	P	1 per 350 GFA
Fruit & Vegetable	44523	N	N	N	P	P	N	P	P	P	1 per 350 GFA
Liquor	4453	N	N	N	P	P	N	P	N	N	1 per 350 GFA
Health & Personal Care	446	N	N	N	P	P	N	N	N	N	1 per 350 GFA
Gasoline stations	447	N	N	N	P	P	P	P	P	P	1 per 600 GFA
Truck stops	44719	N	N	N	N	P	P	N	N	N	1 per 600 GFA
Clothing & Accessory Stores	448	N	N	N	P	P	N	N	N	N	
Sporting goods, Hobbies, Books, & Music	451	N	N	N	P	P	N	N	N	N	1 per 350 GFA
General Merchandise stores	452	N	N	N	P	P	N	P	N	N	1 per 350 GFA
Miscellaneous retail	453	N	N	N	P	P	N	P	N	N	1 per 350 GFA
Flea Markets	4533	N	N	N	N	P	N	P	P	P	1.5 per stall
Manufactured home dealers	45393	N	N	N	N	P	N	N	N	N	1 per 1,000 GFA
Non-store retailers	454	N	N	N	P	P	N	N	N	N	1 per 350 GFA
Fuel Dealers	45431	N	N	N	N	P	P	N	N	N	1 per 1,000 GFA
Vendors (Sec. 3.9)	NA	N	N	N	C	C	N	C	C	C	2 per vendor
Sector 48-49: Transportation and Warehousing											
Air Transportation	481	N	N	N	N	P	P	N	P	P	By Individual Review
Rail Transportation	482	N	N	N	N	P	P	N	P	P	1 per 500 GFA
Water Transportation	483	N	N	N	N	P	P	N	P	P	1 per 500 GFA
Truck Transportation	484	N	N	N	N	P	P	N	N	N	1 per 500 GFA
Transit and ground passenger transportation	485	N	N	N	P	P	P	P	P	P	1 per 500 GFA
Pipeline Transportation	486	N	N	N	N	P	P	P	P	P	1 per 500 GFA
Scenic & Sightseeing Transportation	487	N	N	N	P	P	P	N	N	P	1 per 500 GFA
Support Activities for Transportation	488	N	N	N	P	P	P	N	N	N	1 per 500 GFA
U. S. Postal Service	491	N	N	P	P	P	P	P	P	P	1 per 350 GFA
Warehousing & Storage (Dead storage only)	493	N	N	N	N	P	P	P	N	N	1 per 1,000 GFA

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required parking
Sector 51: Information											
Publishing Industries	511	N	N	N	P	P	P	N	N	N	1 per 750GFA
Motion pictures & Sound Industries	512	N	N	N	P	P	P	N	N	N	1 per 500 GFA
Motion picture theaters	512131	N	N	N	P	P	N	N	N	N	1 per 5 seats
Broadcasting & Telecommunications	515-7	N	N	P	P	P	P	P	N	N	1 per 500GFA
Communication Towers & Ant. (Sec. 3.4)	5172	N	N	N	N	C	C	C	C	C	NONE
Internet & other information providers	518-9	N	N	P	P	P	P	P	N	N	1 per 500 GFA
Libraries	51912	N	N	P	P	P	P	P	N	N	1 per 400 GFA
Sector 52: Finance & Insurance											
Banks	521	N	N	P	P	P	P	P	N	N	1 per 350 GFA
Credit Intermediation	522	N	N	P	P	P	P	N	N	N	1 per 350 GFA
ATM Machines	52211	N	N	P	P	P	P	P	N	N	2 Spaces
Pawn Shops	522298	N	N	N	N	P	N	P	N	N	1 per 350 GFA
Security & financial investments	523	N	N	P	P	P	P	N	N	N	1 per 350 GFA
Insurance Carriers & related activities	524	N	N	P	P	P	P	N	N	N	1 per 350 GFA
Funds, Trust, & other financial vehicles	525	N	N	P	P	P	P	N	N	N	1 per 350 GFA
Sector 53: Real Estate & Rental & Leasing											
Real Estate	531	N	N	P	P	P	P	P	N	N	1 per 350 GFA
Mini-Warehouses	53113	N	N	N	N	P	P	P	N	N	1 per 6 storage units
Rental & Leasing Services	532	N	N	N	P	P	N	P	N	N	1 per 500 GFA
Video Tape rental	53223	N	N	N	P	P	N	P	N	N	1 per 350 GFA
Sector 54: Professional, Scientific, & Technical Services											
Professional, Scientific, Technical Services	541	N	N	P	P	P	P	N	N	N	1per 300 GFA
Display Advertising - Signs	54185	See Article 5									NONE
Veterinary Services	54194	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Sector 55: Management of Companies And Enterprises											
Mgmt. Of Companies & Enterprises	551	N	N	P	P	P	P	N	N	N	1per 500 GFA
Sector 56: Administrative Support And Waste Management Services											
Administrative & support services	561	N	N	N	P	P	P	N	N	N	1 per 750 GFA
Landscape services	56173	N	N	N	P	P	P	P	P	P	1per 1,000 GFA
Waste Management services	562										
Waste Collection	5621	N	N	N	N	P	P	P	P	P	1 per 1,000 GFA
Hazardous Waste Facilities. (Sec.3.24)	562211	N	N	N	N	N	N	N	C	C	NA
Solid Waste Landfill (Sec. 3.5)	562212	N	N	N	N	N	C	N	C	C	1 per 1,000 GFA

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required Parking
Resource Recovery Facilities (Sec. 3.25)	562920	N	N	N	N	N	C	N	C	C	1 per 1,000 GFA
Solid Waste Incinerators	562213	N	N	N	N	N	C	N	N	N	1per 1,000 GFA
Other Non hazardous Waste Treatment	562219	N	N	N	N	N	C	N	C	C	1 per 1,000 GFA
All Other Waste Management	56299	N	N	N	N	N	C	N	C	C	1per 1,000 GFA
Sector 61: Educational Services											
Educational Services	611										
Elementary & middle Schools	6111	P	P	P	P	P	N	P	N	N	1per 15 students, design capacity
High Schools	6111	P	P	P	N	P	N	P	N	N	1 per 7 students, design capacity
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N	N	P	N	P	P	P	N	N	8per classroom, plus 2 per office
Business Schools, Computer, & Management Training	6114-5	N	N	P	N	P	P	P	N	N	8per classroom, plus 2 per office
Other Schools and instruction	6116	N	N	P	N	P	P	P	N	N	8per classroom, plus 2 per office
Educational Support Services	6117	N	N	P	N	P	P	P	N	N	1 per 500 GFA
Sector 62: Health Care and Social Assistance											
Ambulatory Health Care Services	621										
Offices of Physicians, Health Practitioners	6211-3	N	N	P	P	P	P	P	N	N	1 per 200 GFA
Out Patient Care Centers	6214	N	N	P	P	P	P	P	N	N	1 per 300 GFA
Medical & Diagnostic Labs	6215	N	N	P	P	P	P	N	N	N	1 per 400 GFA
Home Health Care Services	6216	N	N	P	P	P	N	P	N	N	1 per 500 GFA
Other Ambulatory Health Care Services	6219	N	N	P	P	P	P	P	N	N	1 per 500 GFA
Hospitals	622	N	N	N	N	P	P	N	N	N	0.7 per bed
Nursing & residential care facilities (Sec.3.11)	623										
Nursing Care Facilities (Sec. 3.11)	6231	C	C	C	C	P	N	C	C	C	1 per 4 beds
Residential Mental Retardation, Mental Health, and Substance Abuse Facilities	6232	N	P	P	P	P	N	P	N	N	1 per 4 beds
Community Care for Elderly (Sec.3.11)	6233	C	C	C	C	C	N	C	C	C	1 per 4 beds
Social Assistance	624										
Individual & family services	6241	N	N	P	P	P	N	P	N	N	1 per 350 GFA
Community, Food, & Housing & Emergency & Relief services	6242	N	N	P	P	P	N	P	N	N	1 per 350 GFA
Vocational Rehabilitation services	6243	N	N	P	P	P	P	P	N	N	1 per 350 GFA
Child/Adult Day Care services	6244	N	P	P	P	P	N	P	N	N	1 per 600GFA
Sector 71: Arts, Entertainment, and Recreation											

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required Parking
Performing Arts, Spectator Sports (except motorized racetracks) & Related Industries	711	N	N	N	P	P	N	N	N	N	By individual review
Vehicular race & testing tracks (Sec. 3.22)	711212	N	N	P	N	C	C	N	N	N	1 per 800 GFA
Museums & Similar Institutions	712	N	N	P	P	P	N	N	N	N	1 per 800 GFA
Zoos & Botanical Gardens	71213	N	N	N	N	P	N	N	N	N	By Individual Review
Nature parks, public parks	71219	P	P	P	P	P	P	P	P	P	By Individual Review
Amusement & Recreation Industries	713										
Amusement parks, arcades	7131	N	N	N	N	P	N	N	N	N	1 per 500 GFA
Golf Courses & Country Clubs	71391	P	P	P	N	P	N	N	N	N	5 per hole
Marinas	71393	N	N	N	P	P	N	P	P	P	1.5 per slip
Fitness and Recreational Sport Centers	71394	N	N	P	P	P	N	N	N	N	1 per 500 GFA
Bowling Centers	71395	N	N	N	P	P	N	N	N	N	5 per lane
All other Amusement, except gun club/skeet	713990	N	N	N	N	P	N	N	N	N	1 per 500 GFA
Gun Club & Skeet Ranges (Sec. 3.6)	713990	N	N	N	N	N	N	N	C	C	1 per target area
Sector 72: Accommodation and Food Services											
Accommodations	721										
Hotels & Motels	72111	N	N	N	N	P	P	N	N	N	1.5 per rental unit
Bed & Breakfast Inns (Sec. 3.7)	721191	C	C	C	C	P	N	C	C	C	1.5 per bedroom
Camps & RV Parks (Sec. 3.8)	72121	N	N	N	N	C	N	C	C	C	Not Applicable
Rooming & Boarding Houses, Dormitories, Group Housing (Sec. 3.11)	72131	N	C	C	C	P	N	N	N	N	1 per bedroom
Eating Places, public	7221-2	N	N	N	P	P	P	P	N	N	1 per 150 GFA
Eating Places, private	7221-2	N	N	N	P	P	P	P	P	P	1 per 150 GFA
Special food services	7223	N	N	N	P	P	N	P	N	N	1 per 350 GFA
Drinking Places	7224	N	N	N	P	P	N	P	N	N	1 per 150 GFA
Sector 81: Other Services (except Public Administration)											
Auto Repair & Maintenance	8111										
General Auto Repair (Sec. 3.20)	811111	N	N	N	N	C	P	C	C	C	3 per service bay
Other Repair	8112-4	N	N	N	N	P	P	P	P	P	1 per 350 GFA
Personal & Laundry services	812										
Personal Care Services -Beauty, Barber, etc	8121	N	N	N	P	P	N	P	N	N	2.5 per chair
Body Piercing/Tattoo Parlors	812199	N	N	N	N	P	N	N	N	N	1 per 350 GFA
Funeral Homes & Death Care Services	8122	N	N	N	P	P	P	N	N	N	1 per 4 chapel seats
Cemeteries	81222	N	N	N	N	P	N	P	P	P	None
Crematories	81222	N	N	N	N	N	P	N	N	N	1 per 4 chapel seats
Laundry & Dry Cleaning services	8123	N	N	N	P	P	N	N	N	N	1 per 500 GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	P	N	P	N	N	1 per 250 GFA
Other Personal Services	8129	N	N	N	P	P	N	N	N	N	

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required Parking
Pet Care (enclosed facility)	81291	N	N	P	P	P	P	P	P	P	1 per 1,000 GFA
Pet Care (unenclosed facility)	81291	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Photo finishing	81292	N	N	N	P	P	P	N	N	N	1 per 500 GFA
Automotive parking lots & garages	81293	N	N	N	P	P	P	N	N	N	Not applicable
Sexually Oriented Business (Sec. 3.10)	81299	N	N	N	N	C	N	N	N	N	1 per 250 GFA
All Other Personal Services	81299	N	N	P	P	P	N	N	N	N	1 per 350 GFA
Religious, Fraternal, Civic, Professional, Political and Business Organizations	813										
Religious organizations	8131	P	P	P	P	P	P	P	P	P	By individual review
All Other organizations	8132-9	N	N	P	P	P	P	P	P	P	1 per 500 GFA
Sector 92: Public Administration											
Executive, Legislative, & General Govt.	921	N	N	P	P	P	P	P	P	P	1 per 350 GFA
Justice, Public Order & Safety	922										
Courts	92211	N	N	P	P	P	P	P	P	P	1 per 350 GFA
Police Protection	92212	P	P	P	P	P	P	P	P	P	1 per 350 GFA
Correctional Institutions	92214	N	N	N	N	P	P	P	P	P	By individual review
Fire Protection	92216	P	P	P	P	P	P	P	P	P	4 per bay
Administration of Human Resources	923	N	N	P	N	P	P	N	N	N	1 per 350 GFA
Administration Environmental/ Housing	924-5	N	N	P	N	P	P	N	N	N	1 per 350 GFA
Administration of Economic Programs	926	N	N	P	N	P	P	N	N	N	1 per 350 GFA
Residential Uses											
Site Built Dwellings	NA										
Single-family detached	NA	P	P	P	P	P	N	P	P	P	2 per dwelling
Duplex	NA	N	P	P	N	P	N	N	P	P	2 spaces per unit
Multi-family, Apartments (Sec.3.11)	NA	N	C	C	N	C	N	N	N	N	1.5 spaces per unit
Townhouses (Sec. 3.12)	NA	N	C	C	N	C	N	N	N	N	2 spaces per unit
Patio Homes (Sec. 3.13)	NA	C	C	C	N	C	N	N	N	N	2 spaces per unit
Triplex & Quadruplex	NA	N	P	P	N	P	N	N	N	N	2 spaces per unit
Manufactured Dwellings	NA										
Residential designed (Sec. 3.14)	NA	N	C	N	N	C	N	C	C	C	2 spaces per unit
Standard designed (Sec. 3.14)	NA	N	N	N	N	N	N	C	C	C	2 spaces per unit
Manufactured Home Parks (Sec. 3.15)	NA	N	C	N	N	N	N	C	N	N	2 spaces per unit
Modular Homes	NA	P	P	P	P	P	N	P	P	P	2 spaces per unit
Accessory Uses to Residential Uses											
Accessory apartments (Sec.3.21)	NA	C	C	C	C	C	NA	C	C	C	
Bathhouses & Cabanas	NA	P	P	P	P	P	NA	P	P	P	None
Domestic animal shelters	NA	P	P	P	P	P	NA	P	P	P	None
Non-commercial greenhouses	NA	P	P	P	P	P	NA	P	P	P	None

Zone Districts	NAICS	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1	Required Parking
Storage building/workshop/Sheds	NA	P	P	P	P	P	NA	P	P	P	None
Swimming pool, tennis courts	NA	P	P	P	P	P	NA	P	P	P	None
Detached garages	NA	P	P	P	P	P	NA	P	P	P	
Non-commercial greenhouse	NA	P	P	P	P	P	NA	P	P	P	None
Home Occupation (Sec. 3.16)	NA	C	C	C	C	P	NA	C	C	C	None
Horticulture, gardening	NA	P	P	P	P	P	NA	P	P	P	None
Family day care home	NA	P	P	P	P	P	NA	P	P	P	None
Satellite dishes, etc.	NA	P	P	P	P	P	NA	P	P	P	None
Shipping Containers (Sec. 3.19)	NA	N	N	N	N	C	NA	C	C	C	None
Roof Mounted Solar Panels	NA	P	P	P	P	P	P	P	P	P	
Accessory Uses to Non-Residential Uses											
Buildings, structures	NA	P	P	P	P	P	P	P	P	P	None
Open Storage (Sec. 3.17)	NA	N	N	N	N	C	P	C	C	C	None
Shipping Containers (Sec. 3.19)	NA	N	N	N	N	C	P	C	C	C	None
Solar panels & wind generated turbines	NA	C	C	C	C	C	C	C	P	P	
Temporary Uses											
All Temporary Uses (Sec. 3.18)	NA	C	C	C	C	C	C	C	C	C	Sec. 3.18

(a) Off-Street parking requirements computed on basis of number of spaces per square feet of Gross Floor Area (GFA)

NA = Not Applicable

Section 2.4, Table 2. Dimensional Requirements: Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Ratio, By Zone Districts

Districts	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD	RD-1
Minimum Lot Area (per 1,000 Square Feet)									
Residential	15	(B)	(B)	10	(B)	NA	20	(E)	(E)
Non-residential	30	20	10	10	10	10	20	(E)	(E)
Width at Building line (ft.)	80	50	80	80	80	75	100	150	150
Minimum Yard & Building Setback (measurement in feet from property line)									
<i>Front</i>									
Arterial Street	50	50	50	50	50	50	50	50	50
Collector Street	35	35	35	35	35	35	35	35	35
Local Street	25	25	25	25	25	25	25	25	25
<i>Side</i>									
Residential	7.5	5	10	5	5	NA	7.5	20	20
Non-residential	25	25	10	5	(D)	(F)	7.5	20	20
<i>Rear</i>									
Residential	20	15	15	15	15	NA	20	30	30
Non-residential	40	40	15	15	5	(F)	20	30	30
Rivers, creeks, water bodies	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)
Maximum Height (ft.) (C)	35	40	40	40	None	None	35	35	35
Maximum Impervious Surface Area Ratio	35%	45%	45%	55%	65%	75%	25%	20%	20%
Maximum Density (G)	2.5	7	7	3.5	7	NA	2	1	1

Notes to Table 2: NA = Not applicable.

- (A) 1. A riparian buffer setback not less than 50' shall be provided on all undeveloped lots fronting on the banks of Lake Wateree and the Reservoir. (Lake Monticello is exempt from this requirement because of setbacks in place by SCE&G). The setback and buffer area shall be measured horizontally from the property line on The Reservoir and from the full pond elevation (225.5 feet MSL) on Lake Wateree. The buffer area shall remain largely undisturbed, subject to the following exceptions.
- Trees less than six (6) inches DBH, and dead, diseased or damaged trees may be removed using manual labor and hand or chain saws.

- b. Underbrush (defined as nuisance bushes, vines, and similar rank plant growth beneath the tree canopy) may be removed provided that such work is performed manually and without the use of vehicular or mechanical equipment or chemical applications. Pruning and trimming is permitted beginning at the ground and extending up the tree trunk no more than one half of the total height of the tree.
- c. Tree removal to allow for view corridors no greater than 15 feet in width may be created. Access corridors no greater than 15 feet in width also may be created, where required for utility approved shoreline projects. Any tree removal shall be manually performed using hand or chain saws, and no other disturbance of the natural terrain is permitted. Any view corridor or open area created through the utilization of this provision shall be stabilized and improved with shrubs, low-growing trees, or other natural groundcover plantings within thirty (30) days of completion.
- d. Structures within the buffer area shall be limited to walkways, boardwalks, piers, docks, benches, steps, retaining walls, decks and outdoor furniture. Sitting areas attached to docks and decks are allowed; provided no more than 200 square feet of such structures are within the buffer area. (Ord. 599, 2-27-12)

2. Additional building or use activity of developed lots shall not expand or infringe into the required 50' buffer area setback, except in accord with subsections a and d above .(Ord. 599, 2-27-12)

- (B) 10,000 square feet for one residential unit: 4,000 for each additional unit.
- (C) Measurement from the average finished grade at the building line to the highest point of a flat roof or midpoint of a pitched roof.
- (D) 5 feet one side only. Where side setback, not required, is provided, it shall be not less than 3 feet.
- (E) 43,560 Sq. Ft. for lots on individual waste water disposal systems (septic tanks); 21,750 Sq. Ft. for lots on public or community water and sewer systems, provided said lots front on a public street, and meet all other minimum Dimensional Requirements; lots less than 21,750 Sq. Ft. may be approved by the Planning Commission under the Family Exemption Section, 8-2 (8).
- (F) 20 feet, except where the proposed use abuts a residential district or a residential use on a local classified street, where a 40 foot setback shall be required, plus 3.5 feet for each additional floor over the first.
- (G) Measurement in dwelling units per gross acre.

Section 2.5 APD, Airport Protection District

Section 2.5-1. Permitted Uses

This is an “overlay” zone. As such, permitted uses are determined by the “underlying” or primary zone. These regulations temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of 3-1. They do not determine or regulate the use of property. However, primary zone use regulations notwithstanding, no use may be made of land or water within the Airport Protection District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, 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.

Section 2.5-2. Height Limitations

Except as otherwise provided by this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained within the APD, Airport Protection District to a height in excess of the applicable height limits herein established for the following described areas within the APD.

(1) Utility Runway Visual Approach Surface Area

This area begins at and corresponds with the width of the Primary surface (runway) and is 250 feet wide. Within this area, the height limitations rise uniformly at a 20:1 slope (20 feet horizontally to foot vertically) to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface along the extended runway centerline.

(2) Runway Larger than Utility Visual Approach Surface Area

This area begins at and corresponds with the width of the Primary surface area and is 250 feet wide. Within this area the Height limitations rise uniformly at a 20:1 slope to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface along the extended runway centerline.

(3) Runway Larger than Utility Non-Precision Approach Surface Area

This area begins at and corresponds with the width of the Primary surface area and is 500 feet wide. Within this area the Height limitations rise uniformly at a 34:1 slope to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface along the extended runway centerline.

(4) Precision Instrument Runway Approach Area

This area begins at and corresponds with the width of the Primary surface and is 1,000 feet wide. Within this area the Height limitations rise uniformly at a 50:1 slope for a horizontal Distance of 10,000 feet, and then at 40:1 slope for a horizontal distance of 16,000 feet. The centerline of this area is the continuation of the runway centerline.

(5) Horizontal Area

This area is established 150 feet above the airport elevation by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

(6) Conical Area

The conical area slopes upward and outward from the Periphery of the horizontal area at a 20:1 slope for a horizontal distance of 4,000 feet.

(7) Transitional Area

The transitional area slopes upward and outward 7 feet Horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport.

Section 2.5-3. Measurements and Maps

Measurements to determine the above shall be calculated using the Airport Layout Plan, on file in the office of the Building Official.

Section 2.5-4. Relationship of APD to Sanitary Landfills

Various studies and observations have resulted in the conclusion that sanitary landfills attract birds, and that birds in the vicinity of airports create potential hazards to aircraft operations. Aircraft accidents have resulted when aircraft collided with low-flying birds, particularly during takeoff and landing. In order to prevent such an occurrence in Fairfield County, the following regulations shall apply with regard to location of landfills:

- (1) No landfill shall be located within 10,000 feet of the airport runway.
- (2) Landfills located further than 10,000 feet from the runway, within the conical surface previously described, will be reviewed for permitting on a case-by-case basis by the County Council in consultation with the Airport Commission.

Section 2.5-5. Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this section may apply to the Board of Zoning Appeals for a variance from these regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Such variance shall be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for a variance to the requirements of this Section may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Fairfield

County Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Commission does not respond to the application within thirty (30) days after receipt, the Board may act on its own to grant said variance.

Section 2.6 PDD, Planned Development District

Section 2.6-1 Establishment of PDD

A PDD shall be established on the official Zoning Map by the same procedure as for amendments generally (Section 10.5 through 10.8), and in accord with the requirements of this section.

Additionally, a prefix and number indicating the particular district, as for example "PDD-02-1" (Zone-Year-Number), shall identify each PDD, together with whatever other identification appears appropriate.

Section 2.6-2 Permitted Uses in PDD

Any use or combination of uses meeting the objectives of this section may be established in a PDD upon review and approved amendatory action by the Planning Commission and County Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential, multi-family residential, single-family detached housing, manufactured housing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by Ordinance.

Section 2.6-3 Development Standards

1. Minimum Area Required

Minimum area requirements for establishing a PDD shall be five (5) acres.

2. Overall Site Design Criteria

Overall site design shall be harmonious in terms of landscaping,

enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

3. Specific Site Design Criteria

Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water, and sewerage systems, recreation facilities, fire and police protection, etc.

Additionally design criteria shall be as prescribed in Article 7 of this Ordinance.

4. Parking and Loading

Off-street parking and loading spaces for each PDD shall comply with the requirements of Section 2.3, Table 1 and Article 6 of this ordinance.

5. Buffer Areas

Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 4.1. Buffer areas are not required for internal use.

6. Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall comply with the provisions of Sections 4.3 and 4.4 of this Ordinance.

7. Signage

Signage shall be in harmony and scale with and reflective of the proposed PDD.

Section 2.6-4 Plan Requirements

Preliminary plan requirements, final pre-construction plan requirements and final as-built plat requirements shall be as prescribed in Section 10.8 of this Ordinance.

Section 2.6-5 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the Zoning Administrator, the applicant/developer may provide financial guarantees acceptable to the County to ensure the proper installation of such required improvements. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

Section 2.6-6 Action by Planning Commission and Council

Action by the Planning Commission and/or Council may be (1) to approve the Plan and application to establish a PDD, (2) to include specific modifications to the Plan, or (3) to deny the application to rezone or establish a PDD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

Section 2.6-7 Administrative Action

After a PDD Plan has been approved and the zone classification established on the official zoning map, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 2.6-8 Changes in Approved PDD Plans

Except as provided below, approved PDD plans shall be binding on the owner and any successor in title.

Minor changes in approved PDD site plans may be accommodated by the Building Official with review and concurrence by the County Attorney, on application by the applicant, upon making a finding that such changes are:

- (1) In accord with all applicable regulations in effect at the time of the creation of the PDD District; or (2) In accord with all applicable regulations currently in effect.

Major changes to an approved PDD shall require consent of the Planning Commission. In reaching a decision as to whether the change is minor or substantial enough to require reference back to the Planning Commission for approval, the Building Official shall use the following criteria:

- (1) Any increase 10 percent or greater in intensity or use shall constitute a modification requiring Planning Commission approval. An increase in intensity of use shall be considered to be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
- (2) Any change in parking areas resulting in an increase or reduction of ten (10) percent or more in the number of spaces approved shall constitute a change requiring Planning Commission approval.
- (3) Structural alterations significantly affecting the basic size, form, style and location of a building, as shown on the approved Plan, shall be considered a change requiring Planning Commission approval.
- (4) Any reduction in the amount of open space or buffer area resulting in a decrease of more than five percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring Planning Commission approval.

- (5) Any change in use from one use group to another shall constitute a change requiring Planning Commission approval.
- (6) Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring Planning Commission approval.

Section 2.6-9 Expiration of Time Limits on PDD Amendments

If a time limit is set as part of the establishing agreement and action is not taken within the time limit set, the Building Official shall review the circumstances and recommend to the Planning Commission.

Section 2.7 DOD, Design Overlay District

Section 2.7-1 Establishment; Definition

The Design "overlay" district is hereby established adjacent to and along SC 34, between the town limits of Ridgeway and Winnsboro; the full length of US 321 through the county; Peach Road, between the Town of Ridgeway and U.S. 321; 500 feet in each direction of the intersections of I-77 and SC 200 and I-77 and Camp Welfare Road; and U.S. 21 from Ridgeway to the Richland County line, extending from the rights-of-way of these roads one lot deep on both sides of the road or a distance of 200 feet, whichever is less.

The Overlay District imposes requirements and standards over and above, or in addition to, those imposed by the primary or underlying zone district, and in all instances shall be satisfied in full prior to the issuance of a building or use permit.

Section 2.7-2 Permitted uses

Permitted uses within the Overlay District are determined primarily by the underlying Zoning District. However, the following uses are declared to be incompatible with the purpose of this district as stated in Section 2.7-1, and are therefore disallowed, irrespective of primary or underlying Zone District regulations permitting such uses:

- (1) Truck (stops) and freight terminals,
- (2) Flea markets,
- (3) Wrecking, scrap and salvage operations,
- (4) Pawn Shops.
- (5) Self service car wash
- (6) Tattoo Parlors
- (7) Hazardous waste treatment and disposal facilities
- (8) Resource recovery facilities

Section 2.7-3 Design Review Board: Creation; Authority

To help accomplish the purpose of this district, a Design Review Board is hereby established in accord with the provisions of 6-29-870 of the Code of Laws of South Carolina. The Board shall consist of five (5) members appointed by County Council.

Persons appointed to serve on the Board should be knowledgeable in architecture, building construction and design, real estate, finance and related professional disciplines.

Board members shall be appointed for overlapping four (4) year terms and shall serve until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term by County Council. None of the Board members may hold any other public office or position in the county.

Section 2.7-4 Organization and Meetings of the Board

The Board shall elect a Chairman and a Vice-Chairman who shall serve for one year or until reelected. The Board shall adopt rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations.

Three (3) members of the Board shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the County Council. The Board shall meet upon the call of the Chairman and at such regular intervals as determined by the Board.

Section 2.7-5 Powers and Duties of Board

Where within the Design Overlay District(s), the exterior appearance of any building or structure is involved, the Building Official and /or Zoning Administrator shall issue no permit for erection, alteration, improvement, demolition or moving of such building or structure unless and until a development application has been submitted to and approved by the Board, and a Certificate of Appropriateness issued at the Board's direction.

Any action by an applicant following issuance of a permit requiring a Certificate of Appropriateness shall be in accord with the approved certificate.

The Board shall not cause to be issued a Certificate of Appropriateness authorizing issuance of any permit if it finds that the action proposed would adversely affect the character and environment of the affected area. Where certification is denied, the Board shall record its reasons for denial.

Additionally, the Board shall have the power and duty to hear appeals from decisions of the Building Official or Zoning Administrator in matters under the purview of the Board where there is alleged error in any order, requirement, determination or decision.

Section 2.7-6 General Design Standards for Determining Appropriateness

At a minimum, the following general design standards shall be considered by the Board when considering an application for appropriateness:

- (1) **Height** - The height of any proposed alteration or construction Should be compatible with the style and character of surrounding structures.
- (2) **Exterior Building Material** - No portion of a building constructed of unadorned masonry or metal siding should be visible from the road.
- (3) **Utility Lines** - All utility lines should be placed underground, where practical and feasible.

- (4) **Landscaping** - Landscaping should be integrated into the design and lay out of the site, and the off-street parking area.
- (5) **Architectural Details** - Architectural details including materials, colors, and textures should blend in and be compatible with surrounding development. Garish colors should not be permitted.
- (6) **Signage** - Except for Temporary Signs covered by Section 5.5 and signs located within 500' of the Interstate (I-77) right-of-way, signage permitted in the Design Overlay District shall be limited to one monument sign for each lot or parcel upon which a business, institutional, or multi-family use is located, and one wall sign for each business located on the site.

The monument sign shall not exceed 20 square feet in area or eight (8) feet in height, and shall display only the name or identification of the business and/or products sold on site. Outdoor advertising or off premise signs shall be prohibited. No monument sign may be located closer than 10 feet to the nearest property line.

Landscaping, consisting of a mixture of evergreen and deciduous shrubs and ground cover shall be provided at the base of each monument sign.

The wall sign may be painted on or supported by the wall; provided the sign face does not extend over one foot from the wall and is no larger than 20 square feet in area.

Section 2.7-7 Certain Work Exempt from Board Review

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, nor to prevent the demolition of any structure or building characterized by neglect in the maintenance of such building or structure to the extent that it creates hazardous or unsafe conditions.

Such a determination by the Building Official shall be forwarded to the Board for review and comment before a permit to demolish such building or

structure is issued. The Board shall have the right to override the decision of the Building Official to demolish, subject to appeal to Circuit Court as provided by this Section.

Section 2.7-8 Development And Dimensional Standards

Dimensional requirements on Table 2 shall be applicable to the primary zone districts within the Overlay Zone, except that the front building setback on the south side of SC 34, from the intersection with US 321 to the terminus of the existing 4-lane segment of US 321, where the front building setback shall be 100 feet. The Board may waive or modify any other requirements on Table 2 in a particular situation.

Section 2.7-9 Applications and Required Materials

Applications for Certificates of Appropriateness shall be submitted through the office of the Building Official/Zoning Administrator to the Design Review Board for review and action. The Board shall act on such application within 30 days of receipt thereof.

By general rule or by specific request in a particular case, the Board may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, plans for the erection of signs and appropriate detail as to character and exterior lighting arrangements, elevations of all portions of buildings and structures with important relationships to public view and indications as to construction materials, ornamentation, colors and the like, and such other exhibits and data as determined necessary by the Board.

General certification of appropriateness for specific classes of uses may be issued by the Board if it is found that particular materials, designs, architectural features or styles, or other characteristics are generally acceptable and appropriate, and that continued detailed consideration of individual applications involving such matters would be superfluous. If the Building Official/Zoning Administrator finds, upon examining the application, that all aspects which would otherwise require Board review are covered by general certification, he/she may proceed without referral to the Board, identifying the general certification in the record of the application.

Section 2.7-10 Appeals to Design Review Board

- (1) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town. The appeal must be taken within 30 days of a decision, by filing with the officer from whom the appeal is taken and with the Board notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- (2) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property.
- (3) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Section 2.7-11 Appeals from Board Decision to Circuit Court

Any person who may have a substantial interest in any decision of the Board or any officer, or agent of the county may appeal from any decision of the Board to the Circuit Court in and for the County of Fairfield by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Design Review Board.

Section 2.8 NCS, Neighborhood Conservation and Stabilization Overlay District

Section 2.8-1 Establishment; Definition

This Overlay District is established in an area extending in all directions for a distance of one-mile from the Winnsboro Town limits, and a distance of one-half mile in all directions from the Ridgeway and Jenkinsville Town limits. It imposes requirements and standards over and above, or in addition to, those imposed by the primary or underlying zone district.

Section 2.8-2 Restoration, Preservation and Maintenance Requirement

The following conditions are declared inconsistent with the purpose of this Section and in violation of this Ordinance. All property within this District, whether occupied or vacant, improved or unimproved, shall be maintained by the owner free of the following:

1. Vehicles under repair, being dismantled or incapable of operating are considered "inoperable" and shall not be stored in public view or parked on public streets at any time. Such vehicles must be stored in a garage or in other permitted areas out of public view. Detached trailers may not be parked on public streets at any time, except with a temporary permit.
2. Vehicle parking on landscaped areas. Motor vehicle parking of currently licensed and operative motor vehicles, trailers, and boats shall occur within a garage or carport, or upon a concrete or asphalt driveway or other approved all-weather surfacing. All vehicles are prohibited from parking on any landscaped area.
3. Trash cans, rubbish, and discarded objects, including furniture, bath room fixtures and appliances in public view at all times. (Exception will be made on the evening prior to, and/or the day of trash pick-up.)
4. Peeling or cracked building exteriors, which can contribute to wood rot, termite infestation, water damage, and other conditions, which reduce property values, shall be promptly repaired.
5. Overgrown vegetation, dead, decayed or diseased trees, and unsightly weeds or lawns in excess of 12 inches in height.
6. Substantial areas of deteriorated building materials, such as dry rot and broken or missing pieces of stucco, and broken or missing windows and doors.

7. Hedges, trees, shrubs, or plants overhang sidewalks, curbs or streets in any way that interferes with vehicles, pedestrians, or street maintenance.

8. Fences and walls in front yard setbacks exceeding three and one-half feet in height. Walls are to remain free of sagging, broken, rotted, or defective support posts, missing or broken fence boards, and damaged or missing blocks from a block wall.

9. Any unsecured, unoccupied or vacant building, structure or part thereof shall be kept secured by the owner against unauthorized entry and water damage.

If boarded, boarding shall be done in a manner and with materials as specified by the Zoning Administrator.

All windows, doors or other openings in a vacant or unoccupied structure which can be reached from the ground or from an appurtenance or adjacent structure shall be in good repair and locked or otherwise fastened from the inside or shall be secured. All openings or structural elements in poor repair which allow the interior to be damaged by water shall be secured or otherwise made watertight.

Boarding shall be secured by use of exterior grade plywood of at least 3/8" thickness, cut to the size of the opening and secured by use of Phillips headed 2" long screws on all first story or ground accessible points of entry or by use of 16d common nails which are permitted only on entry points being secured above the first story or where not accessible from the ground level. Boards may be placed over all points of entry. Open holes, overlapping and extensions beyond the frame which allow prying are not permitted. Boarding shall be painted either white, grey or a color similar to that of the boarded building.

10. Substandard housing conditions. All housing within the districts shall meet the minimum housing requirements of Section 3.14-2 of this Ordinance.

Section 2.8-3 Time Limit to Comply

Upon observing any of the above violations, the Planning and Building Department may issue an order to Abate. The Order to Abate shall include:

- (1) The nature of the violation.
- (2) The time within which the violation must be abated.
- (3) Notice that the County may act to abate the violation if it is not abated by the owner within a reasonable time stated in the Order, but which may not exceed fifteen (15) days. The abatement may be performed by the County, by a contract vendor, or by other means determined by the County.
- (4) Notice that the cost of such action by the County, plus an administrative fee, shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
- (5) Notice that any refusal to allow the County to abate an uncorrected violation shall constitute a separate violation.

An order by the Planning and Building Department to board or secure a property shall be complied with in not more than 72 hours. If securing has not been commenced, is incomplete, or does not comply with the requirements for boarding, the Zoning Administrator or Building Inspector shall secure the structure and the County shall bill the owner of record for all costs incurred, including service fees and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be assessed as a lien against the cited property.

Section 2.8-4 Fees, Fines and Penalties

Fees and fines necessary for the administration of this Section shall be established from time to time by resolution of County Council. A violation of this Section, in addition to the above remedies, shall be prosecuted in accord with Section 10.18, Penalties for Violations.

ARTICLE 3

CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses listed on Table 1, set out below.

	Section Reference
Concentrated Animal Feeding Operations	3.1
Manufacturing Uses	3.2
Wrecking, Scrap and Salvage Operations	3.3
Communication Towers and Antennas	3.4
Solid Waste Landfill	3.5
Gun Club and Skeet Ranges	3.6
Bed and Breakfast Inns	3.7
Camps and Recreational Vehicle Parks	3.8
Vendors	3.9
Sexually Oriented Businesses	3.10
Multi-family, Residential Care and Group Occupied Dwellings	3.11
Townhouses	3.12
Patio and Zero Lot Line Homes	3.13
Manufactured Dwellings	3.14
Manufactured Home Parks	3.15
Home Occupations	3.16
Open Storage	3.17
Temporary Uses (portable buildings, tents, etc.)	3.18
Shipping Containers	3.19
General Auto Repair	3.20
Accessory Apartments	3.21
Vehicular Race and Testing Tracks	3.22
Equestrian Uses	3.23
Hazardous Waste Treatment and Disposal Facilities	3.24
Resource Recovery Facilities	3.25
Mining	3.26

Section 3.1 Concentrated Animal Feeding Operations

The location and operation of concentrated animal feeding operations, (CAFO'S), defined by this Ordinance, shall comply with the provisions of Chapter 45, Title 46 of the 1976 SC Code of Laws, as amended.

Section 3.2 Manufacturing Uses (Division D)

The following performance standards are designed to ensure that all permitted manufacturing uses produce no injurious or obnoxious elements related to the operation of such uses beyond the premises.

(1) **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

- | | | |
|----|--------------------------------|------|
| a) | Residential property line: | 0.02 |
| b) | Non-residential property line: | 0.10 |

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

(2) **Fire and Explosives.** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment, as prescribed in the Standard Building Code.

(3) **Noise.** All noise shall be muffled. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the following values in any octave band or frequency. Sound pressure shall be measured with a Sound Meter and Octave Band Analyzer conforming to specifications of the American Standards Association.

Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously between the hours of 9 p.m. and 7 a.m.

Frequency Band (Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Residential Lot Line	At Non-Res. Lot Line
20 - 75	79	65
75 - 150	60	50
150 - 300	56	43
300 - 600	51	38
600 - 1,200	42	33
1,200 - 2,400	40	30
2,400 - 4,800	38	28
4,800 - 10,000	35	20

Day Time Schedule

Maximum sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed limits of the preceding table except as specified and corrected below.

<u>Type of Operation in Character of Noise</u>	<u>Correction in Decibel*</u>
Daytime operation only	Plus 5
Noise source operates less than 20% of any one-hour period	Plus 5
Noise source operates less than 5% of any one-hour period	Plus 10
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, speech, etc.)	Minus 5

* Apply to the preceding tables one of these corrections only.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

(4) **Air Pollution.** The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.

(5) **Odor.** When an industrial plant is operating at close to maximum production the odors emissions measured at the property line shall not

exceed a D/T (Dilution Threshold) of 100. Odor samples shall be taken and tested by an independent, qualified, odor-testing laboratory using ASTM (American Society of Testing and Materials) method E679-91.

(6) **Glare.** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.

(7) **Fumes and Vapors.** There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.

(8) **Heat, Cold, Dampness or Movement of Air.** Activity, which would produce an adverse impact on the temperature, motion or humidity of the atmosphere beyond the lot line, shall not be permitted.

(9) **Toxic Matter.** The applicant of a permit for any facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall provide with the application a certificate from the South Carolina Department of Health and Environmental Control, indicating compliance with the rules and regulations of such agency.

(10) **Exterior Illumination.** All outdoor light fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. Low-pressure sodium should be used wherever possible. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall not exceed 0.1-foot candles. Light sources visible in other areas shall not exceed 0.5-foot candles. Measurements shall be in a vented plane at the property line.

(11) **Compliance Guarantee.** The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly. Enforcement of this

agreement shall be precipitated by complaint from any person allegedly aggravated by failure of the industrial use to comply with the provisions of this section. Where there is a potential problem in meeting any one of the performance criteria in this Section, the applicant shall be required to mitigate to the satisfaction of the Zoning Administrator any potential adverse impacts of such operation and/or request a variance before the Zoning Board of Appeals in accord with the provisions of Article 10.5.

Section 3.3 Wrecking, Scrap and Salvage Operations

The location of these uses, where permitted by Table 1, shall be regulated by the following:

1. No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
2. No material or products shall be burned on the premises.
3. No material shall be placed in open storage in such a manner that it may be transferred out by wind, water, or other causes.
4. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.
5. All materials and activities not within fully enclosed buildings shall be enclosed by a permanently opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height.

Section 3.4 Communication Towers and Antennas

Where conditionally permitted as a principal use by Table 1, towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements. Prior to the issuance of a permit for a new tower the applicant shall submit documentation indicating a good faith but unsuccessful effort was made to co-locate on an existing

communication tower, building or other structure, and that no suitable facilities within the desired coverage area were available. Documentation shall include coverage maps, letters from adjacent tower owners, and calculations from a specialist with appropriate radio frequency credentials.

- (2) All applicable safety code requirements shall be met, including those of the U. S. Fish and Wildlife Service to minimize harm to birds.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
- (4) No tower or antenna shall be located within 2,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (5) The height of a tower or antenna mounted on a building, water tank or other structure shall not exceed 30 % of the height of the structure.

Towers or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure there will not be any structure build within the fall zone.

- (6) A tower or antenna may be used as an accessory use on property upon which a conforming principal use previously has been established in any non-residential district, provided such tower or antenna meets all applicable requirements of this Section.
- (7) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - (a) One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.

- (b) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, fall zone (as determined by a structural engineer, licensed & certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - (c) Identification of the owners of all antenna and equipment to be located on the site.
 - (d) Written authorization from the site owner for the application.
 - (e) Evidence that a valid FCC license has been issued.
 - (f) A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
 - (g) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the County.
- (8) Towers no longer in service shall be dismantled and removed by the owner within 120 days of discontinuance. Towers in need of repair or reconstruction shall require a permit.

Section 3.5 Solid Waste Landfill

Solid waste landfills are divided by this section into two categories -- Sanitary Landfills, and Construction & Demolition Landfills -- and regulated as follows.

(1) Sanitary Landfills

- (a). Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical or public use (measured in a straight line.)

- (b) A geo-technical engineering firm approved by the Zoning Administrator shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
 - (C) The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 4.1-9, on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
 - (d) A plan showing restoration of the site on completion of use as a landfill shall accompany the request.
 - (e) Location and size of the landfill must be in compliance with the Fairfield County Solid Waste Management Plan, as amended
- (2) Construction & Demolition Landfill
- (a) A Construction and Demolition landfill may be located up to, but not closer than 300 feet from any property line, except such landfill shall not be located closer than 500 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.
 - (b) No material shall be placed in open storage or areas in such a manner that it may be transferred out by wind, water, or other causes.
 - (C) All materials and activities shall be screened in such fashion as not to be visible from off-site. The Zoning Administrator may waive the provisions of this subsection where such facility will be utilized for a period not to exceed 90 days.
 - (d) The site shall be restored and re-vegetated on completion of use as a landfill.
 - (e) Location and size of the landfill must be in compliance with the Fairfield County Solid Waste Management Plan, as amended.

Section 3.6 Gun Clubs and Skeet Ranges

The unique nature of these uses is such that the following criteria shall be observed in siting any such use in Fairfield County.

- (1) It shall be located no closer than 2,500 feet to any residential use, unless a waiver in writing is secured from the neighboring landowner.
- (2) Gunfire shall be oriented away from habitable areas.

The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of surrounding residents.

Section 3.7 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where conditionally permitted by this Ordinance, shall:

- a. Be occupied by the resident/owner.
- b. Only be permitted in older residential structures that are architecturally, historically or culturally significant.
- c. Serve no regularly scheduled meal other than breakfast.
- d. Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.
- e. Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- f. Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; plus sufficient space to accommodate private gatherings, where proposed by the applicant.

- g. Be permitted one non-illuminated identification sign, not to exceed four (4) square feet in area.

Section 3.8 Camps and Recreational Vehicle Parks

Camps and recreational vehicle (RV) parks, where conditionally permitted by Table 1, shall comply with the following standards.

- (1) The site shall contain at least ten (10) acres, and a minimum of 150 feet of street frontage.
- (2) The site shall be developed in a manner that preserves natural features and landscape, of which not less than 20 percent shall be set aside and maintained as common open space.
- (3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - b. Minimum setbacks for all structures and recreational vehicles shall be:

Street right-of-way	100'
All other property lines	50'
 - c. Maximum density shall not exceed 10 vehicles or campsites per acre.
 - d. Bufferyards shall be as specified by Section 4.1.
- (4) Areas designated for parking and loading or for traffic-ways shall be physically separated from public streets by suitable barriers against unmarked motor vehicle ingress and egress.
- (5) All streets within RV Parks shall be private and not public.
- (6) Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

Section 3.9 Vendors

Vendors shall be governed by the following:

- (1) All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
- (2) Only one vendor shall be allowed for each one hundred (100') feet of street frontage.
- (3) No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- (4) No merchandise, vehicles, structures, signage, etc. shall be left on the site past sundown.
- (5) No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.

Only one sign per vendor shall be allowed, regardless of where it's mounted. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten (10) square feet in area and shall meet all applicable sign requirements contained in Article 5.

Section 3.10 Sexually Oriented Business

Section 3.10.1 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses where conditionally permitted by Table 1, shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 1,500 feet (measured in a straight line and documented on a map drawn to scale) of:

- (1) a residence, residential subdivision or residential zone,
- (2) a church or religious institution,
- (3) public or private schools and educational facilities,

- (4) public parks and recreational facilities,
- (5) another sexually oriented business,
- (6) day care facility,
- (7) Industrial and Business Parks,
- (8) Governmental buildings and sites, or
- (9) US 321, US 21, SC 34, SC 200 and SC 215.

Section 3.10. 2 Operation Requirements

It shall be a violation of this ordinance for a person to operate a sexually oriented business without having first received a Certificate of Zoning Compliance as required by Section 10.14-1, and a Certificate of Occupancy as required by Section 10.14-5.

Section 3.10. 3 Inspection

- (1) The operator of a sexually oriented business shall permit representatives of the planning department, police, health or fire department or other governmental department or agency involved in code enforcement to inspect the premises from time to time for the purpose of ensuring compliance with the law.
- (2) The operator commits a misdemeanor if he refuses to permit such lawful inspection of the premises.

Section 3.10. 4 Revocation

The Zoning Administrator may revoke the Certificate of Compliance and declare the operator in violation of the requirements of this ordinance if he determines that:

- (1) The operator has knowingly allowed possession, use or sale of controlled substances on the premises.
- (2) The operator has knowingly allowed prostitution on the premises.
- (3) The operator has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.

Section 3.11 Multi-Family Housing, Residential Care Facilities and Group Occupied Dwellings

Multi-family housing projects consisting of five or more units or two or more residential care facilities, dormitories, rooming houses or group occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards.

- a. Buildings shall be set apart not less than 20 feet.
- b. Not less than 20 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space, as specified in Section 4.4.
- c. Buildings shall not exceed 400 feet from end to end.
- d. Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- e. Trash receptacles shall be oriented away and screened from adjacent residential uses.

Section 3.12 Townhouses

Due to the unique design features of townhouses, the following supplemented design requirements shall apply:

- a. Such projects shall have a minimum of 1 acre.
- b. Not more than six (6) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- c. Minimum distance between rows of buildings shall be not less than 20 feet.
- d. Minimum lot width shall be 18 feet.
- e. Sidewalks not less than five (5) feet in width shall be provided along the front property line of all project buildings.
- f. Not less than 15 percent of the project site shall be diverted to common open space, as specified by Section 4.4.

Section 3.13 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

- a. Such projects shall have a minimum of 2.5 acres.
- b. Minimum lot area shall be 3,000 square feet per unit.
- c. Minimum lot width shall be 40 feet.
- d. Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- e. At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.
- f. The side yard of the exterior units shall be as prescribed by Table 2.

Section 3.14 Manufactured Dwellings

Section 3.14-1 Minimum Set-Up Requirements

Manufactured dwellings, where permitted by this Ordinance, shall:

- a. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of the Code shall not be permitted for reasons of safety.
- b. Be installed in accord with the Manufacture's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- c. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

- d. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable Building Codes.
- e. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
- f. Be provided with a sanitary sewer system approved by DHEC.
- g. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- h. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

Section 3.14-2 Minimum Habitability Requirements

No home shall be permitted, used or occupied nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official.

The term "habitable" as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable shall include the provision of the following facilities.

- (1) **Sanitary Facilities.** Every home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
- (2) **Hot and Cold Water Supply.** Every home shall have connected to the kitchen sink, lavatory, and tub or shower cold

and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.

- (3) **Heating Facilities.** Every home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the Building Official.
- (4) **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with applicable codes.
- (5) **Smoke Detector.** Every home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing.

Section 3.14-3 Compliance Required

No manufactured home shall be used or occupied unless and until the home has been installed in accord with these regulations and inspected for compliance by the Building Official.

Where upon inspection by the Building Official, a manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require the owner to make the necessary improvements to render the unit habitable; or block the use and placement of said unit by refusing to issue an installation permit, and denying electricity to the unit.

Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance and processed accordingly, as provided for in Article 10.18. The Building Official may grant exceptions to this requirement in hardship cases, not to exceed 30 days.

Section 3.15 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

- (1) The park site shall not be less than five (5) acres, and have not less than 150 feet frontage on a public dedicated and maintained street or road.
- (2) The park shall be served by public water and sewer systems or other systems approved by DHEC, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) All manufactured home spaces shall abut upon an interior all weather roadway of crushed stone, asphalt, cochina, concrete, slag or other all weather material of not less than sixteen (16) feet in width which shall have unobstructed access to a public street or road. All on-site roadway intersections shall be provided with a streetlight.
- (5) Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
- (6) All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (7) Not less than 15 percent of the park site shall be set aside and developed for common open space and recreation usage, in accord with Section 4.4.
- (8) Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
- (9) The maximum number of manufactured home spaces shall not exceed seven (7) per acre.
- (10) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- (11) Existing trees and other natural site features shall be preserved to the

extent required by Section 4.5.

- (12) Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 4.1.
- (13) A Certificate of Occupancy shall be required to open or operate a manufactured home park and shall be subject to annual renewal. Said certificate may be revoked by the Zoning Administrator for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.

A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a manufactured home park.

Section 3.16 Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table I.

- (1) Except in the RD and RD-1 Districts, the home occupations shall be carried on wholly within the principal building; attached garages may be used only for the storage of parts and materials. In the RD and RD-1 Districts, a garage or secondary building not exceeding 50 percent of the floor area of the principal residential structure may be used for the conduct of a home occupation.
- (2) The floor area of the principal residential dwelling dedicated to such home occupation shall not exceed 25% of the total floor area.
- (3) No activity shall be conducted outside the residence.
- (4) No signs shall be allowed, except in conformance with the zone district regulations within which the use is located.
- (5) No merchandise or articles shall be displayed so as to be visible from outside the building.

- (6) No more than one person not residing in the residence shall be employed.
- (7) There is no alteration of the residential character of the building(s) and/or premises.
- (8) The occupation shall not involve the retail sale of merchandise manufactured off the premises.

Section 3.17 Open Storage Areas

Open storage as an accessory use may be permitted where indicated by Table 1 provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view. Open storage does not include retail sales items such as vehicles, boats etc.

Section 3.18 Temporary Uses

Section 3.18-1 Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit, except for community events, county sponsored events, and large family reunions which are allowed as temporary uses in all zoned areas.

A community event is defined as a publicly sponsored, non profit activity providing for one (1) or more of various types of cultural, social, or recreational uses intended to serve the surrounding community, i.e. church or school activities. The term publicly sponsored means that an investment by the County, municipality, local school, or local church is involved in some fashion in the sponsorship of the event.

Temporary use permits may be renewed no more than twice within one calendar year, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

Section 3.18- 2 Type and Location

The following temporary uses and no others may be permitted, subject to the conditions herein.

- (1) Tents or other temporary structures for the conduct of any permitted use in the non-residential zone districts for a period not to exceed sixty (60) days.
- (2) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- (3) Portable classroom buildings in any district for cultural or community purposes, educational or religious purposes for an indefinite period provided all required setbacks for the district in which the structures are located shall be met and the structure shall be located on the same site as the principal structure.
- (4) Temporary office trailers for the conduct of business in any non-residential zone district where the principal building is being expanded, rebuilt, or remodeled.
- (5) Festival, carnival, circus, fair or outdoor concert for a period not to exceed 14 days; provided off -street parking is provided for all attendees and participants and that ingress/egress is clearly marked both for all main entrances and designated parking areas; further provided, that the Fairfield County Sheriff Department be notified at least fourteen days prior to the event. The promoter/sponsor must present a Traffic Control and Security Plan to the Fairfield County Sheriff Department. The Fairfield County Sheriff Department must approve the plan. Any cost for providing traffic control and security is the responsibility of the promoter/sponsor. A minimum of two security officers per event day are required. The event must comply all times with the approved Traffic Control and Security Plan. If security is required the event must cease operations if the security is no longer present.

- (6) Open lot sale of Christmas trees for a period not to exceed 45 days in any non-residential district.
- (7) Real estate sales office in any district for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure.
- (8) Portable storage facilities (PODs) may be permitted in any District not to exceed 30 days; provided not more than one such facility shall be allowed at one time and said facility shall not be located in any required setback area or the public right-of-way. Applicable sign regulations notwithstanding, leasing information may be displayed on the storage facilities.
- (9) Fire works stands for a period not to exceed six weeks prior to a commemorative holiday such as Fourth of July.
- (10) Turkey shoots in RD, B-2, and I-1 Districts for a period not to exceed sixty (60) days may be permitted. The use shall be oriented away from habitable and/or occupied areas. The site must be suitable in size and area to ensure safety of area residents. Operation shall not extend past 10:00pm.
- (11) Motorcycle, truck, car shows and outdoor music events/festivals subject to the following requirements:
 - a. Sufficient off -street parking shall be provided based on projected maximum attendance. A site plan shall be submitted with the application showing off-street parking area including number of parking spaces. Maximum permitted attendance capacity shall be based on off-street parking capacity.
 - b. The Fairfield County EMS must be notified at least fourteen days prior to the event. In all events, there must be maintained a clear ingress/egress for all emergency vehicles.
 - c. The Fairfield County Sheriff Department must be notified at least fourteen days prior to the event. The promoter/sponsor must present a Traffic Control and Security Plan to the Sheriff's Department, subject to Department approval. Any cost for providing traffic control

and security is the responsibility of the promoter/sponsor. The manpower required for security will be determined by the Sheriff's Department.

d. Adequate sanitary facilities must be provided.

e. Any motorcycle, truck, car show or outdoor music event/festival held on County property must sign a hold harmless agreement with the County freeing the County from any indemnity and provide proof of insurance covering the event.

f. Events, such as wet T-shirt events, not generally considered appropriate for family viewing are disallowed.

(12) A temporary dependent care residence (manufactured home) is allowed on any lot used for single family residential purposes under the following circumstances and conditions:

a. The applicant for the permit presents a written certificate from a licensed physician stating that, because of poor health, there is need for the direct custodial care between the occupant(s) of the principal residence on such a lot and the occupant(s) of the manufactured home;

b. The temporary dependent care residence (manufactured home) must meet SC DHEC requirements for water and sewer facilities (i.e. well and septic tank);

c. The occupants of the two (2) residences are related by blood or marriage or there is a legal guardianship relationship between them;

d. The permit for temporary dependent care residence (manufactured home) as authorized under this section shall be valid for a period of twelve months from the date of issuance, except the Zoning Administrator may renew such permit on a twelve month basis upon presentation of a written certificate from a licensed physician stating that the need or continuing custodial care has not changed;

e. The temporary dependent care residence (manufactured home) authorized under this section shall not be subject to the density, size

and/or dimensional regulations of this ordinance, but shall be subject to applicable setback requirements.

f. Not more than one temporary use shall be permitted per permanent residence.

g. The temporary residence shall be removed within 120 days of termination of the medical necessity need or non renewal of the temporary permit whichever is the earliest. The Fairfield County Planning, Building and Zoning Department shall be notified within 30 days of the termination of the medical necessity. Failure to notify shall be considered a violation of the Zoning Ordinance, Ordinance No. 335, and be prosecuted under Section 9-7 of the Ordinance

Section 3.18-3 Removal

Temporary uses and structures shall be removed and the site restored immediately after the temporary permit has expired. Failure to do so shall constitute a violation of this ordinance.

Section 3.19 Shipping Containers

Where conditionally permitted by Table I, the use and storage of shipping containers shall be governed by the following:

- (a) Shipping containers shall not be used as a principal use or structure.
- (b) Shipping containers shall not be located in front of any principal building or structure.
- (c) Shipping containers shall be permanently screened from public view.
- (d) Shipping containers shall not be stacked.
- (e) Shipping containers shall not be located in any required side or rear yard set back area.
- (f) The number of accessory shipping containers shall not exceed one per establishment or lot, except where the building to which it is accessory exceeds 20,000 square feet, then an additional shipping container may be established for each 20,000 square feet or fraction thereof; provided they meet the above requirements.

- (g) Shipping containers shall not be placed or stored on any lot or parcel for sale or distribution.
- (h) Shipping containers shall be rust and damage free,

Section 3.20 General Auto Repair

General auto and other motor vehicle repair operations shall be conducted within fully enclosed buildings. There shall be no open storage of junked vehicles, dismantled parts, scrap parts or other salvage material other than outdoor storage of not more than 10 disabled vehicles with current license plates. Servicing shall be conducted in areas that can be cleaned.

Section 3.21 Accessory Apartments

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
- (7) Evidence of the accessory apartment should not be apparent from the street.

- (8) A third off-street parking space shall be required.
- (9) Neither the primary residence nor the accessory apartment shall be a manufactured home.

Section 3.22 Motorized Vehicular Race and Testing Tracks

Motorized vehicular race and testing tracks are declared by this Ordinance to be incompatible with residential development. Additionally, any such use has the potential of negatively impacting many non-residential uses. Compliance with the following development standards is therefore prerequisite to a location in Fairfield County.

- (1) No such use shall be located within 1,500 feet of any residential use, park or church (measured in a straight line), and 500 feet of any other use.
- (2) Dirt tracks shall be located no closer than 2,500 feet of any residential use.
- (3) Proposed facilities shall have direct access via major streets only.

Section 3.23 Equestrian Uses

Where permitted as a conditional use, the keeping of horses for private use shall be governed by the following:

- (1) Minimum lot area shall be 1/2 acre per horse.
- (2) Each stable shall have a minimum fenced paddock area of 500'.
- (3) Stables shall be located no closer than 100' to the nearest residential property line.
- (4) Paddock fences shall be located no closer than 50' to the nearest residential property line.

- (5) The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.
- (6) The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.
- (7) The lot must be maintained in a sanitary condition through the proper use of lime and pesticides.
- (8) Manure piles shall be maintained in covered containers, and located at least fifty (50) feet from any dwelling, pool, patio or other recreational structure on an adjoining lot and at least twenty-five (25) feet from any property lines.
- (9) All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.
- (10) All grain on the lot must be stored in rodent-proof containers.
- (11) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.
- (12) Any exercise and/or training areas on the lot must be dampened so as to prevent dust.
- (13) Prompt veterinary care and services must be provided for sick horses and sick horses shall be removed promptly when deemed necessary by a licensed veterinarian.
- (14) Complaints regarding a lot not maintained in compliance with the foregoing maintenance provisions shall be filed with the Building Official. Violations of these provisions may result in revocation of the conditional use or other appropriate action, or penalty, as provided by this Ordinance.

Section 3.24 Hazardous Waste and Nuclear Waste Transfer, Storage, Treatment and/or Disposal Facilities

- (1) No such use shall be located closer than 2,500 feet (measured in a straight line) to any existing residential, recreational, religious, educational or public use, or the waters of any lake, pond, or reservoir used or scheduled to be used as a source of public drinking water, to include the waters of any lake, pond or reservoir that is connected to or flow into any other lake, pond or reservoir used or scheduled to be used as a source of public drinking water.
- (2) Such use shall be enclosed by an opaque fence or wall structure on all sides visible from any road or street, and a security fence on the remaining unexposed boundaries.
- (3) An application for such use shall be accompanied by a comprehensive environmental impact statement, prepared by an independent firm, qualified in such matters, and approved by County Council.
- (4) The application shall identify the materials to be handled and the approximate quantity to be accommodated over the life of the facility.
- (5) The applicant shall be required to comply with any and all recommendations contained in the impact statement, together with such other reasonable requirements as may be imposed by County Council to better mitigate the siting and operating of such a facility in Fairfield County.

Section 3.25 Resource Recovery Facilities; Solid Waste Collection, Storage and Transfer Facilities; Waste Tire Sites; and Composting Facilities

In keeping with the goals of the State's Solid Waste Policy and Management Act of 1991: to reduce the amount of solid waste being received at public landfills and incinerators and to promote recycling of waste resources; and to promote land use compatibility in the process, the

above referenced facilities, where proposed for Fairfield County, shall meet the following siting and location criteria:

- (1) No such use shall be located closer than 1,000 feet to any residence, church, school, historical place, or public park.
- (2) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
- (3) All materials and activities shall be screened in such fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences, walls, berms or landscaping. Where plants are to be used, they shall be evergreens of sufficient size to accomplish screening at the time of installation.
- (4) All such facilities shall have direct access off a major street only.

Section 3.26 Mining and Extraction Operations

The purpose of these regulations is to ensure that the usefulness, productivity, and scenic values of lands and waters involved in mining within the county receive the greatest practical degree of protection and restoration, and that no mining may be carried on in the county unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining.

Toward these ends, county permit applications shall be accompanied by:

- (1) A reclamation and reuse plan, once mining operations are complete.
- (2) Assurances that mining operations involving blasting activities shall be located not less than a minimum distance between the nearest point of blasting and any structures not owned by the operator as of the date of the completed S.C. Land Resources

mining permit application or where there is no waiver of damage.

The minimum distance shall be as determined by the current weight distance formula adopted by the S.C. Fire Marshal. In no event, however, shall the minimum distance be less than 1,500 feet from the nearest point of blasting to the nearest inhabited structure.

- (3) A location map and assurances that access will be restricted to a major street or road, and not allowed on minor streets, as defined by this Ordinance.

Mining and extraction uses in existence on the date of passage of this Ordinance which are nonconforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance or any parcel for which a valid mining permit has been issued by the S.C. Land Resources Conservation Commission prior to the passage of this Ordinance, shall be exempt from these and all other requirements contained in this Ordinance.

ARTICLE 4

APPEARANCE AND GREENING REGULATIONS

The regulations contained in this Article are intended to ensure land use compatibility, promote the greening of development, improve aesthetics, ensure adequate provision of open space, and protect trees.

Section 4.1 Bufferyards

Section 4.1-1 Definition

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon.

Section 4.1-2 Purpose

The purpose of a bufferyard is to ameliorate any adverse impact between adjacent land uses, and promote land use compatibility.


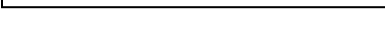
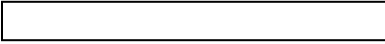
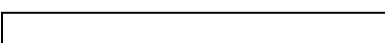


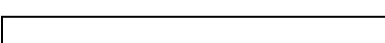
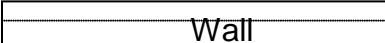
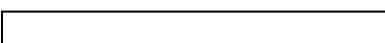

Section 4.1-3 Where Required

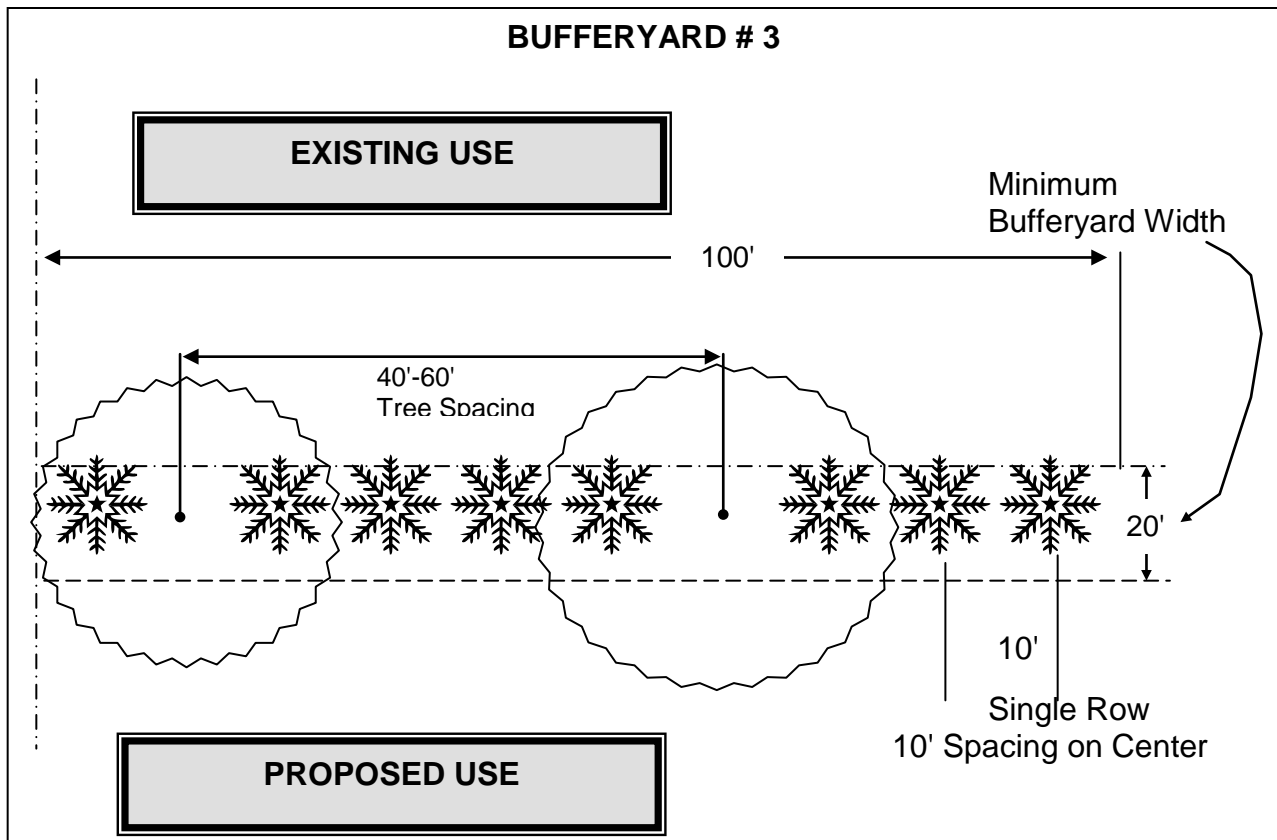
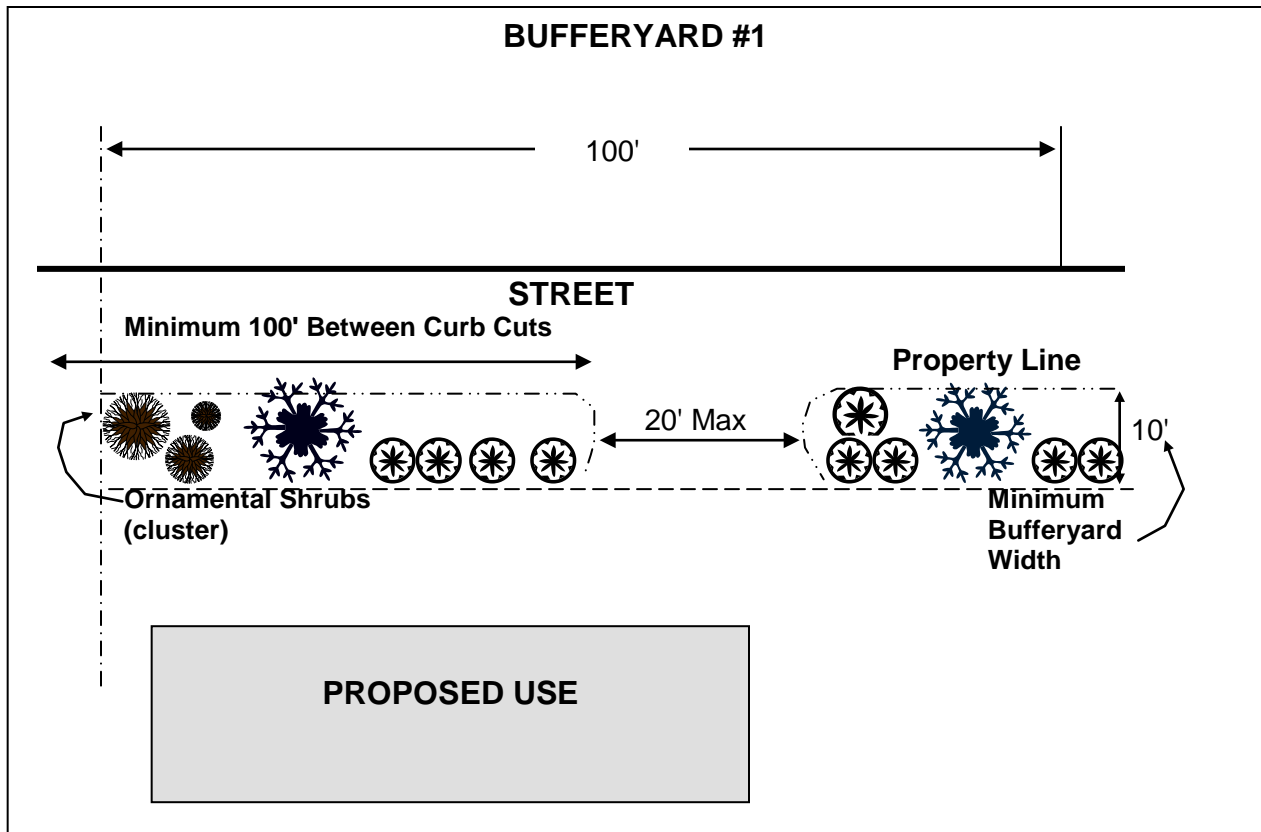
Bufferyards shall be required for new uses or substantially expanded uses (over 50 percent gross floor area) in accord with the requirements of Table 3.

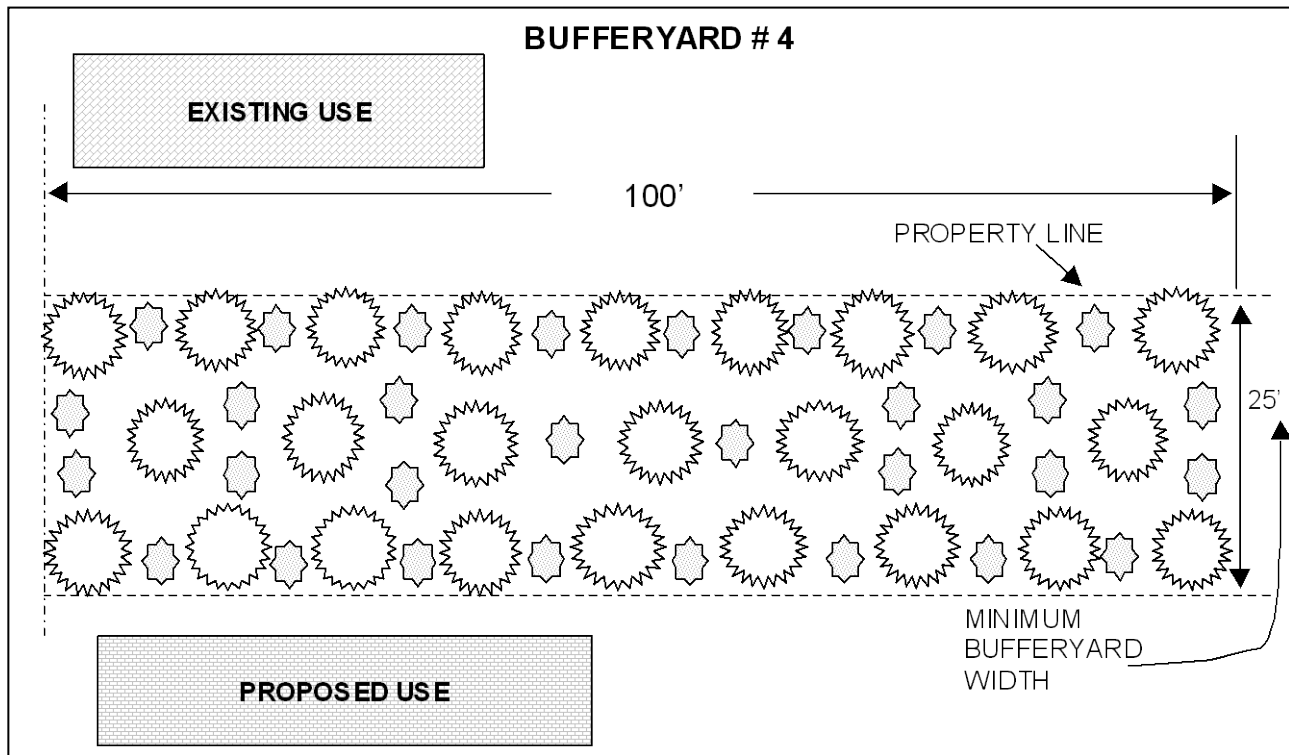
Table 3 Bufferyard Requirements								
<i>Proposed Use</i>	<i>Existing Use</i>							
	Agricultural	Single-Family Dwelling, R-1 Zone	Single-Family Dwelling	All Other Residential Uses	Office / Institutional	Commercial/ Non-Effluent Industry	Effluent Producing Industry	Street
Office / Institutional	0	3	2	1	0	0	0	1
Multi-Family / Manufactured Home Park	0	3	2	0	1	2	3	1
Low Impact Commercial	0	3	2	1	0	0	0	1
Commercial	1	4/5C	3	2	0	0	0	1
Non-effluent Producing Industry	2	5	4	3	2	0	0	1
Effluent Producing Industry	3	6	6	5	3	2	0	3

Section 4.1-4 Specifications and Options

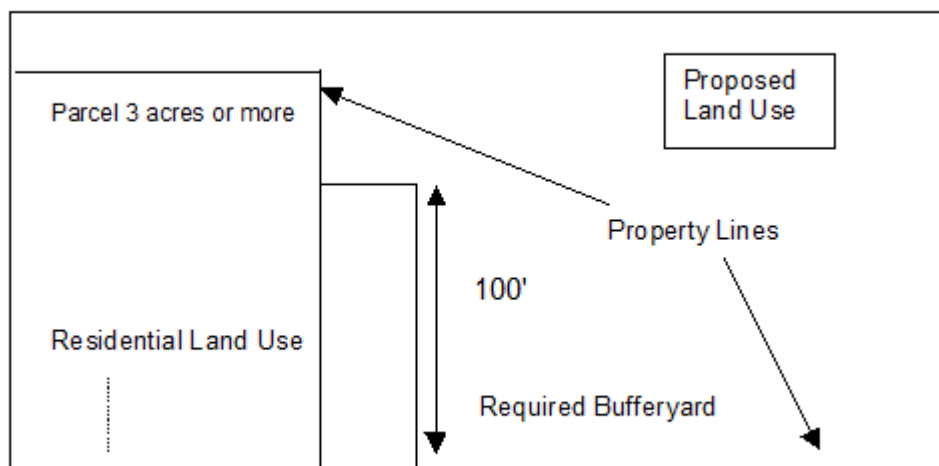
From Table 3, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use the Zoning Administrator shall determine the classification. Next, refer to the Bufferyard Illustrations to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

Bufferyard Illustrations		
		<u>Plants Required</u>
Bufferyard 1		5 trees or 3 trees & 6 shrubs or 12 shrubs or 6' solid wood fence
Bufferyard 2		(Fences & trees not required for street) 10 trees or 6 trees & 12 shrubs or 24 shrubs or 6' fence
Bufferyard 3		15 trees or 8 trees & 24 shrubs or 48 shrubs or 6' fence & 20 shrubs or trees
Bufferyard 4		25 trees & 30 shrubs or 12 trees & 60 shrubs or 8' fence & 10 trees or shrubs
Bufferyard 5A		30 trees & 40 shrubs or 20 trees & 80 shrubs or 8' fence & 25 trees or shrubs
Bufferyard 5B		6' masonry wall & 25 trees or shrubs
Bufferyard 5C		8' masonry wall
Bufferyard 6A		8' wall & 45 trees & 80 shrubs or 8' wall & 30 trees & 120 shrubs
Bufferyard 6B		6' wall/fence & 25 trees or shrubs





The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing building or use to be buffered.



Section 4.1-5 Use of Existing Vegetation

Existing vegetation, including all trees of any dimension, shall be retained to the extent practical and feasible. In no event shall a developer clear-cut the site of a required bufferyard. Instead, the developer shall conduct an Existing Tree Inventory, identifying the location, species, and diameter (breast high) of all trees in the bufferyard, and complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this Section.

Section 4.1-6 Materials

To achieve the desired results, only coniferous (evergreen) plants, suitable for local conditions, shall be used. When structures are used, the materials shall be durable and suitable for screening.

Section 4.1-7 Plant Size and Caliper

The minimum tree at planting shall be 6 to 7 feet in height and two (2) inches in diameter at a height of 18 inches above the ground. The minimum shrub shall be 2 to 3 feet in height. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of eye shrubs such as hemlock or pines may be needed to improve screening. A wooded site does not change fencing requirements.

Section 4.1-8 Substitutions

The following substitutions for opaque walls, fences, and plant materials may be made:

1. Berms may be used to compensate for fences. An eight (8) foot high opaque structure can be a combination of berm and fence to total eight (8) feet.
2. Chain link fences with evergreen hedge on the outbound side may be substituted for wooden fences. All plants must be sized and spaced to obscure the chain link fence within five (5) years of planting.

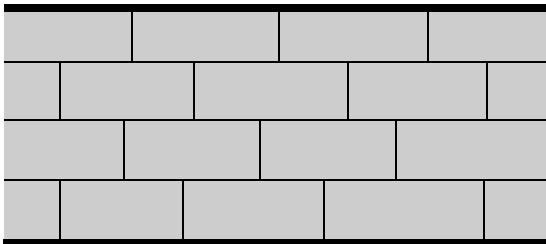
3. Any existing plant material that otherwise satisfies the requirements of this section may be substituted and counted toward satisfying the requirements of this section.

Section 4.1-9 Fence and Wall Specifications

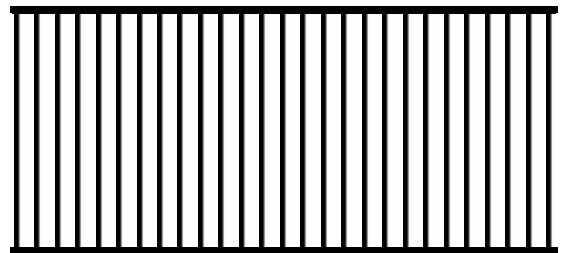
All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Zoning Administrator. Wooden fences shall be made of rot resistant material such as locust, cedar or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain link fence with evergreen hedge is acceptable. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.

Fence and Wall Illustrations

Masonry Wall



Woof Stockade



Section 4.1-10 Responsibility

It shall be the responsibility of the proposed new use to provide the bufferyard where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

Section 4.1-11 Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and

litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

Section 4.1-12 Use of Bufferyards

A bufferyard may be used for passive recreation and may be interrupted by access driveways not exceeding 16 feet in width (exceptions for uses requiring wide curb cuts may be approved by the Zoning Administrator). All other uses are prohibited, including off-street parking.

Section 4.1-13 Sight Clearance

Bufferyards may not obscure a clear line of sight for vehicular traffic. Therefore, bufferyards should be placed no closer than 20 feet from street/road right-of-way lines.

Section 4.2 Screening

Section 4.2-1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 4.2-2 Purpose

The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

Section 4.2-3 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar un-enclosed uses.

Section 4.2-4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six (6) feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

Section 4.3 Landscaping

Section 4.3-1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 4.3-2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics; to promote the greening of development, the reduction of noise pollution, storm water run off, air pollution, and artificial light glare; and to safeguard property values, protect public and private investments and promote high-quality development.

Section 4.3-3 Where Required

No proposed commercial, institutional, industrial or other non-residential use, or multi-family project or manufactured home park, shall hereafter be established or re-established in an existing building or structure and subsequently used, unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

Section 4.3-4 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
2. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

Section 4.3.5 Landscaping Requirements

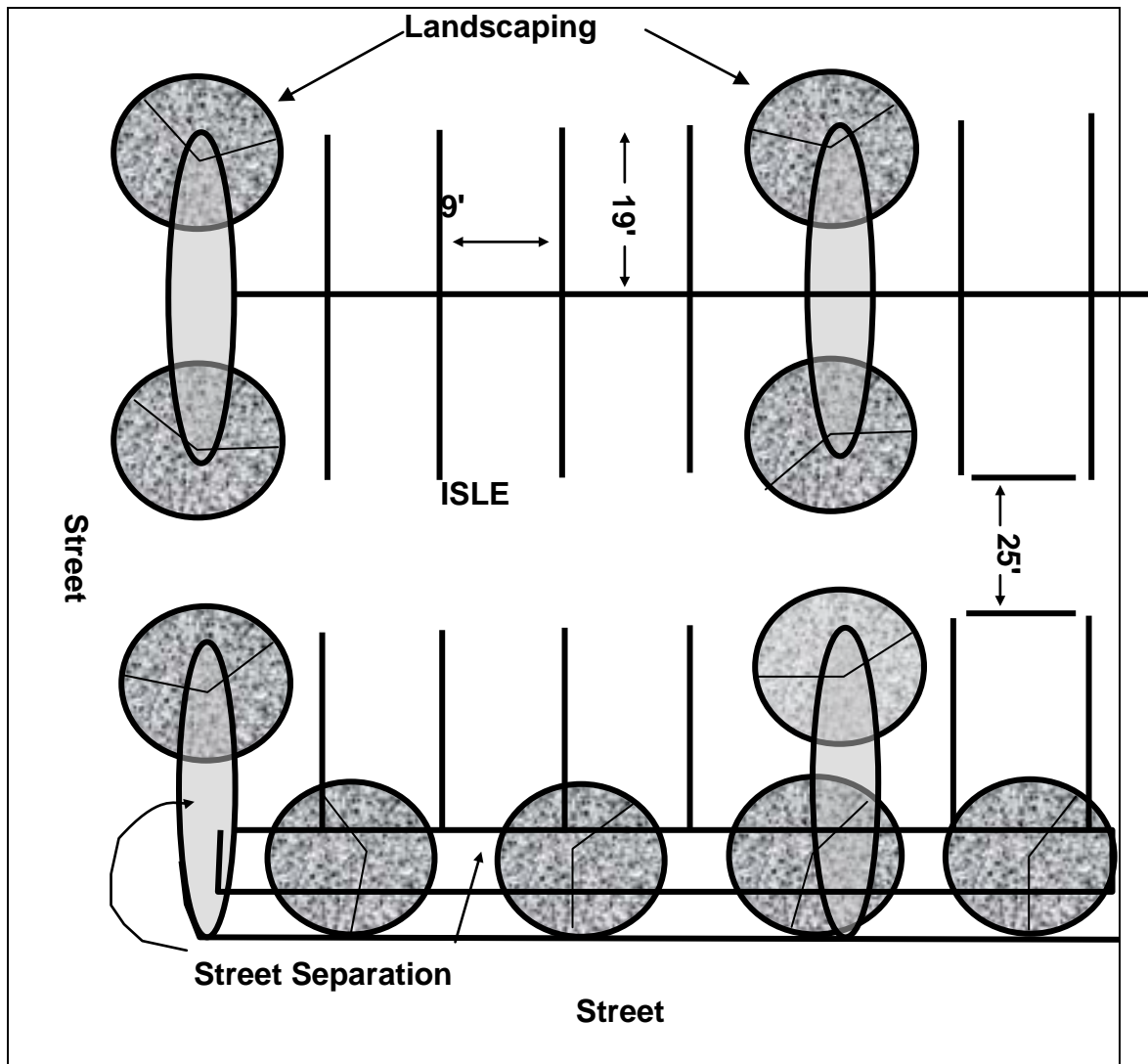
Required landscaping shall be provided as follows:

1. Along the outer perimeter of a lot or parcel, where required by the bufferyard provisions of this Article, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 4.1, Bufferyards.
2. Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall contain one broad leaf canopy tree per 10 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and direction.
3. Elsewhere, landscaped areas shall be designed to soften and complement the building site, and where a retention pond is included in the site design, said pond shall be properly landscaped.

At a minimum, interior lot landscaping shall be provided as follows.

Use	% of Lot
Institutional	20%
Industrial/wholesale/storage	10%
Office	10%
Commercial-retail-service	5%
Multi-family Projects	25%
Manufactured Home Parks	25%

Landscaping along exterior building walls and structures is suggested to



separate with greenery the building from the vehicular surface area.

Section 4.3.6 Landscaped Areas

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous. Landscaped areas must be at least 36 square feet in size.

Section 4.3.7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.4 Common Open Space

Section 4.4-1 Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

Section 4.4-2 Purpose

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

Section 4.4-3 Where Required

The following uses/projects consisting of seven (7) or more units shall provide common open space in the amounts prescribed:

<u>Proposed Uses/Projects</u>	<u>Ratio (% Lot)</u>
Cluster Developments	20%
Townhouse Projects	15%
Manufactured Home Parks	15%
Multi-family Projects	20%

Note: Landscaped buffer areas provided to meet the requirements of Section 4.3 for multi-family projects and manufactured home parks may be applied toward meeting the above requirements if held in common ownership.

New Sites: No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

Existing Sites: No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

Section 4.4-4 Common Open Space Plan

Proposed uses/projects set forth in 4.4-3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

Specify the manner in which common open space shall be perpetuated, maintained and administered.

Section 4.4-5 Types of Common Open Space and Required Maintenance

The types of common open space, which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each, are as follows:

Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.

Landscaped areas shall consist of lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness. Landscaped areas shall be trimmed and cleaned regularly.

Section 4.4-6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the County.
2. Common ownership of the open space by a homeowner's association that assumes full responsibility for its maintenance.
3. Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance

shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 4.5 Tree Protection

Section 4.5-1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public safety, health, and welfare through the benefits such vegetation provides, including, but not limited to:

1. Absorbing carbon dioxide and returning oxygen,
2. Reducing air pollution,
3. Providing shade and making outdoor areas more habitable,
4. Reducing soil erosion and increasing infiltration, and
5. Providing wildlife habitat, thus helping control insects.

Section 4.5-2 Protected Trees and Protected Tree Areas

Any tree measuring 30" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

Protected tree areas shall consist of required setback areas and yards, bufferyards and required open space. Trees located outside of these designated areas shall not be subject to the requirements of this section.

Section 4.5-3 Exceptions

Commercial timber, tree farms and nurseries, public utilities and agricultural operations and land disturbing activity of less than three acres on a single lot or parcel are exempt from the protective requirements of this Section. Existing developed lots and existing lots of record intended for single-family residential use also are exempt from the requirements of this Section. Property cleared under the exemptions of this section shall not be redeveloped and the county shall withhold any development permit for a period of 24 months.

Section 4.5-4

Site Design/Plan Approval

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development. Where more than 25% of the number of Significant trees located within the protected area are required to be removed prior to construction, a replacement schedule, approved by the Zoning Administrator, shall specify the number, species, DBH, and location of replacement trees. The cumulative DBH of replacement trees shall at least equal the cumulative caliper of the significant trees removed, on "inch for inch" basis, with individual replacement trees being not less than three (3) inches DBH. Where the Zoning Administrator determines that planting the required number of trees on the site will result in an unacceptable density of trees based upon good forestry management, the Zoning Administrator may reduce the number.

The site design shall be presented on a site plan showing:

- Existing location and size of all significant trees
- Trees to be removed
- Trees to be preserved
- Areas to be cleared
- Areas for proposed structures and improvements

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a grading and/or building permit.

Section 4.5-5 Tree Protection and Replacement

Prior to Development. Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, which approval shall not be unreasonable withheld, shall be prohibited.

During Development. During grading and construction, a protected area equal to one foot for every inch of DBH of each tree shall be provided

within which paving, grading, or the storage of dirt, building materials, debris, or any other materials or any other equipment shall not be allowed. Each protected area shall be enclosed by a barrier constructed in a manner required and approved by the Zoning Administrator prior to issuance of a grading permit. Failure to maintain barriers may result in revocation of the building and/or grading permit. For projects not requiring a grading permit, the required barriers shall be constructed by the property owner and approved by the Zoning Administrator prior to issuance of a building permit. Protective barriers shall be maintained until issuance of a Certificate of Occupancy. The protected area shall be permanent and maintained by the property owner. No pavement shall be installed in the protected area. The Zoning Administrator may reduce the protected area or allow intrusions into it if such actions would not adversely affect the survival and health of the tree.

After Development. No person shall break, damage, remove, cut, kill or cause to be killed any significant tree, except for the following:

In the event that any tree shall be determined to endanger the public health, safety or welfare and require removal, written authorization may be given by the Zoning Administrator and the tree or parts thereof (i.e. dead limbs) removed.

During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the Zoning Administrator may waive the requirements of this section.

Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the Zoning Administrator may adjust the requirements as necessary to moderate the constraint.

Trees involved in wetland mitigation.

Pine trees may be cut and removed from any site without regard to size.

Diseased (unhealthy) or nuisance trees, with approval of the Zoning Administrator.

Nothing in this section shall be construed to prevent an individual home owner from cutting down a significant tree on his or her residential property without review and approval of the Zoning Administrator.

Section 4.5-6 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria: Combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the tree removed or; Individual replacement trees are of the largest transplantable DBH available.

ARTICLE 5

SIGN REGULATIONS

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5.1 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged within the jurisdiction of this Ordinance unless it conforms to the requirements of this Article.

Section 5.2 Signs on Private Property

Signs shall be allowed on private property in accord with Table 3. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

All signs permitted by Table 3, including those designated by an "A", shall meet the conditional requirements of Table 4, as well as all other applicable requirements of this Section.

Table 3
REGULATION OF SIGNS
By Type, Characteristics, and Zoning Districts

District	R-1	R-2	R-O	B-1	B-2	I-1	RC	RD RD-1	INS (3)
Permanent Signs									
<i>Freestanding</i>									
Principal	(1)	(1)	P	P	P	P	P	P	P
Incidental	N	N	A	A	A	A	A	A	A
<i>Building</i>									
Canopy	N	N	P	P	P	P	P	P	N
Identification	A	A	A	A	A	A	A	A	A
Incidental	N	N	A	A	A	A	A	A	A
Marquee	N	N	N	P	P	N	N	N	N
Projecting	N	N	N	P	P	N	N	N	N
Roof	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	N	N	N
Wall	N	N	N	P	P	P	P	P	N
Window	N	N	A	A	A	A	A	A	N
Temporary Signs (2)									
A-Frame	N	N	N	A	A	N	A	N	N
Banner	N	N	N	P	P	N	N	P	N
Posters	A	A	A	A	A	A	A	A	A
Portable	N	N	N	N	P	N	P	P	N
Inflatable	N	N	N	N	P	N	N	N	N
Pennant	N	N	N	N	P	N	N	N	N
Identification	A	A	A	A	A	A	A	A	A
Political	A	A	A	A	A	A	A	A	A
Sign Characteristics									
Animated	N	N	N	P	P	N	N	N	N
Digital	N	N	N	P	P	P	P	N	N
Illumination Indirect	A	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A	A
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N

- (1) Signs identifying or announcing land subdivisions, or residential projects.
- (2) See Section 5.5
- (3) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts i.e. churches, school, parks, etc. and includes historical markers.

**Table 4
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	R-1	R-2	R-O B-1	B-2	I-1	RC	RD RD-1	INS (B)
Freestanding Signs: Number Permitted (D)								
Principal (C)	1(A)	1(A)	(D)	(D)	(D)	(D)	(D)	1
Incidental	NA	NA	NA	NA'	NA	NA	NA	NA
Maximum Sign Area (s.f.)	NA	NA	36	(E)	160	20	20	20
Minimum Setback from Property Line	5'	5'	5'	5'	5'	5'	5'	5'
Maximum Height	12'	12'	24'	(F)	(F)	12'	24'	12'
Building Signs								
Number Permitted	1	1	1	NA	NA	NA	NA	1
Maximum Sign Area (s. f.)	2	6	NA	NA	NA	NA	NA	10
Maximum Wall Area (%)	NA	NA	15%	25%	25%	25%	25%	NA
Temporary Signs (2)	See Section 5.5							

Table Notes:

NA= Not Applicable

s.f.= square feet

- (A) - One identification sign, not to exceed 20 Square feet, is permitted for each entrance of a subdivision or residential complex or project.
- (B) - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in R-1 and R-2 Zoning districts, i.e. churches, schools, parks, etc.
- (C) - Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- (D) - One per developed lot only.
- (E) - One square foot of signage is allowed for each linear foot of street frontage for the first 100 feet; one-half foot of signage is allowed for each additional foot of street frontage, not to exceed 378 square feet.
- (F) - Maximum height of signs shall not exceed 36 feet in height, except where located within 660 feet of Interstate (I-77) right-of-way, where maximum height of signs may extend to 50 feet.

Section 5.3 Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

1. Two or more contiguous lots or parcels under the same ownership,
2. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying

on the basis of street frontage for more than one free-standing sign, and

3. A PDD (Planned Development District) project.

The Plan shall contain all information required for sign permits generally (Section 10.14-4) and shall specify standards for consistency among all signs on the lot affected by the Plan with regard to:

Lettering or graphic style;
Lighting;
Location of each sign on the buildings;
Material; and
Sign proportions.

A Common Signage Plan shall limit the number of free-standing signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25%.

Once approved by the Zoning Administrator, the Common Signage Plan shall become binding on all businesses and uses occupying the affected lots, but may be amended by filing a new or revised Plan in conformance with the requirements of this Ordinance.

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance in effect on the date of submission.

Section 5.4 Signs in the Public right-of-way

No sign shall be allowed in the public right-of-way, except for the following:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate traffic;

2. Informational signs of a public agency or utility regarding its facilities;
3. Church signs, in accord with state law;
4. Historical signs and markers;
5. Emergency signs;
6. Directional signs of a temporary nature not to exceed three (3) square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.; provided they are located no closer than 500 feet apart.
7. Transit stop signs erected by a public agency and bench and bus shelter signs in association therewith.

Section 5.5 Temporary Signs

Where permitted by Table 3, the placement and use of temporary signs shall be governed by the following:

Table 5 Temporary Signs				
Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	Daylight hours only	Off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	Not Applicable	Not Applicable	32 sq. ft.	C/G

Table 5 Notes:

- A.** A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B.** Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C.** Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D.** Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E.** Inflatable signs shall be properly anchored and shall not interfere with airport traffic.
- F.** Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5.7.
- G.** Political signs shall be removed within 60 days after an election.

Section 5.6 Prohibited Signs

All signs not expressly permitted by this ordinance are prohibited. Such signs include, but are not limited to:

1. Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.
2. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.
3. Signs that have been abandoned and no longer correctly direct or exhort any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available.

4. Signs that have fallen into disrepair, are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the Standard Building Code.

Section 5.7 Development Standards

Section 5.7-1 Visual Area Clearance

No sign shall be located within a vision clearance area as defined in Section 8.6.

Section 5.7-2 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (See Area Clearance Illustration, 4).

Section 5.7-3 Pedestrian Area Clearance

When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground. (See Area Clearance Illustration, 4).

Section 5.7-4 Sign Materials; Code Compliance

Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials.

Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.

Section 5.7-5 Sign Illumination

Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 5.8 Sign Measurement

Section 5.8-1 Sign Face Area

The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, free-standing sign is counted.

For signs on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in the measurement, unless it is clear that part of the base contains no sign related display or decoration.

For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all pieces (Illustration 2).

For sign structures containing multiple modules oriented in the same direction, the modules are counted as one sign face (Illustration 3).

The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

For signs incorporated into awnings, the entire panel containing the sign is counted as the sign faces unless it is clear that part of the panel contains no sign related display or decoration.

Section 5.8-2 Clearances

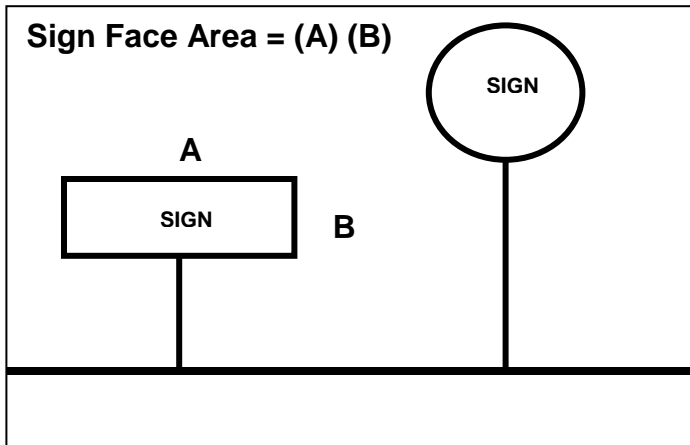
Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

Section 5.9 Removal of Signs

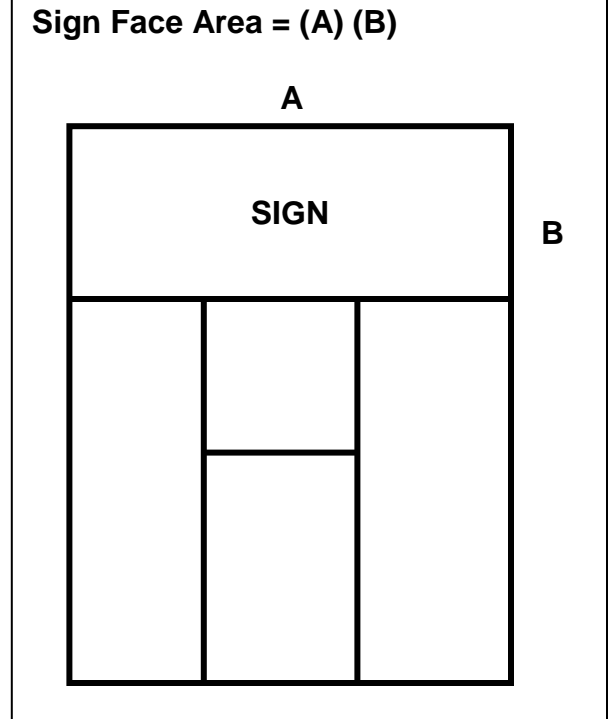
1. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such sign does not conform with the regulations herein, except those declared abandoned or dilapidated, which shall be removed or remedied upon notification by the Zoning Administrator.
2. Non-conforming permanent signs shall be removed or brought into conformity whenever the following occurs:
 - a. Property changes ownership and the name of the business is to be changed, or
 - b. The occupancy classification of the building is changed.
3. Any existing sign that is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
4. Any non-conforming temporary sign shall be removed or brought into conformity no later than sixty (60) days following the effective date of this Ordinance.
5. An order under this Section shall be issued, in writing, to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within thirty (30) days time. Upon failure to comply with such notice, the Zoning Administrator may cause the sign to be removed and any costs incurred in the process may be collected in a manner prescribed by law.

Sign Measurement Illustrations

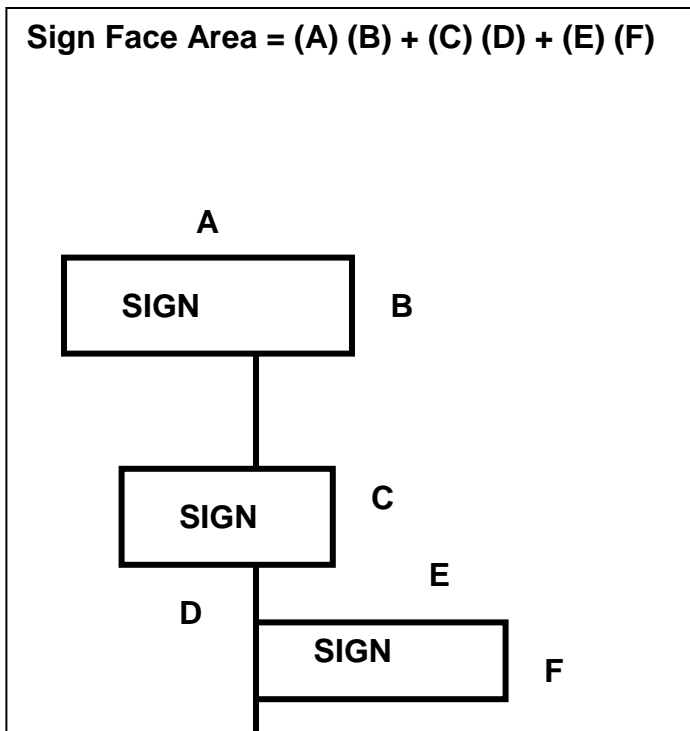
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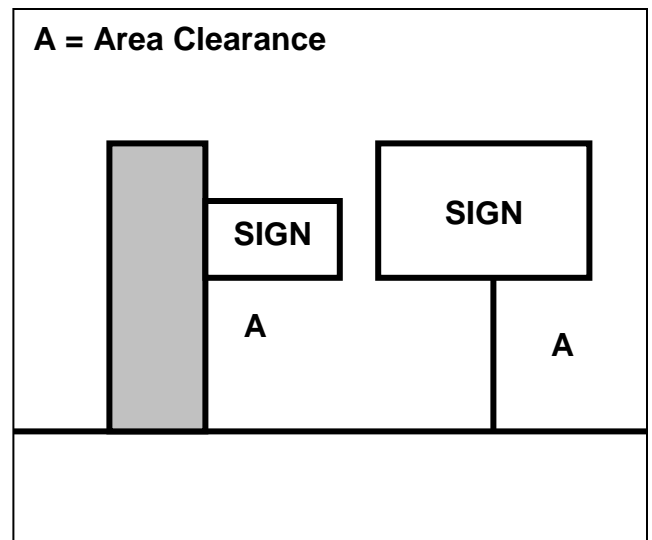
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4.



ARTICLE 6

SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table 1 of this Ordinance.

Section 6.1 General Requirements

1. Where application of the requirements of Table I result in a fractional space requirement, the next larger requirement shall apply.
2. Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
3. Off-street parking areas provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.
4. Off-street parking areas shall be designed, developed and maintained in accordance with the requirements of this Article.

Section 6.2 Land to Provide Parking

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required.

Section 6.3 Design Standards

1. Parking Dimensions

Parking spaces shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of spaces may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking spaces shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	22 feet
60 degree parking	18 feet
45 degree parking	13 feet
30 degree parking	11 feet

2. Construction, Paving

Where 12 or more off street parking stalls are required by this ordinance, such stalls and all ingress and egress drives shall be surfaced with a permeable surface material to reduce runoff, approved by the Zoning Administrator. Expansive impervious surface parking lots shall be avoided. Instead parking lots shall be broken down into sections as appropriate for the type and size of development, and shall be separated by landscaped divider strips, berms, and similar devices.

3. Drainage

Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate alternative provision is made for drainage.

4. Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator.

5. Entrances and Exits

Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least fifty (50) feet, measured along the curb line, from the intersection of the nearest curb line.

6. Marking

Parking lots containing 20 or more spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers may be used as necessary to ensure efficient traffic operation of the lot.

7. Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas, if any.

8. Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 4.3.

Section 6.4 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations/garages.

Section 6.5 Parking Spaces for the Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

Number of Required Parking Spaces	Number Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
Each additional 100 spaces or fraction thereof	1 space

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

Section 6.6 Mixed Uses

Where more than one principal use, whether with the same or different parking requirements occupy the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

However, up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that written agreement thereto is properly executed and filed with the County.

Section 6.7 Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or sidewalk.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

Section 6.8 Storage and Use of Campers or Recreational Vehicles in the R-1 and R-2 Residential Zones

No recreational vehicle or boat in excess of seventeen (17) feet shall be parked or stored in any required front or side yard setback area or within five (5) feet of the property line in the R-1 or R-2 zones; however, such use may be parked anywhere on a residential lot for a period not to exceed twenty-four (24) hours during loading or unloading.

A recreational vehicle may be used for temporary lodging in a residential district (R-1 and R-2) for no more than thirty (30) days in any one calendar year. Except that in residential districts adjoining Lake Wateree and Lake Monticello, a recreational vehicle may be used for temporary lodging for no more than fifteen (15) continuous days in any one calendar year but no more than sixty (60) days in any one calendar year. Where a valid building permit for construction of a new home or repair/reconstruction of an existing home has been issued by the Building Department, a recreational vehicle may be used as temporary lodging during construction or reconstruction for a period not to exceed the duration of the permit.

There is no limit on the number of days that a recreational vehicle may be used for temporary lodging in RD district. Any recreational vehicle used for temporary lodging regardless of the zoned district it is located in must meet all requirements of South Carolina Department of Health and Environmental Control Regulation 61-56, Individual Waste Disposal Systems, Section IIIA.

Section 6.9 Parking, Storage, and Use of Non-Residential Vehicles and Equipment in the R-1 and R-2 Residential Zones

No automobile, truck, or trailer of any kind or type, without current license plates, shall be parked and construction equipment shall not be stored on any lot in the R-1 or R-2 Zone, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property.

Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in the R-1 and R-2 Zones shall be limited to one vehicle per residence, with a capacity no greater than two (2) tons.

Vehicles with capacity greater than two (2) tons and used for commercial, industrial, or construction purposes are prohibited from parking in the RS Zone, including the street/highway right-of-way, when not actively involved in commerce.

ARTICLE 7

LAND DEVELOPMENT REGULATIONS

Section 7.1 Purpose

The purpose of this Article is to advance the objectives of the South Carolina Local Planning Enabling Act of 1994, as amended to require harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of these objectives, the regulation of land development in Fairfield County is designed:

- To encourage economically sound and stable development;
- To assure the timely provision of required streets, utilities, and other facilities and services to new land development;
- To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian in and through new land developments; and
- To assure, in general, the wise and timely development of new areas in harmony with the Comprehensive Plan of Fairfield County.

Section 7.2 Site Design Standards, Generally

1. Site Analysis

An analysis shall be made of characteristics of the development site, such as site context, geology and soil, topography, ecology, existing vegetation, structures, and road networks, visual features, and past and present use of the site.

2. Site Design Considerations

Site design shall take into consideration all existing local and regional plans, and shall be based on the site analysis. To the extent practical, development shall be located to preserve any natural features on the site, to avoid areas of environmental

sensitivity, to minimize negative impacts and alteration of natural features, to avoid adversely affecting ground water and aquifer recharge, to reduce cut and fill, to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites, and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

The following specific areas and resources shall be preserved to the extent consistent with the reasonable utilization of the site.

- a. Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers.
- b. Trees 30" or more DBH (Diameter Breast High).
- c. Flood plain areas, as determined by FEMA (Federal Emergency Management Agency) and delineated on Flood Boundary and Floodway Maps for Fairfield County.
- d. Habitats of endangered wildlife, as identified on federal and state lists.
- e. Historically significant structures and sites, as listed on federal, state, and/or local lists of historical places.

Section 7.3 Site Design Standards for Conventional Subdivisions

Section 7.3-1 Streets, Public

1. Circulation System Design

Street systems shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to present an attractive streetscape; and to permit linkage of major collector streets and subdivisions.

2. Layout and Alignment

- a. Proposed streets shall be coordinated with the existing street system in the surrounding area and, where possible, shall provide for the continuation of existing streets abutting the development.
- b. All streets shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or intersection with another street.
- c. Reserve strips controlling access to streets are prohibited except where their control is placed with the County, under conditions approved by the Planning Commission.

3. Cul-de-sacs

- a. Dead-end streets designed to be permanently closed at one end shall not exceed twelve hundred (1200) feet in length measured from the right-of-way to the center point of the turn-around.
- b. Turn-arounds shall be provided at the closed end of a street and shall have a minimum radius of sixty (60) feet. Pavement width shall have a minimum curb radius of forty (40) feet. A landscape center island may be provided, if sight lines are not obstructed. If such island is provided the pavement width of the turn-around shall be a minimum of thirty (30) feet.
- c. Temporary dead-end streets, which extend for a greater distance than the depth of one abutting lot, shall be provided with a temporary turn-around.

4. Intersections

- a. No more than two streets shall intersect at any one point.
- b. All streets shall intersect as nearly as possible at ninety-degree right angles.

- c. Streets entering upon opposite sides of a given street shall have their center lines directly opposite or shall be off set a minimum distance of 300 feet, measured along the centerline of the streets being intersected.
- d. Street intersections shall be located at least 150 feet from the right-of-way of any railroad track, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

5. Right-of-way and Lane Widths

Minimum street right-of-way widths shall be as follows:

Street Classification	Lane Width	Right-of-Way Width
Minor Street	22' with curb & gutter	50'
Major Street	26'	66'

6. Required Improvements

- a. All streets and roads to be dedicated for public use shall be constructed in accord with the South Carolina Standard Specifications For Highway Construction Manual, Latest Edition. Specifically:
- b. Earthwork shall be completed in accord with Section 200.
- c. Base and Subbases shall be constructed in accord with Section 300, as applicable to the proposed base course.
- d. Paving shall be constructed in accord with Sections 400 and 500, as applicable to the proposed paving material.

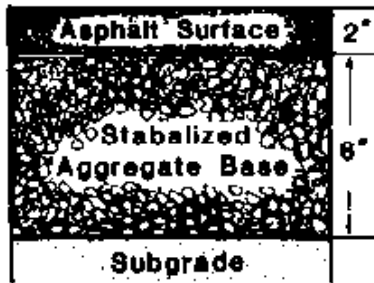
In addition to the above, street and road construction shall meet the following specifications, based on the type of soils.

The following soils have been determined by the USDA Soil Conservation Service to constitute poor subgrades in Fairfield County. Where such soils are present, the applicant developer shall

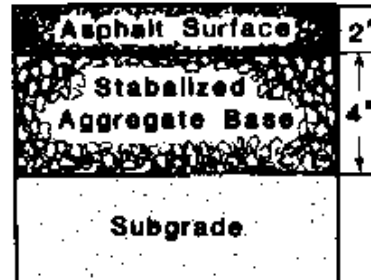
construct all streets and roads in accord with the specifications for poor subgrades.

FOR MINOR STREETS

**POOR
SUBGRADE**



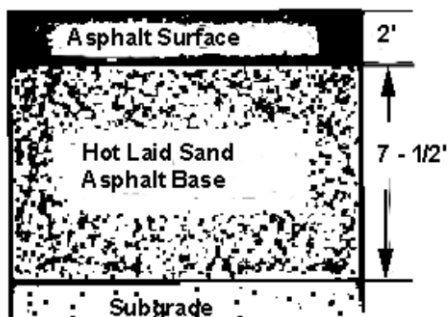
**GOOD
SUBGRADE**



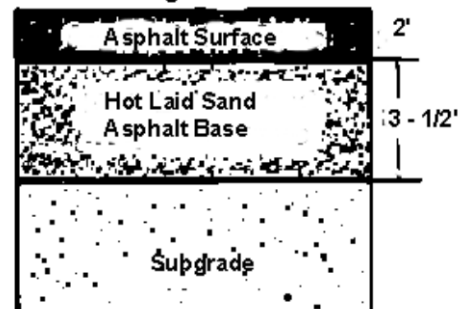
FOR MAJOR STREETS

Note: Before surfacing any roads, the applicant developer shall install all required utilities in accord with these regulations.

Poor Subgrade



Good subgrade



Soils With Poor Subgrades

Chewacla-Toccoa
Wilkes-Winnsboro-Mecklenburg
Wilkes-Hinnssboro-Madison
Appling-Rion-Wateree
Pacolet-Cataula-Madison
Wateree-Rion-Helena

Major Constraint To Road Construction

Low strength; flooding
Low strength; Shrink-swell
Low strength
Low strength
Low strength
Low strength

A soil report of the subgrade performed by an approved soils laboratory shall be submitted with the construction plans showing soil suitability for road construction. Soil samples shall be taken at one-hundred foot stations. If unsuitable conditions are found the frequency of soil samples shall be

increased to fifty foot intervals. Road design shall include consideration of existing soil types as determined by the soil report.

Compaction tests shall be performed on the base to verify it meets compaction requirements. Tests shall be performed at a minimum of one-hundred foot intervals. All testing reports are to be submitted to the County for review as soon as they have been completed.

7. Dedication, Acceptance and Maintenance

- a. All dedicated roads and streets for County Maintenance shall be deeded to Fairfield County with a title opinion, Right-of-Way Deed, and a plat prepared by a Registered Surveyor, meeting the minimum requirements of the Laws of South Carolina.
- b. Streets and roads accepted by Fairfield County for maintenance under this ordinance will be conditionally accepted for one (1) year period. During this period, Fairfield County Maintenance forces will perform standard routing maintenance, but if at any time during this probationary period any of the criteria required as a condition for acceptance ceases to exist the owner will be required to correct the deficiency. Under no condition will the County repair or maintain roads on private property.
- c. Maintenance of streets and roads dedicated to but not accepted by the County shall be the responsibility of the owner-developer, and the final plat shall so state that the county is not responsible for the maintenance of said streets or roads.
- e. No county maintained roadway shall be barricaded in any way and may not be posted with any type sign such as "Private", "Posted", "Keep Out", or other similar sign. The roadway shall remain open at all times for use by the public at large as to local, state, and federal law.

8. Street and Road Signs

- a. Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the developer.
- b. At least two street name signs shall be placed at each four-way street intersection, and one at each “T” intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction. The design of street name signs shall be uniform in size and color, and subject to approval by the Fairfield County E-911 office.

9. Street and Road Names

- a. **New Streets.** Street names shall be subject to approval of the Fairfield County Planning Commission. Proposed street names shall be substantially different in sound and spelling from existing streets in the county unless at a future date plans call for a tie-in between the proposed street and an existing street. Where such streets are in obvious alignment with an existing street, it shall be given the same name as the existing street. Streets shall not be given a surname
- b. **New Subdivisions and Other Developments.** Subdivision and development names shall be subject to approval of the Fairfield County Planning Commission, and shall not duplicate the name of any recorded subdivision or development.

Section 7.3-2 Streets, Private

Private streets in a subdivision shall be allowed under the following conditions.

- a. The developer shall furnish proof to the Planning Commission that said streets will be maintained in perpetuity, as private streets or that each owner of a lot abutting on such streets owns an undivided interest in the street, or other methods that will ensure that such private streets are not public, and not the responsibility of Fairfield County, and will be adequately maintained.
- b. The Planning Commission shall be provided such documents as may be required to ensure that the foregoing provisions will ensure the maintenance of said private streets. Such documents shall be in form suitable for recordation in the office of the Clerk of Circuit Court and shall be approved by the County Attorney.
- c. As a condition of approval, the Planning Commission may require that private streets be developed in accordance with all or a portion of the standards for public streets, Section 7.2.
- d. An appropriate permanent sign identifying such streets are private shall be erected by the developer or owners at all locations where the private streets intersects with public streets or roads.

Section 7.3-3 Shoulders and Ditches

Shoulders shall consist of stabilized turf or other material acceptable to the County and shall be prepared in compliance with Section 209 of the Standards Specifications Manual for Highway Construction, latest edition.

Section 7.3-4 Storm Water Drainage

All new subdivisions shall be provided with a storm drainage system designed and developed in accord with the following requirements.

- a. A drainage system shall be designed and constructed by the developer to provide for the proper drainage of the surface water of the subdivision and the upland drainage area of

which it is a part, to permit the unimpeded flow of natural water courses and to protect both residents of the proposed subdivision and down stream property owners from increased runoff resulting from development. Design of the system shall be based on the rational method of determination utilizing the ten (10) year rain frequency curve with consideration of the 100 year flood information. All street crossing drainage facilities shall use a minimum of 18 inch pipe.

- b. Where adequate existing public storm sewers are reasonably accessible, the Planning Commission may require that the system proposed for the land being subdivided be connected thereto.
- c. All streets shall be provided with an adequate storm drainage system. The use of asphalt valley sections for street drainage may be allowed where approved by the Planning Commission. The Planning Commission may require concrete curbs and gutters.
- d. Where curb and gutters and catch basins are provided or required, they shall be designed in accordance with specifications contained in the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.
- e. The off-street system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage and shall be designed in accordance with the following requirements.
- f. When the drainage system is outside of the street right-of-way, the developer shall provide all required easements in accordance with the provisions of this Ordinance.
- g. Open ditch drainage may be used. However, when open ditches are used to meet these requirements, they shall be adequately protected from erosion with vegetation, rip-rap, concrete lining, or other approved method.

Section 7.3-5 Erosion and Sedimentation Control

The developer shall take measures to ensure that the amount of off site sedimentation runoff and erosion does not increase from pre-construction levels.

The Preliminary Plan shall include a plan for erosion and sedimentation control in accordance with SC DHEC regulations.

Section 7.3-6 Easements

Easements shall be reserved and dedicated as follows.

a. Drainage Easements

Drainage easements shall be provided whenever a subdivision or development is traversed by a water course, drainage way, channel, or stream, conforming substantially with the lines of such water course, and not less than 20 feet wide or of sufficient width, as determined by the County Engineer, to carry off storm water and provide for maintenance and improvements of the water course.

b. Utility Easements

Utility easements, where provided along side or rear lot lines, utility easements shall be not less than 20 feet in width. No structures or trees shall be placed within such easements. Such easements shall be maintained by the property owner(s) and may be used to satisfy yard requirements. The location of utility easements shall be coordinated with the utility provider.

c. Easement Clearance

All stumps, debris, trash, and fallen trees within the easement right-of-way shall be cleared and removed.

d. Maintenance of Easements

- a. Covenant restrictions placed in the deed of a lot which contains a utility easement shall stipulate that the county

or utility company with lines in such easement shall have full right of access;

- b. The County shall maintain only those easements specifically accepted for public maintenance.

Section 7.3-7 Sidewalks

Sidewalks shall be required on one side of each street in all subdivisions containing more than 75 lots. Sidewalks also may be required by the Planning Commission to continue an existing walk in an adjacent subdivision or along an existing street to access nearby schools and/or public recreation areas. Within subdivisions, sidewalks shall be at least 4 feet wide; when providing access to public facilities, sidewalks shall be not less than five feet wide.

Sidewalks, where constructed, shall be done in accordance with the South Carolina Department of Highways and Public Transportation Standard Specifications for Highway Construction, latest edition.

Section 7.3-8 Lots

1. Accessibility

All lots shall be accessible by a County approved street or road, and shall be accessible by private driveways, maximum width of which shall be 20 feet, and when provided on a corner lot shall be not less than 40 feet from the corner intersection of street right-of-way lines.

2. Design

Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum width to depth ratios shall be 1:5 for residential subdivisions. Side lot lines shall be at right angles to straight street lines and radial to curved street lines.

Residential Subdivisions involving new streets, where proposed for areas adjacent to an arterial street, shall be denied direct access to and separated from such street by double or reverse frontage lots.

Residential reverse or double frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.

3. Dimensions

All lots shall meet the minimum lot area and dimensional requirements of Table 2. Corner lots shall be of sufficient size to permit required front yard setbacks on both streets. However, where a subdivision is proposed for an existing unpaved street or road, the average minimum lot size shall be as follows:

For roadways having 66ft. r-o-w – 1 acre

For roadways having r-o-w between 50ft. and 66ft. – 5 acres.

For roadways having less than 50ft. r-o-w – 10 acres.

4. Flag Lots

Flag lots shall only be permitted in those locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot.

Flag lots shall meet the following development standards:

(1) Flag lots shall have a panhandle for a minimum distance of 150 feet from a publicly dedicated street.

(2) In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street.

(3) The maximum number of flag lots permitted for each phase of a subdivision (Improvement Plan submittal) shall not exceed 15%.

(4) A driveway must be located within the panhandle of the deeded property for a flag lot. Also, the driveway for a flag lot shall be located at a

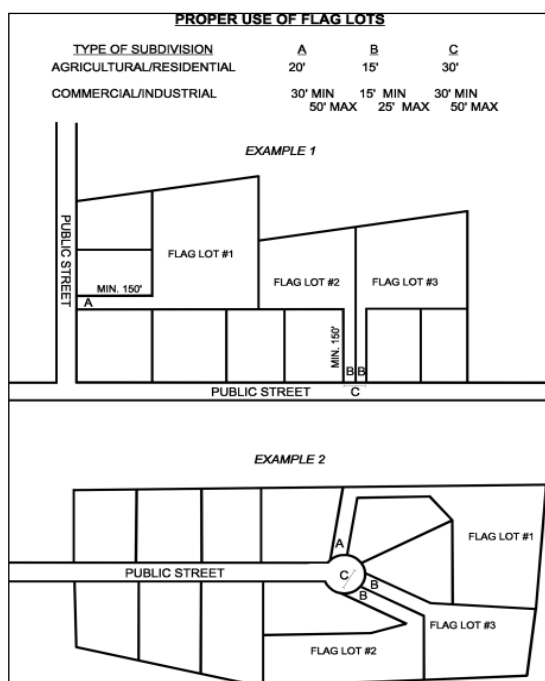
minimum of five (5) feet from each lot line, unless approved by the Planning Commission. For two contiguous flag lots with a common driveway, a joint access easement shall be shown across the entire width of both panhandles containing the common driveway on the Final Plat.

(5) The non flag portion of a flag lot shall be subject to the lot width/ depth requirement for non flag lots The flag pole or panhandle portion of the lot shall not be included in calculating lot size.

(6) Approved flag lots may not be further subdivide.

(7) Flag lots may have only one residential unit per lot regardless of size of flag lot.

(8) Flag lots in RD (Rural Development) and residential subdivisions shall have twenty feet (20') of frontage on a publicly dedicated street. In the case of two contiguous flag lots, there shall be thirty feet (30') of frontage on a publicly dedicated street with a common driveway. With two contiguous flag lots, a deeded 15 foot (15') strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.



(9) Flag lots in commercial and industrial subdivisions shall meet the following additional standards:

(a) Flag lots shall have a minimum of thirty feet (30') of frontage and a maximum of fifty (50') of frontage on a publicly dedicated street.

(b) In the case of two contiguous flag lots, there shall be a minimum of thirty feet (30') of frontage and a maximum of fifty feet (50') of frontage, for both lots combined, on a publicly dedicated street with a common driveway.

(c) With two contiguous flag lots, a deeded strip of land that is at least 15 feet (15') wide, but not greater than twenty five feet (25') in width, is required for each lot with a common unobstructed access easement for a shared driveway to the public street.

Section 7.3-9 Blocks

- a. Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, and natural growth and soil conditions and shall permit access, circulation, control and safety of traffic.
- b. Blocks should not be greater than 1200 feet nor less than 300 feet in length unless the unusual characteristics of a particular site dictate otherwise.
- a. In general, blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of property, in which case the approval of the Planning Commission is required.
- d. Blocks in commercial and industrial areas may vary from the elements of design previously detailed if required by the nature of the use, subject to the approval of the Planning Commission.

Section 7.3-10 Areas Subject To Flooding

If the area being developed, or any part thereof, is located within the boundary of a designated Flood Hazard Areas, as delineated on

FEMA Maps for Fairfield County, adequate plans and specifications for protection from flooding shall be provided.

Any plat which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed land development, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin.

In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard areas.

The centerline of all streets should be at least on the ten-year flood line.

Section 7.3-11 Water Supply

1. DHEC Approval Required

All development and lots within subdivisions shall be provided by the developer with water supplies and systems conforming to the requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency.

2. When Required to Connect to Community Supply System

Depending on the number of housing units, residential subdivisions shall be required to connect to a public water supply system if public service is available within the following distances.

<u>Size of Development</u>	<u>Distance</u>
2 lots	200 feet
3-10 lots	400 feet
More than 10 lots	1,000 feet

3. System Requirements

The water supply system shall be adequate to handle domestic demand including fire flow, based on complete development.

4. System to Include Fire Hydrants

The developer shall install fire hydrants in accord with Section 7.3-13.

Section 7.3-12 Sanitary Sewerage Facilities

1. DHEC Approval Required

All development and lots within subdivisions shall be provided by the developer with sanitary sewerage facilities conforming to requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency. Said facilities shall be “stubbed out” prior to road surfacing.

2. When Required to Connect to Community Sewerage System

Depending on the number of housing units, residential subdivisions shall be connected to a public sanitary sewer system if public service is available within the following distances:

<u>Size of Development</u>	<u>Distance</u>
6 -10 lots	500 feet if gravity flow
More than 10 lots	750 feet

If a public system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems, subject to applicable DHEC regulations and approval.

3. System Requirements

The sanitary sewer system shall be adequate to handle the necessary flow based on complete development.

Section 7.3-13 Fire Hydrants

Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500' radius between hydrants. The location and spacing shall be approved by the Fairfield County Fire Marshall.

Section 7.3-14 Maintenance

The developer shall make such adequate provisions as shall be required by the Planning Commission for the perpetual maintenance of all sewer and water facilities until such obligations have been assumed by another entity.

The maintenance of all storm drainage systems and easements, as defined by the Ordinance, and properly identified on the plat as such, shall be the responsibility of the County from and after final approval by the Commission, and acceptance of such easement ownership by the county into its maintenance program.

Section 7.3-15 Dams, Artificial Lakes and Impoundments

Dams, artificial lakes and impoundments in Fairfield County should be planned carefully with a view towards ecological consequences.

Developers should take appropriate steps to maintain good water quality in artificial lakes. Developing a long term strategy for maintaining water quality is recommended. This strategy may include the use of greater setbacks for principal structures and associated buildings with impermeable surfaces from the normal high water mark of the water body, vegetative buffers along the edge of the water body, or the installation of an aeration system to maintain a healthy level of DO in the water body.

All dams must meet either requirements of the South Carolina Department of Dam Safety, the U.S. Corps of Engineers or Section 8-2.B.2 of this ordinance, whichever is applicable. Any dam construction not covered under the requirements of the South Carolina Department of Dam Safety and for the purpose of creating an artificial impoundment for the benefit of a residential subdivision,

including subdivisions not yet proposed, shall conform with the following requirements:

a. The developer must provide dam construction drawings and plans *certified by a Professional Engineer* to the Planning Commission prior to beginning any site work.

b. Upon concurrence by the Planning Commission and the County Engineer that the proposed dam construction will not cause unreasonable harm to the health, safety, and general welfare of the residents of the county, the developer may proceed with construction.

c. Dam construction shall be periodically inspected by the developer's engineer and the County Engineer to ensure conformance with the approved drawings and plans. The developer shall be responsible for notifying the Planning Commission and the County Engineer during a minimum of three (3) phases of dam construction.

Phase 1 - Coring, backfilling and setting of invert.

Phase 2 - Mid-construction of fill.

Phase 3 - Top fill and grading.

d. Dams existing prior to the adoption of this ordinance must meet the requirements of this ordinance before a road is constructed on the dam.

Section 7.3-16 Survey and Markings

All land developments within the jurisdiction of this Ordinance shall be surveyed, platted, and marked in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This Manual is hereby adopted by reference and is as much a part of this Ordinance as if contained herein.

Section 7.4 Site Design Standards for Conservation Subdivisions

Section 7.4-1 Purpose

The purpose of this Section is to promote development and subdivision practices which preserve and protect natural resources, sensitive areas and open space, encourage the retention of agricultural pursuits, and balance the environment, providing for both rural and urban lifestyles.

Section 7.4-2 Location

Conservation subdivisions are encouraged as an alternative to conventional subdivisions, particularly in areas designated Rural Community, Farming, Forestry and Natural Resource on the County's Land Use Plan Map, contained in the Comprehensive Plan.

Section 7.4-3 Incentive

As an incentive to develop conservation subdivisions, the dimensional requirements of Table 2 are hereby waived in exchange for the development standards of Section 7.4-4 through 7.4-6.

Section 7.4-4 Resource Identification

Proposed conservation subdivisions shall include a survey and inventory of on-site resources, including:

1. forested areas and tree lines
2. active agricultural lands
3. historical sites
4. wetlands
5. flood hazard areas
6. wildlife habitats
7. rare, threatened and endangered wildlife habitats and plants
8. scenic vistas

The County Planning Department may assist in the identification of these resources relative to a given site but it is the responsibility of the applicant-developer to provide a full and complete inventory of on-site resources.

Section 7.4-5 General Design Standards

Proposed conservation subdivisions shall adhere to the following design standards.

1. Resource Protection Design

Identified on-site resources shall be avoided in the design of a conservation subdivision. The developer shall design around such resources to the extent practical and feasible. While excluding such areas from development, they shall nonetheless be incorporated into the overall site design.

2. Cluster Development Design

All conservation subdivisions shall adhere to cluster development design principles and practices, as illustrated below. Clustering shall be done in such a manner as to meet the purposes of this Section.

Section 7.4-6 Specific Design Standards

To qualify as a conservation subdivision, the following specific design standards must be met.

1. Not less than 40 percent of the site shall be reserved and permanently protected from development by:
 - (a) Conservation easements held by the County or recognized land trust or conservancy, or
 - (b) Deed restrictions and communal ownership, or
 - (c) Other means approved by the County Attorney and recorded in the County Register of Deeds office.
2. No more than 25 percent of all trees over 12 inches DBH shall be felled, excluding pine trees.
3. Scenic views shall remain unblocked from arterial streets.

4. Roadway design and storm water drainage systems shall adhere to environmentally and aesthetically sensitive best management practices and development standards. Reference materials can be provided by staff.
5. Natural, undisturbed apron buffer strips, not less than 50 feet wide, shall extend along at least 75 percent of the contiguous street or road, and natural buffer strips not less than 30 feet wide shall extend along all on-site or contiguous wetlands, streams and waterways.
6. Conservation Subdivisions also shall meet in full the requirements of Sections 7.3-1 through 7.3-15.

Section 7.5 Site Design Criteria For Major Land Developments

Major Land Developments, including shopping centers; apartments or condominiums; commercial, business, and industrial parks; manufactured home parks; and other multi-use or multi-occupant projects, shall adhere to the following design criteria.

1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property.
3. Street right-of-way, and pavement design and construction shall be adequate to accommodate the type and volume of traffic anticipated. Where the Zoning Administrator, using the IDT, Trip Generation Manual, latest edition, determines that a major land development will generate in excess of 1,600 AVT (average vehicle trips per day) on a Collector Street or 3,000 on an Arterial Street, the planning commission may require modifications of the project, as necessary to mitigate the potential impact on the traffic flow and carrying capacity of the impacted street(s).

CONVENTIONAL SUBDIVISION DESIGN



CONSERVATION SUBDIVISION DESIGN



4. The project site shall be designed in harmony with its physical surroundings and in such manner as to ensure land use compatibility.

Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the Planning Commission may require the installation of such improvements as a condition of approval.

Major Land Developments shall meet where applicable the requirements of Sections 7.3-1 through 7.3-15.

ARTICLE 8

GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 8.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 8.2 Exceptions and Modifications

1. Setbacks - Corner Lots

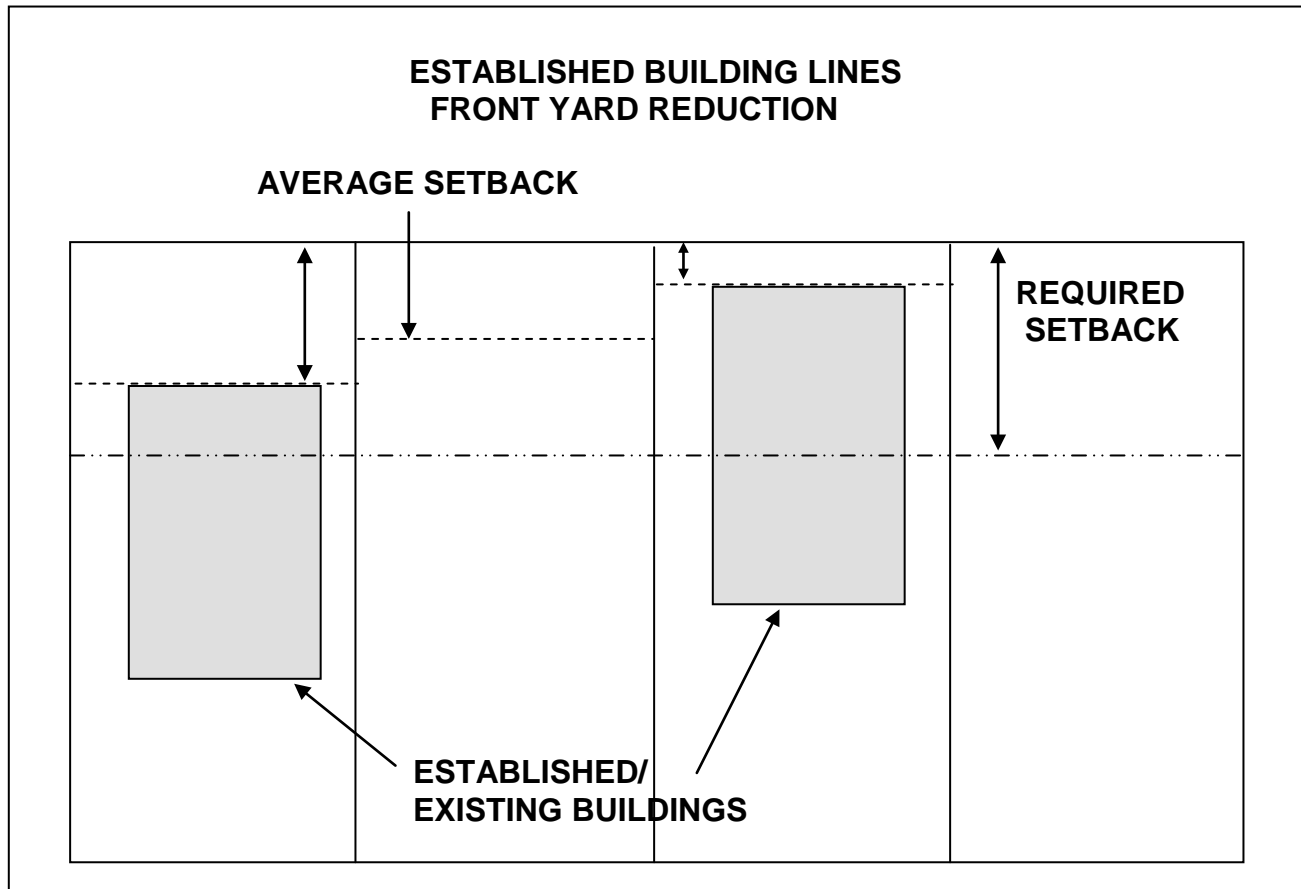
The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.

2. Setbacks - Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

3. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard



setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than fifteen feet.

4. Setbacks – Multiple Buildings on Lot

Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and a horizontal distance that is at least equal to the height of the highest adjacent building shall separate buildings.

5. Setbacks – Accessory Uses

Unless specifically modified below, all accessory uses and structures shall observe the required setbacks applicable to the principal building or use, as set forth in Table 2.

TABLE 6 SETBACK MODIFICATIONS, ACCESSORY USES				
Accessory Uses	Required Setback Area			
To Residential Uses	Front	Side	Corner Lot	Rear
Bathhouses, Cabanas, Decks	BL	10'	10'	10'
Domestic Animal Shelters	BL	5'	5'	3'
Non-commercial greenhouses	BL	5'	5'	3'
Detached garage & carport	BL	5'	5'	3'
Fences & walls	(B)	(B)	(B)	(B)
Swimming pool, tennis courts	BL	10'	10'	10'
Auxiliary shed, workshop, storage building, barns, etc.	BL	5'	5'	3'
Off-street parking	10'	0'	10'	0'
Horticulture, gardening	0'	0'	0'	0'
Family day care home	BL	BL	BL	BL
Satellite dishes, etc.	BL	3'	3'	3'
Shipping Containers	BL	BL	BL	BL
To Non-Residential Uses				
Buildings, structures	BL	(A)	BL	(A)
Open Storage	BL	BL	BL	(A)
Off-street parking area	0'	(A)	(A)	(A)
Off-street loading area	0'	(A)	(A)	(A)
Free standing signs	3'	3'	3'	3'

(A) Minimum Setbacks:	<u>Side Yard</u>	<u>Rear Yard</u>
From Residential Zoned Property Line	20'	20'
From all other Property Lines	0'	0'

Note: Minimum setback shall be not less than the requirements of Table 2, if bufferyard is required.

(B) Fences and walls may be located in all required yards along any property line provided the structure shall meet the visibility requirements of Section 7.5; further provided that the structure shall not exceed 6 feet in height and opaque fences shall not be constructed in the front yard setback area unless approved by the Zoning Administrator.

BL = Required Building Line for principal use.

6. Height

The height limitations of this Ordinance shall not apply to the following, except in the AC, Airport Compatibility District:

Belfries	Flag Poles
Chimneys	Ornamental towers and spires
Church spires	Public Monuments
Cupolas	Public utility poles
Domes	Smoke stacks
Fire towers	Silos

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

The height of communication towers, antennas, and water tanks also shall be exempt from the height requirements of this Ordinance; provided such structures shall be separated from adjoining residential use, measured at the property line, a distance of one foot for each one foot in height.

7. Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line. Fences, walls, and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no such structure or hedge shall impede visibility at intersections.

8. Family Exceptions

The Planning Commission may approve the subdivision of a lot in the RD and RD-1 zones district into less than 23,750 sq. ft. parcels under the following conditions:

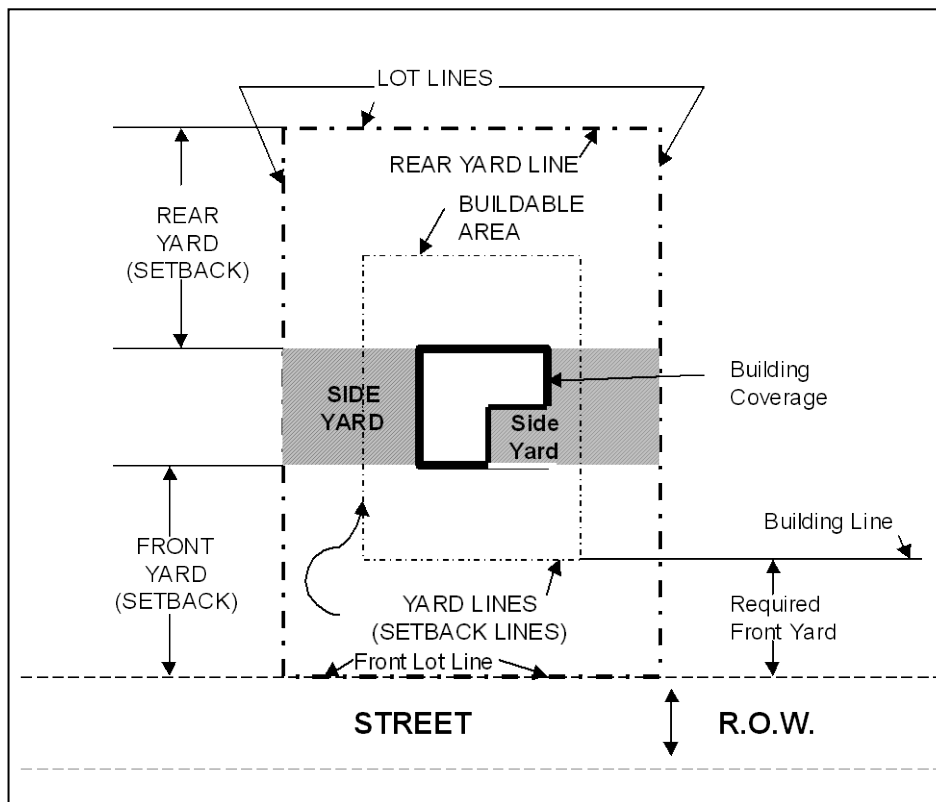
(a)) The purpose of the subdivision is to deed the lot to an immediate family member, limited to parents, siblings, grandparents and/or grandchildren for their residence.

(b) The lot so divided must meet SC DHEC requirements for water and sewer facilities (i.e. well and septic tank) or have public water and public sewer facilities available for use.

Section 8.3 Measurements

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth for by Table 2, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the “buildable” area within which the approved structure(s) shall be placed.



2. Height

The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure or from the base of a tree when computing height in the Airport Protection District, to the highest point of the building, structure, or tree.

Section 8.4 Number of Principal Buildings/Uses on a Lot

Not more than one principal building or use may occupy a lot of record in the R-1, R-2 and the R-0 Districts.

There is no limit to the number of principal uses and buildings on a lot in all other zone districts; provided such uses shall meet lot area, setback, density and all other applicable requirements of this ordinance; further provided, that where three or more manufactured homes are to be located on a lot, said homes shall by definition constitute a manufactured home park and shall meet in full the development requirements of Section 3.15 and the location requirements of Table 1.

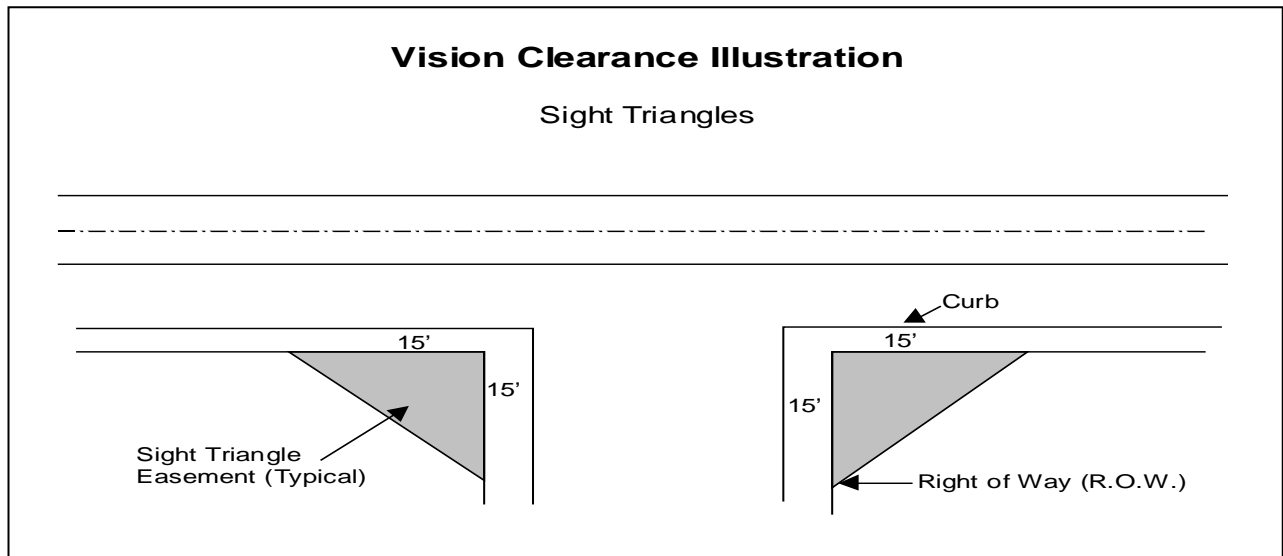
Section 8.5 Accessory Buildings and Uses

1. No mobile or manufactured home shall be used as an accessory building.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 12 feet in height.
3. No accessory use shall occupy any part of a bufferyard.
4. The number of accessory buildings shall not exceed two on any lot or parcel in the R-1, R-2 or B-1 Districts. No maximum on the number of accessory buildings or uses in other districts.
5. Accessory buildings in residential districts shall not be used for storage in connection with a trade.
6. Non-farm buildings shall not exceed 50% of the Gross Floor Area (GFA) of the principal building or use in the R-1, R-2 or B-1 Districts.

Section 8.6 Visibility at Intersections

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above

the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.



Section 8.7 Non-conformities

Section 8.7-1 Continuation

Non-conforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grandfathered) even though such use, building, or structure does not conform to the provisions herein.

Section 8.7-2 Modification

A proposed change or modification to a non-conforming use shall be governed by the following:

1. Change of Non-conforming Use

If a change from one non-conforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

- a. Non-conformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
- b. The proposed change will have little discernable impact over the existing non-conforming use.

If a change to a permitted use is proposed which is non-conforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the non-conforming use or moving the use if it is on a permanent foundation.

Whenever a non-conforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or non-conforming use.

2. Enlargement or Expansion of Non-conforming Use

Enlargement or expansion of a non-conforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, bufferyard, and off-street parking requirements for the district within which it is located.

3. Repair or alteration of Non-conforming Use, Building, or Structure

The repair or alteration of a non-conforming use shall in no way increase the non-conformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Non-conforming Use

A building permit for the replacement of a non-conforming building or structure where damaged or destroyed must be initiated within 12 months of the time of the damage or destruction or forfeit the right of replacement. Damaged structures not replaced within this period shall be cleared and the property and grounds properly restored.

Replacement if initiated within 12 months of the time of damage or destruction shall adhere to all applicable requirements of Table 2.

Replacement of a non-conforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit non-conforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.14 of this Ordinance.

Section 8.7-3 Discontinuance

No building or portion thereof used in whole or in part for a non-conforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

Listing or posting of a property for sale or lease shall not be deemed a discontinuance of use if the property is identified as being sold for that nonconforming use.

Wrecking, scrap and salvage operations, as defined by this Ordinance, shall within five years of the effective date of this Ordinance be brought into compliance with the provisions of Section 3.3, or where located in a district in which the operations are not permitted, cease operations and clean the site of any scrap or salvageable material.

Section 8.7-4 Lot of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 40%. Setback

reductions greater than 40% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

ARTICLE 9

ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS ORDINANCE

Section 9.1 Educational Requirements

Unless expressly exempted as provided for in §6-29-1350 of the SC Code of Laws, each appointed official and professional employee must meet the educational requirements of §6-29-1350 through §6-29-1380 of said Code.

Section 9.2 Zoning Administrator

The Zoning Administrator is hereby designated and duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Zoning Administrator shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Zoning Administrator finds that any one of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Where, within the Neighborhood Conservation and Stabilization Overlay District, exterior housing conditions are found to be in violation of the Restoration, Preservation and Maintenance requirements of Section 2.8-2 of this Ordinance, the Zoning Administrator/Code Enforcement Officer, shall upon due notice, be granted entrance to inspect the interior for compliance with the Minimum Habitability Requirements of Section 3.14-2.

Section 9.3 Planning Commission

Section 9.3-1 Establishment

The Fairfield County Planning Commission is re-established under the provisions of the S.C. Code, §6-29-320.

Section 9.3-2 Powers and Duties of the Planning Commission

The Planning Commission shall have the powers and duties provided in S.C. Code Section 6-29-310, et seq.

Section 9.3-3 Composition of the Commission

The Planning Commission shall consist of seven (7) members appointed by County Council for overlapping terms of three (3) years.

To the extent possible, membership should be representative of the racial and gender composition of the County, and represent a broad cross section of the interests and concerns of the County. No member shall be the holder of an elected public office in Fairfield County. Members shall serve until their successors are appointed and qualified.

Section 9.3- 4 Removal of Members

Members of the Planning Commission may be removed at any time by County Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. Code, §30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact that, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Section 9.3-5 Organization and Rules of Procedure

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code, §6-29-360.

Section 9.4 Zoning Board of Appeals (ZBA)

Section 9.4- 1 Establishment

A Zoning Board of Appeals is hereby established. Said Board shall consist of seven (7) members, who shall be citizens of Fairfield County and shall be appointed by the County Council for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

Section 9.4-2 Proceedings

The Zoning Board of Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected and appoint a secretary, who may be a County Officer, an employee of the County, a member of the Planning Commission, or a member of the Zoning Board of Appeals. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, Title 6, Chapter 29, Article 5, Code of Laws of S.C., 1976 as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 9.4-3 Decisions

The concurring vote of at least four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. On all appeals, applications and matters brought before the Zoning Board of Appeals, the Board shall inform in writing all the parties involved in its decisions and reasons thereof.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled hearing date. At the hearing, any party may appear in person or by agent or attorney. Notice shall also be posted on the affected property, with at least one such notice being visible from each public thoroughfare that abuts the property.

All questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator. Questions shall be presented to the Zoning Board of Appeals only on appeal from a decision of the Zoning Administrator.

Section 9.4- 4 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of this Ordinance.
- (2) To hear and decide appeals for variance from the requirements of the Zoning Ordinance when strict application of the provision of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

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

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

- (4) To remand a matter to the Zoning Administrator, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review. The Board must set a rehearing on the remanded matter without further public notice for a time certain within 60 days unless otherwise agreed to by the parties. The Board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.
- (5) All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered, to parties of interest by certified mail.
- (6) In exercising the above powers, the Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order,

requirements, decision, or determination and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Circuit Court having jurisdiction.

ARTICLE 10

ADMINISTRATION, APPLICATIONS AND REQUIRED PERMITS

Section 10.1 Intent

This Article sets forth the procedures required for obtaining certificates of zoning compliance, building permits, grading permits, sign permits, and certificates of occupancy. It also defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups, which are or may be involved in the administration and enforcement of this Ordinance.

Section 10.2 Responsibility

All requests for permits and licenses required by this Ordinance, and legislative change or relief from the terms of this Ordinance shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit or certificate.

It shall be the responsibility of the Fairfield County Zoning Administrator or his designee to administer the requirements for processing applications and issuing permits in accord with the provisions of this Ordinance.

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

A single intake point for all applications is established which also shall be the records center of all activity authorized by this Ordinance.

Section 10.3 Types of Applications

Types of applications for processing matters subject to the requirements of this Ordinance include:

Applications to Develop or Alter the Use of Land

This includes all land use and development activity covered by this Ordinance. Applications to develop or alter the use of land are classified for administrative purposes into five (5) categories.

Minor Subdivision - is one which does not involve (a) the creation of more than eight (8) lots, (b) is no larger than 10 acres, and (c) does not involve the creation of any new street or substantial change of an existing street.

Major Subdivision - is any subdivision other than an exempt or minor subdivision.

Conservation Subdivision - is a major subdivision with 40 to 50 percent of the site devoted to open space and the protection, preservation and improvement of the natural environment.

Minor Land Development - is any land development or land altering activity requiring a permit from the County other than a subdivision or Major Land Development. This includes development requiring a grading permit, building permit, certificate of occupancy or sign permit.

Major Land Development - includes commercial and industrial parks and subdivisions, shopping centers, manufactured home parks, condominium and apartment complexes, and similar developments.

Applications for Change or Relief

This includes applications for changes to and/or relief from any part or provision of this Ordinance, of which there are three types of applications:

1. **Amendment** - is a change to the text of the Ordinance.
2. **Variance** - is an adjustment or modification of any regulation alleged to impose on unnecessary hardship on the use or development of land.

3. **Appeal** - is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Section 10.4 Eligible Applicants

Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Ordinance, or to seek relief from or change requirements of this Ordinance are identified on Table 6.

Table 6 Applicant Requirements/Eligibility					
	Applicants to Develop or Alter Use of Land	Applicants for Change and/or Relief From Ordinance Requirements			
Eligible Applicants		Amendment Map	Text	Variance	Appeal
Property Owners	YES	YES	NO	YES	YES
Agent of Property Owner*	YES	YES	NO	YES	YES
Option Holder	YES	NO	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	NO	YES
Officials Administering this Ordinance	NO	YES	YES	NO	YES
Planning Commission	NO	YES	YES	YES**	NO
Governing Council	YES	YES	YES	NO	NO

* Must have written authorization. ** Subdivisions & Major Land Developments only.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Section 10.5 Application Procedures/Requirements

The procedures for processing applications are outlined by the following chart. The process is initiated by filing a complete application including all information and fees required by Section 10.8 and assignment of the application to the proper staff member, agency, board or commission for review and processing outlined in Section 10.7.

Public notice where required by the chart shall be announced in a newspaper of general circulation in Fairfield County at least 15 days but not more than 30 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the application and the time, date and place of the hearing.

In addition to public notice in a newspaper, notice of an application for a variance shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.

Appeals shall be taken within 10 days of the date of the action which is appealed by filing notice of appeal with the County. A permit for an application subject to appeal may not be issued until the appeal period has expired.

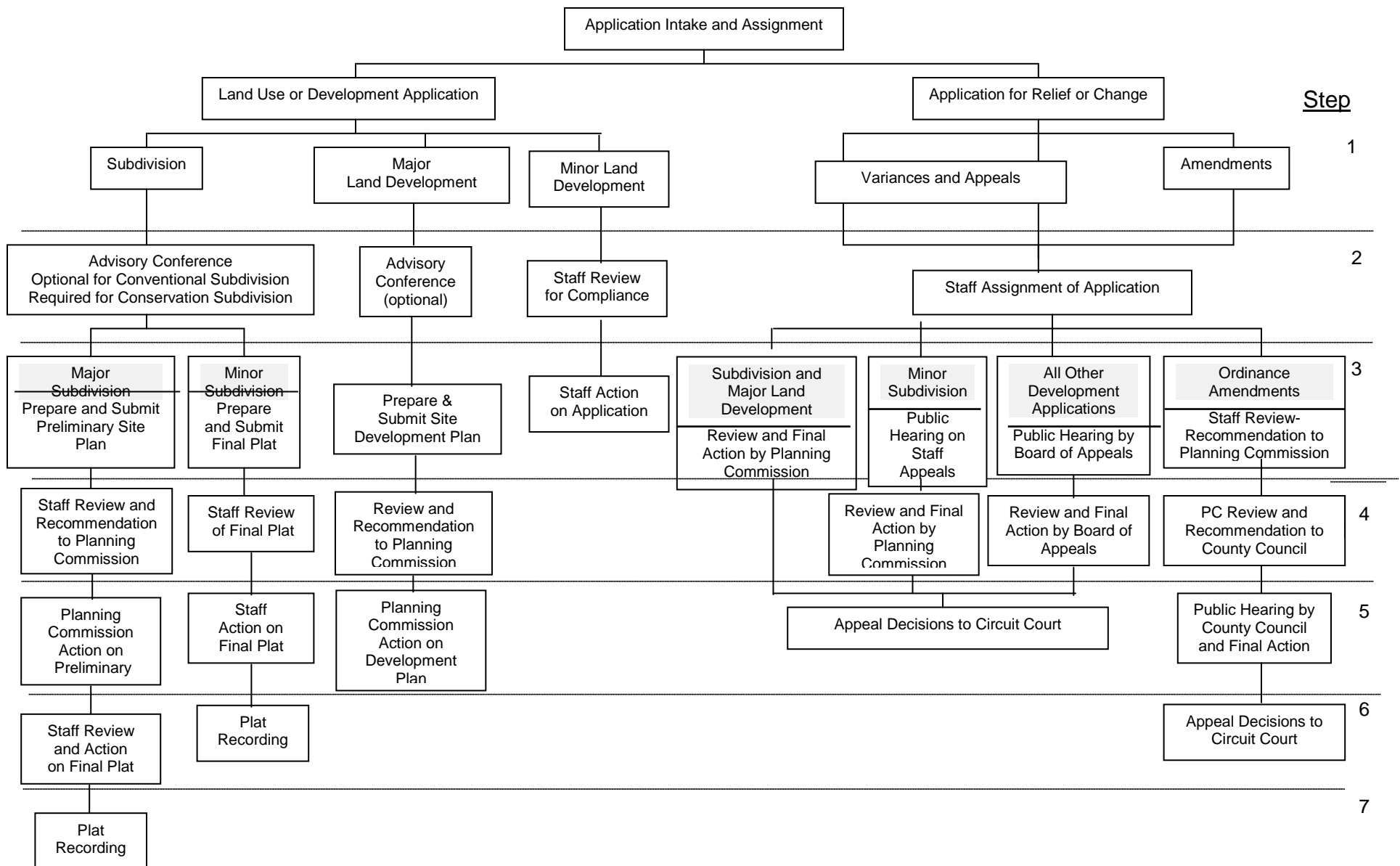
Section 10.6 Exemptions

Subdivisions exempt from the requirements of this ordinance are defined in Article 12.

Applicants of exempt subdivisions shall nonetheless submit to the Zoning Administrator three copies of said exempt plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. The Zoning Administrator shall indicate such exempt status on each copy of the plat for recording: **“This plat is exempt from the requirements of the Fairfield County Land Management Ordinance”** and signed by the Zoning Administrator.

While not constituting a subdivision, existing plats and lots to be recorded also shall bear the above plat notations.

APPLICATION PROCEDURAL CHART



10.7 Assignment of Applications

Final authority on any land development application or application seeking relief from or change of any provision or regulation contained herein shall reside with the following County divisions, unless appealed, as provided for below.

Review & Approval Authority			Variances		Appeals		
Proposed Use, Projects, Developments	Planning & Building Department	Planning Commission	Appeals Board	Planning Commission	Appeals Board	Planning Commission	Circuit Court
Subdivisions							
Minor	YES			YES		YES	YES
Major		YES		YES			YES
Conservation		YES		YES			YES
Land Developments							
Minor, to include							
Single-family dwelling	YES		YES		YES		YES
Manufactured home	YES		YES		YES		YES
Mining Operations	YES		YES		YES		YES
Motor Speedway	YES		YES		YES		YES
Outdoor Gun Range	YES		YES		YES		YES
Sexually Oriented Business	YES		YES		YES		YES
Petroleum Products	YES		YES		YES		YES
Open Storage	YES		YES		YES		YES
Refuse Facility	YES		YES		YES		YES
Communication Towers	YES		YES		YES		YES
Junk Yards	YES		YES		YES		YES
Signs	YES		YES		YES		YES
Temporary Uses	YES		YES		YES		YES
All other Uses Not Classified as Major	YES		YES		YES		YES
Major, to include							
Townhouse Projects		YES		YES			YES
Patio Home Project		YES		YES			YES
Multi-Family Project		YES		YES			YES
Manufactured Home Park		YES		YES			YES
Industrial Park & Subdivision		YES		YES			YES
Shopping Center		YES		YES			YES
Office Park		YES		YES			YES
Camps and RV Parks		YES		YES			YES
Multiple Occupancy Building Projects		YES		YES			YES

Section 10.8 Application Requirements and Fees

All applications shall be filed on forms provided by the County and contain or be accompanied by the information required by Table 2 with the required fee to help cover the cost of processing. Preliminary plats and major land development projects shall be submitted not less than 10 days prior to the Planning Commission meeting, and shall show the date of submittal.

Table 7 Information Required to Support Application		
Type of Application	Information Required (Requirements are Cumulative)	Fees
LAND SUBDIVISION		
Minor (final plat approval)	Eighteen (18) paper copies of plat at scale between 1"=50' to 1"=200', showing or specifying: 1. All information required of <u>General and Closing Property Surveys</u> , in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina 1976, Title 40, Chapter 21; 2. Land acreage; lot size; and building setback lines; 3. Drainage plan by qualified professional showing all structures and easements; 4. Lot approval by DHEC; 5. All easements, designating location, width and condition;	\$100
Major (preliminary plat approval)	6. Drainage plan calculations to substantiate drainage plan; 7. Soil Survey Report and Road profile; 8. Contour maps at 5' intervals, if deemed necessary by Planning Staff; 9. Utilities on and adjacent to tract, and proposed connections; 10. Water elevation of adjoining water bodies;	\$100, plus \$10 per lot
Conservation (preliminary plat approval)	11. Existing features and site analysis map, to include contours, wetlands, floodways, water courses, woodlands, tree lines, scenic views, endangered plant species, historical sites, rock outcrops;	
Major & Conservation (final plat approval)	12. "As built" locations of storm sewer, with detail measurements; 13. Reservations, access, sites for other than residential use, with explanation; 14. Street name and right-of-way width; 15. Deed reference and copy of any deed restrictions; 16. School district lines, if applicable; 17. Street address title block, showing subdivision name, owners name and address, date of survey, number of acres and lots, and registered number of surveyor; 18. Certificates of ownership and dedication, and approval; 19. Certification that access road is public maintained and not less than 16' all weather surface.	\$100, plus \$10 per lot
LAND DEVELOPMENT		
Minor (final plat approval)	1. Information required by 1 and 4 above; 2. Location of all proposed structures, including free standing signs; 3. Required building setback lines; 4. Required landscaping and bufferyards; 5. Required off-street parking;	\$50, unless elsewhere specified
Major (final plat approval)	6. All information specified by Article 3 for conditional uses, as applicable.	\$200
AMENDMENT	1. Draft of new text to be added and existing text to be deleted; 2. State reasons for change.	\$200
VARIANCE	1. State nature of variance; 2. Provide evidence of unnecessary hardship; 3. State necessity of variance.	\$150, unless elsewhere specified
APPEAL	1. State reasons for appeal, with specific reference to action being appealed.	\$150

The Planning Commission may decide that because of the size and/or complexity of the proposed Subdivision or Land Development additional review is required. The Commission may then require outside review by professionals (engineers, architects, land planners, environmental consultants, scientists, attorneys, etc). The applicant will be responsible for such costs. The fee will be determined on a reimbursement basis. Except that there will be an initial deposit fee of \$2000.00. When the outside review costs exceed this initial fee, the applicant shall be so notified and shall be responsible for the additional amount. If the initial deposit fee exceeds the actual outside review costs, the applicant will be reimbursed by the County. This fee is in addition to any other required fees.

The above fee schedules are subject to amendment through the Budget adoption process.

Section 10.9 Effect of Preliminary Plan Approval

Preliminary Plan approval shall confer upon the applicant a vested right (see Section 10.20 Vested Right):

1. To proceed under the supervision of the County with the installation of site improvements; and
2. To proceed with the preparation of a Final Plat.

Preliminary Plan approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. Lots may be pre-sold however, provided the applicant developer has guaranteed the final installation of all required improvements.

Revocation of preliminary plan approval may occur, following due public notice and a hearing by the Planning Commission, if the commission finds that a material change in conditions involving the subdivision has occurred which would adversely affect public health, safety or welfare.

Section 10.10 Effect of Final Plat Approval

Final Plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings involving the Final Plat.

Final Plat approval shall be granted or denied within 45 days after submission of a complete application to the Zoning Administrator or within such further time as may be consented to by the applicant.

No subdivision or major land development plat, portion, or phase thereof shall be accepted for recording by the RMC (Register of Mesne Conveyance) until it has been approved by the Planning Commission, and so indicated on the plat by the signature of the Chairman or Zoning Administrator. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted a performance guarantee in accord with the requirements of Section 10. 12.

Final Plat approval confers upon the applicant the following rights:

1. To record the plat with the RMC office, and
2. To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.

Section 10.11 Recording Final Plat

Upon approval of a final plat and within 30 days of the satisfaction of all requirements, conditions and contingencies of such approval, the applicant developer shall have the official copy of the final plat recorded in the RMC office.

One paper copy of the approved final plat, along with all certifications inscribed thereon, shall be retained by the zoning Administrator.

Section 10.12 Performance Guarantee

Section 10.12-1 Policy

It shall be the general policy of Fairfield County that all improvements required by this ordinance be completed prior to final plat approval. However, recognizing that completion of all required improvements prior to obtaining final

plat approval may not in some cases be feasible, practical, or financially possible, this section provides a mechanism by which final approval may be granted, contingent upon certain required improvements being completed as and when specified by the planning commission and upon the applicant providing financial guarantees for the completion of such other required improvements.

Section 10.12-2 Financial Guarantees

Where final plat approval is requested by the applicant-developer prior to the completion of all required improvements, the Zoning Administrator shall recommend to the County Council financial guarantees of such type and in such amounts (not less than 100 percent of cost of materials and installation) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by County Council. Said financial guarantees to be used for such purposes may include one or more of the following types, if approved by the County Attorney and acceptable to the County Council:

Security Bond from a surety bonding company authorized to do business in South Carolina.

Letter of Credit from a bank or other reputable institution.

Escrow Account where applicant may deposit cash, or other instruments readily convertible into cash at face value, with the County in escrow with a bank.

Improvement Guarantee or agreement acceptable to the County

Contract for Completion. The applicant may deliver to the County a contract for completion of the required improvements executed by the applicant and a qualified responsible and duly licensed contractor together with an executed performance bond issued by such surety as the County Council may approve. Along with said contract and performance bond, the applicant shall deliver to the County the right and option to enforce the terms and conditions of the contract and the performance bond.

Other Financial Assurances. Such other financial assurances that the County Council finds will reasonably guarantee the satisfactory completion of the required improvements as and when required.

Any document providing such financial guarantee required by County Council under this section shall be in such form and substance as specified by and satisfactory to the County Attorney. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval.

Upon approval of guarantee for completion of improvements by the County Council, the Planning Commission shall give approval, approval with modifications, or disapproval of the Final Plat. When a guarantee is used in lieu of completion of improvements the Planning Commission shall stipulate the period of time within when all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. Final approval will be based on a satisfactory on-site inspection by the County Engineer and the Public Works Department and acceptance and approvals of all as-builts and testing reports. The County acceptance shall be accomplished through the acceptance of easement and right-of-way deeds. The County accepts no responsibility for the streets and drainage system until the deeds are executed by both parties and recorded. Final acceptance of improvements by the County shall not occur for thirty-six (36) months after final approval. Any deficiencies occurring within this time frame shall be the responsibility of the developer. Final acceptance of improvements is at the discretion of the County. The Developer may petition the County to accept improvements before the thirty-six (36) month period has expired.

As a prerequisite to the County acceptance before the thirty-six (36) month period has expired the developer shall provide the County with a guarantee in an amount equal to the construction cost, with surety and conditions satisfactory to the County, as a warranty for a period of three (3) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal approval of the roads by the County. The grantor (or assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure.

Section 10.12-3 Option To Refuse Guarantee

The County Council shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

1. Past performance of the developer is unsatisfactory,
2. The selected option is unacceptable, or
3. For other reasons so stated.

Section 10.12-4 Allocation of Guarantee

Any funds received from financial guarantees required by this Section shall be used only for the purpose of making the improvements for which said guarantees are provided. When the improvements or any part thereof have been completed in conformity with these regulations, a commensurate portion of the cost will be released and returned to the developer.

Section 10.12-5 Default of Guarantee

In the event the developer fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the improvement guarantee shall be forfeited to the County to be used for completion of the improvements.

Section 10.12-6 Extension of Guarantee

If it appears to the developer that he may not complete construction of the required improvements before expiration of his Improvement Guarantee, it shall be his obligation, at least 45 days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved by the County Attorney and County Council, shall be for a period of six months. A maximum of two such extensions shall be allowed.

Section 10.12-7 Deviations

Regulations governing Subdivisions and Major Land Developments defined by Section 10.3 are the minimum required for achieving the objectives of this ordinance. However, where a regulation would cause demonstrably unique and undue hardship as it applies to any given aspect of a project, except minimum lot and building setback requirements, the planning commission, by a majority

vote of its membership present, may deviate from the strict application of the regulations; provided the action of the commission does not nullify the stated objectives of Section 7.1. In granting a deviation to the regulations, the planning commission may impose conditions that will help secure the objectives of the particular regulation being deviated. A complete record of the reasons for the approval of a subdivision or major land development shall be entered into the official minutes of the planning commission.

Deviations from minimum lot area and setback requirements shall be treated on an individual lot-by-lot basis, as variances, subject to an appeal by the applicant to the Zoning Board of Appeals.

Section 10.13 Application Requirements for Permits and Certificates

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until an application has been filed with the Fairfield County Planning Office and required permits have been issued.

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

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance.

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

Section 10.14 Types of Required Permits/Certificates

Section 10.14-1 Certificate of Zoning Compliance

A certificate of Zoning Compliance shall be required in advance of:

1. The issuance of a Building Permit.
2. Grading or filling a lot or parcel.

3. Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.
4. The installation of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in Section 3.2.
5. Installation of any sign for which a permit is required.
6. The establishment of a temporary use.
7. Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.

When the Zoning Administrator receives an application for a building, grading or sign permit whose proposed improvement and use described and illustrated conforms to all requirements of this Ordinance, he shall issue a Certificate of Zoning Compliance and return a signed copy to the applicant within ten days of receipt of the application.

When the Zoning Administrator receives an application for a building, sign or grading permit whose proposed improvement and use described and illustrated does not conform to this Ordinance, he shall deny the issuance of a Certificate of Compliance, and so advise the applicant within 10 days, citing the particular sections of this Ordinance with which the application does not comply.

Section 10.14-2 Grading Permits

A grading permit shall be required prior to any land disturbing activity. No grading permit shall be issued unless accompanied by a Certificate of Zoning compliance and a Site Preparation Plan in accord with Best Management Practices (BMPs) for Site Preparation found in the Best Management Practices Handbook of the SC Forestry Commission.(Ord. No. 599, 2-27-12)

Section 10.14-3 Building Permits

A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the County Building Code.

Section 10.14-4 Sign Permits

Where a sign permit is required by Article 5 of this Ordinance, the permit application shall be accompanied by the following:

1. A common signage plan, where applicable, in accord with the requirements of Section 5.3.
2. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address.
3. Name and address of owner of the sign.
4. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and bufferyards.
5. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
6. The value of the sign and sign structure.
7. Signs exceeding thirty-six (36) square feet in area shall be accompanied by a drawing and written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this Ordinance.

The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 10.14-5 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Such certificate may be combined with or made a part of the Certificate of Occupancy required under the Building Code. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 10.18.

Section 10.15 Inspections for Compliance

The Zoning Administrator may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 10.16 Expiration of Sign or Building Permit

If the work described in any permit for a sign, structure or building has not begun within one year from the date of issuance, said permit(s) shall expire; it shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the Zoning Administrator upon application by the owner/developer.

Section 10.17 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Zoning Administrator shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 10.18 Penalties for Violations

Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration,

conversion, maintenance, or use continues shall be deemed a separate offense deem necessary.

Any person violating any provisions of this Ordinance, in addition to other remedies prescribed by this Ordinance, shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Any person violating the Riparian Buffer Requirements of Section 2..4, Table 2, shall in addition to other remedies, be required to restore and stabilize the buffer area with native vegetation within 30 days.(Ord. No. 599, 2-27-12)

Section 10.19 Consideration of Denied Applications

Neither the Planning Commission, County Council, nor the Zoning Board of Appeals shall reconsider an application for change or relief to the same lot, parcel or portion thereof, within a period of one year from the date of final determination and notification.

Section 10.20 Vested Right

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this section.

2. Duration

A vested right is established for two years upon preliminary approval of a PDD plan, including a phased development plan, a Conservation Subdivision or Major Subdivision Plan, as provided herein.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment

A vested site-specific development plan or vested phased development plan may be amended if approved by the Planning Commission or County Council, as applicable, pursuant to the provisions of this ordinance.

4. Revocation

A vested right to a site-specific development plan or phased development plan is subject to revocation by the Planning Commission or County Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations

A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested site specific development plan or vested phased development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

The Planning Commission or County Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

6. Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and non-conforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

ARTICLE 11

DEFINITIONS

Words not defined herein shall have the meanings stated in the International Building Code, International Residential Code, International Gas Code, International Mechanical Code, International Plumbing Code, and the National Electric Code, as currently adopted Code. Words not defined in the Standard Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.

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

The word "shall" is always mandatory.

The word "may" is permissive.

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

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

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

The word "map" or "zoning map" shall mean the Official Zoning Map(s) of Fairfield County, South Carolina.

The term "Planning Commission" refers to the Fairfield County Planning Commission.

The term "Council" refers to the Fairfield County Council.

The term "Zoning Board of Appeals or ZBA" refers to the Fairfield County Zoning Board of Appeals.

Other words and terms defined herein are as follows:

Access - A legal means of vehicular or pedestrian approach or entry to or exit from property.

Bed and Breakfast Inn - Any dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Berm - Any hill or slope which represents a change of elevation of at least two feet at a slope of between twenty-five and fifty percent and which is covered with an appropriate stabilizing vegetation

Boarding House - A residential use that consists of at least one (1) dwelling unit together with more than two (2) rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively do not constitute separate dwelling units. A rooming house or a boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (month to month tenants) as opposed to overnight or weekly guests.

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Government Body. All bonds shall be approved by the Governing Body wherever a bond is required by these regulations.

Buffer yard - A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of high intensity land uses on neighboring lower intensity uses.

Building Permit - A permit issued by the Fairfield Planning, Building and Zoning Department and which complies with Fairfield Zoning Ordinance and the Fairfield Building Codes.

Buildable Area - That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable bufferyard requirements have been met.

Building, Accessory - A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings,

and carports attached to the principal building when at least 75 percent open or un-enclosed.

Building, Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

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

Certificate of Occupancy - A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Ordinance and the Building Code.

Certificate of Zoning Compliance - A document certifying that a proposed use meets all requirements of this Ordinance.

Certify - Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the County, the County may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the County may accept certification by telephone from some agency when the circumstances warrant it, or the County may require that the certification be in the form of a letter or other document.

Community Center - A publicly sponsored, non profit indoor facility providing for one (1) or more of various types of cultural, social, or recreational uses intended to serve the surrounding community. Facilities may include but are not limited to gymnasiums, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses.

Compost means the humus-like product of the process of composting waste.

Composting Facility means any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material. It may not contain any hazardous or medical bio waste.

Concentrated Animal Feeding Operations (Feedlots, poultry houses): An agricultural facility where animals are confined and fed or maintained for commercial production for a total of forty-five days or more in a twelve-month period, and crops, vegetated forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of animal waste from animals in the operation also are part of the feedlot operation. This definition is designed to mirror the definition used by DHEC in the administration of State regulations relating to CAFOs.

Condominium - A unit in a multi-unit structure owned by an individual or other legal entity who has use of all common areas associated with that structure.

Conformity or Conformance - Any land, structure or use that is in fully meets 1) all of the regulations specified for the district in which it is located and 2) all of the general requirements of the Zoning Ordinance

Cluster Home Development - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Conditional Use - A use of land or structure, which is permitted in a district under conditions specified in the Zoning Ordinance.

Condominium - A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Construction Plan - maps or drawings accompany a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat or plan.

Convenience Store - A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop and go traffic.

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

Density - The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

Dedication - The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Design Criteria - Standards that set forth specific improvement requirements.

Developed Lot - Any existing lot upon which development has taken place.

Developer - The owner or owners (or their representative) of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

DHEC - South Carolina Department of Health and Environmental Control.

Display Area - Any unenclosed area or lot used for the display of merchandise.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Domestic Animal Shelter - A pen, shelter, or structure where dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-unit)

Dwelling, Detached - A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Multi-Family - A building containing five or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls, which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Quadraplex - A building containing four dwelling units.

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

1. Has a minimum width over 20 feet (multiple-section);
2. Has a minimum of 1,200 square feet of enclosed living area;
3. Has a minimum 5:12 roof pitch in the RG District and a minimum 3:12 roof pitch where elsewhere permitted by this Ordinance;
4. Has a type of shingle commonly used in standard residential construction;
5. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
6. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family - A building containing one dwelling unit.

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

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

Dwelling, Triplex - A single building containing three dwelling units.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

Easement - A right of way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Easement, Private - An easement dedicated to a specific private function: for example, private access to private property.

Easement, Public - An easement dedicated to a specific public function: for example a public highway or placement of public utility lines.

Family - One or more persons related by blood, marriage, adoption, or guardianship, and not more than four (4) persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Family Day Care Home - Where permitted as an accessory use, family day care home shall mean a home in which care is given by a family member and no others during the day only for one and not more than six children, including the day care parents' own children.

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

Flood - A general and temporary condition of partial or complete water coverage of normally dry land area because of the accumulation or runoff of surface waters from any source.

Floodplain - Land areas adjoining a river, stream or water course which are subject to a one percent or greater chance of flooding in any given year, which areas are more specifically established by the Federal Emergency Management Agency in its Flood Insurance Study for Fairfield County.

Floodway - The channel or river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

Grade - The slope of a road, street, or other public way, specified in percentage (%) terms from the horizontal.

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

Ground Cover - Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve inches in height.

Habitable Dwelling - A dwelling meeting the minimum habitability requirements of this Ordinance, and other applicable regulations.

Hazardous Waste - Any material defined in Section 44-56-20(6) of the South Carolina Hazardous Waste Management Act as set out in the Code of Laws of South Carolina (1976, as amended) or in any regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to the provisions of the said South Carolina Hazardous Waste Management Act.

Hazardous Waste Facility - Any landfill, incinerator or other facility used to store, treat, or dispose of Hazardous Waste and also any facility used to inspect, wash, clean, park or store any trucks, trailers, railroad cars, other vehicles, or other containers used to transport, store or treat hazardous waste (except for minute quantities thereof to be tested or analyzed in laboratories). Public roads, tracks of railroad companies, garages, truck stops, and other businesses providing maintenance, fuel, or other services to common carriers in general shall not be deemed to be a Hazardous Waste Facility due to the fact they provide services to any such trucks, trailers, railroad cars, or to other vehicles or containers transporting Hazardous Waste if those same services are routinely provided to other common carriers carrying cargo other than Hazardous Waste.

Height - The vertical distance of a structure or vegetation measured from the average grade elevation within 20 feet of the structure to the highest point of the structure.

Highway - See **Street, Major**

Home Occupation - Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises.

Impervious Surface - Impervious surfaces are those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Building Official to be impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious Surface Ratio - The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Inert Material - A material whose rate of decomposition by micro-organisms or chemical oxidation is such that substantial environmental pollution does not usually result.

Inert Solid Waste Landfill - Any landfill, publicly or privately owned, that receives inert waste. Examples of inert material include, but are not limited to bricks, concrete and other masonry material; soil; rocks; lumber; paving material; tree and brush stumps, etc.

Infectious Waste - Infectious waste has the meaning given in Section 44-93-20 of the S. C. Infectious Waste Management Act.

Improvement - Any man-made immovable item that becomes part of, placed upon, or is affixed to real estate.

Junk or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. In R-1 and R-2 zoned areas, junk or salvage shall mean any materials consisting of waste, discarded or salvage matter consisting of a total of more than six (6) cubic feet in volume regardless of whether it is to be bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper,

trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

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

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Through or Double Frontage - A lot that has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Depth - The horizontal distance between front and rear lot lines.

Lot, Developed – A developed lot or parcel is one which contains fifty thousand dollars (\$50,000) in commercial, industrial or business improvements, according to records in the County Tax Assessor's office or receipt of a valid Building Permit in such amount.

Lot, Developed Lake Lot– A developed lake lot or parcel is one which has one or more of the following improvements:

1. A structure used for permanent or recreational habitation;
2. A functional well with pump under power or community water service delivering potable water;
3. A DHEC approved septic tank with documentation;
4. A cleared building site with riparian buffer intact and/or other installed and maintained methods of erosion control;
5. Electric service and meter on lot; or

6. Lot access by an improved driveway with at least gravel and dock (bearing a tag of approval by the governing utility. (Ord. No. 577, 2-27-12)

Lot of Record - A lot, the boundaries of which are filed as legal record.

Lot Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of three (3) or more manufactured homes, which may include services, and facilities for the residents.

Manufactured Home Park Space - A plot or ground within a manufactured home park designed for the accommodation of one unit.

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

Mixed Occupancy - Any building that is used for two or more occupancies classified by different occupancy use groups.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any zoning district.

Non-conformity - A non-conformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

North American Industry Classification System (NAICS) - The classification of industrial, commercial, institutional, agricultural, construction, manufacturing, educational, utilities, services type activities as defined in the North American Industry Classification System Manual, 1997 as put out by the Executive Office Of The President Office Of Management and Budget.

Off-Site - Premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision approval.

Office Trailer - See **Modular Building Unit or Modular Structure**

Open Space - Open space refers to an area that is not encumbered with any substantial structure; is not devoted to use as a roadway, parking area or sidewalk; is not part of any privately owned lot; and is legally and practicable accessible to the general public or to the residents of the development where the open space is located. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space unless the Planning Commission determines that the overall configuration of open space is acceptable as being conducive to the intent of requiring open space.

Open Space Ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Parking, Off-Street - An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or un-parked therein without moving any other automobiles.

Permitted Use - A use permitted outright by district regulations.

PPD (Planned Development District) - A special purpose district established

for specified use(s) only and with specified development standards in order to allow and encourage flexibility in the development of the land.

Plat – A map or drawing upon which the developer's plan of a subdivision or land development is presented for approval.

Preliminary Plat or Plan - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Previously Platted - The term "previously platted" shall mean platted approved, and recorded, if such lots were created in accordance with regulations in effect at the time of their creation, or created as a result of a land division and recorded prior to existence of applicable subdivision regulations.

Sexually Oriented Business - For purposes of this Ordinance, sexually oriented business operations shall mean and include the following:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult Video Store means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

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

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

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

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

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

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

areas".

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

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

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

Shipping Container – A rectangular, prefabricated metal structure, designed for stacking, storage and transfer of goods and commodities by ship and/or container chassis trucks.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any non-movable sign not affixed to a building.

Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

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

Sign, Off-Premise - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign designed to be transported, but not limited by means of wheels.

Sign, Projecting - A sign that is wholly or partly dependent upon a building for

support and which projects more than 12 inches from such building.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the ridge line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. Signs mounted on the sloping section of a roof or the gable end of a roof shall be classified as a wall sign.

Sign, Roof Integral - A sign whose structure is integrated into the structure of the roof, and is an integral part thereof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - Any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Significant Tree – Any tree measuring 30” DBH (Diameter Breast High).

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

Street - Any thoroughfare or space more than 18 feet in right-of-way width, which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, Major. A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic.

Street, Minor. A street designed principally to provide vehicular access to abutting residential property.

Structure - (As defined by the Standard Building Code.)

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Subdivision. The division of a tract, parcel, or lot into two or more lots or building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land.

Subdivision, Exempt. An exempt subdivision is one which meets the following conditions:

1. Involves the division of land into parcels of five (5) acres or more where no new street is involved; or
2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
3. Involves cemetery lot.
4. Addition of property to an existing lot of record.
5. Includes the division of land by will or inheritance under the statute of descent and distribution, or by gift conveyed by deed. Such exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers, sisters).
6. Involves the creation of a single lot from an existing lot or parcel.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

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

Unit – One; a single dwelling or unit.

Use, Accessory - See Building, Accessory.

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

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Zoning Board of Appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Wrecking, scrap and salvage operations - Any operation dealing with waste, discarded or salvage material which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than 72 hours whether for repair or not. These terms shall also mean, but not limited to operations dealing with old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, non-working major appliances, other old ferrous or non-ferrous material, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap, or used items; metal, batteries, cardboard, plastic, rubber, pallets, motors, industrial or commercial

fixtures, rubbish, debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, Front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

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

ARTICLE 12

LEGAL STATUS PROVISIONS

Section 12.1 Conflict with Other Laws

Whenever the Regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other Statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other Statute require more restrictive standards than are required by this Ordinance, the provisions of such Statute shall govern.

Section 12.2 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 12.3 Repeal of Conflicting Ordinances

All Ordinances and parts of Ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 12.4 Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption.