

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.

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3.1 RESIDENTIAL USE REGULATIONS

3.1.1 TRIPLEX AND QUADPLEX

- A. **Density.** Developments must meet gross density requirements specified in Article 2, Section 2.4.
- B. **Porches.** Usable porches should be utilized as the primary architectural feature of buildings and located on the front or side of the home. Useable front porches are at least eight feet deep and extend more than 50 percent of the building facade.
- C. **Garage Width.** The width of attached garages shall not exceed 40 percent of the width of the building facade.
- D. **Entrances.**
 - 1. Triplexes and quadraplexes shall have a single main entry. Additional auxiliary entrances shall be hidden from street view. Primary building entrances shall be visibly emphasized, architecturally embellished, and accessible from a street or sidewalk.
 - 2. All front entrances shall be raised from the finished grade a minimum of 1 foot in elevation.

3.1.2 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. **Acreage.** Such projects shall have a minimum of 1 acre.
- B. **Density.** Developments must meet gross density requirements specified in Article 2, Section 2.4.
- C. **Separation.** Buildings shall be set apart not less than 20 feet.

- D. **Open space.** 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.
- E. **Size.** Buildings shall not exceed 250 feet from end to end.
- F. Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- G. **Screening.** Trash receptacles shall be oriented away and screened from adjacent residential uses.
- H. **Front façade.** Usable porches, balconies and/or windows shall be the primary visible architectural features on buildings. These features should cover at least 40 percent of front elevations and at least 25 percent of rear building elevations.
- I. **Front entrances.** All front entrances shall be raised from the finished grade a minimum of 1 foot in elevation.

3.1.3 TOWNHOUSES

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

- A. **Acreage.** Such projects shall have a minimum of 1 acre.
- B. **Density.** Developments must meet gross density requirements specified in Article 2, Section 2.4.
- C. **Design.** Not more than six (6) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- D. **Distance between buildings.** Minimum distance between rows of buildings shall be not less than 20 feet.
- E. **Elevation.** All front entrances shall be raised from the finished grade a minimum of 1 foot in elevation.
- F. **Minimum Lot Width.**
 - 1. Minimum lot width for front loaded townhomes shall be 25 feet.
 - 2. Minimum lot width for alley-loaded townhomes shall be 18 feet.
- G. **Sidewalks.** Sidewalks not less than five (5) feet in width shall be provided along the front property line of all project buildings.
- H. **Trees.** Street or yard trees are required with a minimum separation distance of 50 feet.
- I. **Open space.** Not less than 20 percent of the project site shall be diverted to common open space, as specified by Section 4.4.

3.1.4 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. **Acreage.** Such projects shall have a minimum of 2.5 acres.

- B. **Density.** Developments must meet gross density requirements specified in Article 2, Section 2.4.
- C. **Lot area.** Minimum lot area shall be 3,000 square feet per unit.
- D. **Lot width.** Minimum lot width shall be 40 feet.
- E. **Easement.** 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.
- F. **Side yards.** 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.
 - 1. The side yard of the exterior units shall be as prescribed by Table 2.
- G. **Front entrances.** All front entrances shall be raised from the finished grade a minimum of 1 foot in elevation.
- H. Street or yard trees are required with a minimum separation distance of 50 feet.
- I. **Open space.** Not less than 20 percent of the project site shall be diverted to common open space, as specified by Section 4.4.

3.1.5 MANUFACTURED DWELLINGS

A. **Minimum set-up requirements**

Manufactured dwellings, where permitted by this Ordinance, shall:

- 1. 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.
- 2. 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.
- 3. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
- 4. 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 South Carolina Building Codes.
- 5. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
- 6. Be provided with a sanitary sewer system approved by South Carolina Department of Environmental Services (DES).
- 7. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- 8. 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.

B. 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.

9. **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.
10. **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.
11. **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.
12. **Cooking and heating equipment.** All cooking and heating equipment and facilities shall be installed in accordance with applicable codes.
13. **Smoke detector.** Every home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing.

C. 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.

3.1.6 MANUFACTURED HOME PARKS

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

- A. **Minimum size.** 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.
- B. **Water and sewer service.** The park shall be served by public water and sewer systems or other systems approved by DES, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DES officials.
- C. **Roadway.** 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.
- D. **Setbacks.** 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.
- E. **State requirements.** All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- F. **Open space.** Not less than 20 percent of the park site shall be set aside and developed for common open space and recreation usage, in accord with Section 4.4.
- G. **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.
- H. **Maximum density.** Overall maximum density of manufactured homes shall not exceed four units per acre where public water and a septic tank system are used and five units per acre where public water and sewer are available. DESouth Carolina Department of Environmental Services permits are required for wastewater systems.

- I. **Parking:** 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.
- J. Existing trees and other natural site features shall be preserved to the extent required by Section 4.5.
- K. Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 4.1.
- L. 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.

3.1.7 MIXED-USE BUILDING

- A. **Minimum height.** Mixed-use buildings shall have a minimum of two stories.
- B. **Glazing.** The first floor of all buildings fronting directly on a street shall include transparent windows and doors, or porches arranged to cover at least 40 percent of the length of the first floor building elevation.
- C. **Façade design.** Expanses of blank walls (facades that do not contain a door, window or porch) may not exceed 50 feet in length.
- D. **Materials.** Mixed-use building walls shall be brick, stone, cementitious fiber board, stucco, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- E. **Roof.** Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, or asphalt shingles.

3.1.8 TINY HOME VILLAGE

- A. **Minimum Property Size.** Minimum property size shall be two acres.
- B. **Density.** Developments must meet gross density requirements specified in Article 2, Section 2.4.
- C. **Open and Recreational Requirements.** Not less than 30 percent of the site shall be set aside and developed for common open space, natural area and recreation usage, in accord with Section 4.4.
- D. **Location of Common Area.** A centralized common area shall be provided and include public space such as lawn, gardens, patios, or plazas.
- E. **Connectivity Requirements.** Sidewalk, trails and pathways shall connect all units to the common open space.

- F. **Open Space Allowances.** Community buildings or clubhouses can be counted towards the common open space requirements.
- G. **Open Space Exclusions.** Stormwater/detention ponds, wetlands, lakes, stream buffers and slopes greater than ten percent cannot be counted towards common open space requirements.
- H. **Frontage Buffering Requirements.** Bufferyard 2 is required adjacent to the street.
- I. **Adjacent Buffering Requirements.** Bufferyard 3 is required along adjacent property lines with existing residential uses. Preservation of existing trees is encouraged and can be applied to meet this requirement.
- J. **Setback Requirements.** Fifty (50) foot setback required from all adjacent rights-of-way and property lines. Must meet riparian buffer setbacks required in Sections 4.6 and 4.7.

3.2 PUBLIC AND INSTITUTIONAL USE REGULATIONS

3.2.1 DAY CARE CENTER

- A. **Outdoor Play Area.** At least 50 square feet of outdoor play area shall be provided for each child. The outdoor play area shall be located at least 50 feet from the lot line of any residential property and enclosed by a fence having a minimum height of four feet, which shall be maintained in good condition.
- B. **Drop Off / Pick Up Area.** An off-street drop-off and pick-up loading area shall be provided.
- C. **Parking.** Off-street parking at a minimum of two spaces plus one per each employee.
- D. **Hours of Operation.** Such use shall only be permitted to operate between the hours of 6:00 AM and 10:00 PM.
- E. **Screening:** A 50 percent visual screen to a minimum height of six feet is required adjacent to residentially used structures within 100' of the property line.

3.2.2 COMMUNICATION TOWERS AND ANTENNAS

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

- A. **Design.** 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.

- B. **Federal requirements.** All applicable safety code requirements shall be met, including those of the U. S. Fish and Wildlife Service to minimize harm to birds. Communication towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
- C. **Separation.** 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.
- D. **Height.** 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. Tower height should not exceed 199 feet above ground level (AGL).
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.
- E. **Accessory.** 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.
- F. **Requirements.** Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
1. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
 2. 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].
 3. Identification of the owners of all antenna and equipment to be located on the site.
 4. Written authorization from the site owner for the application.
 5. Evidence that a valid FCC license has been issued.
 6. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.

7. 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
- G. **Discontinuance.** Towers no longer in service, not re-licensed by the FCC for use, or determined to be obsolete shall be dismantled and removed by the owner within 120 days of discontinuance. Towers in need of repair or reconstruction shall require a permit.

3.2.3 SOLAR ENERGY CONVERSION, SMALL SCALE

A. **Location requirements:**

1. Improved areas shall not be located in a federally designated Special Flood Hazard Area.
2. All Improved Areas shall be at least 100 feet from a public road and 25 feet from the fence line.
3. Improved Areas shall be at least 100 feet from any contiguous property line not associated with a Solar Energy Facility.
4. All access roads and storage areas shall be established on a 30-foot minimum easement to a public right-of-way.
5. All improved areas must conform to the minimum zoning setbacks for the zoning district in which it is located.

3.2.4 SOLAR ENERGY CONVERSION, LARGE SCALE

A. **Location requirements.** Improved areas must adhere to 3.2.3A.

B. **Landscape and buffering.** All Large Scale Solar Energy Facilities shall have, at minimum, a continuous landscape buffer containing evergreen vegetation screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. All vegetative screening planted within the buffer should be planted at least ten (10) feet on center and shall consist of plants that will be at least fifteen (15) feet in height at maturity.

C. **Berms.** An optional earthen berm may be used in conjunction with planted vegetation provided all of the following are met:

1. The combined height of the berm and planted vegetation shall be at least 15 feet and provide approximately 75% opacity within one year of planting.
2. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1.
3. The height of the berm shall be a minimum of 6 feet, with a level or rounded area on top of the berm.
4. The berm shall be constructed of compacted earth.

5. When berms are planned to be installed within required buffers, storm drainage plans submitted with an application shall be designed to anticipate a 100-year storm event.
 6. When visible from an adjoining residential use (including across a street) the berm shall be composed of view-obscuring vegetation in combination with a berm designed to obscure views to a height of 15 feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
 7. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within 3 to 5 years.
- D. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
 - E. **Power lines.** On site power lines between solar panels and inverters shall be placed underground.
 - F. The design of Solar Energy Facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
 - G. If the Solar Energy Facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
 - H. **Lot coverage.** Maximum lot coverage shall not exceed 65 percent.
 - I. **Height.** Maximum height shall not exceed 25 ft.
 - J. **Documentation.** The following documents shall be provided to Fairfield County:
 1. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the county.
 2. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the Solar Energy Facility.
 3. Any other relevant studies, reports, certificates and approval as may be reasonably required by Fairfield County.
 4. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
 5. A copy of all permits and/or approvals issued by the Public Service Commission of South Carolina.
 6. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
 7. The application must include a decommissioning plan that describes the timeline and manner in which the system will be decommissioned and the

site restored to a condition similar to prior to the establishment of the facility.

- a. The decommissioning plan must include designation of party responsible for removing all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever possible.
8. Each owner, operator or maintainer of a Solar Energy Facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed 12 inches in height.

3.2.5 WIND ENERGY CONVERSION

- A. **Setbacks.** Wind energy facility structures shall be setback from all property lines and public right(s)-of-way a distance equal to one (1) linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district in which it is located, whichever is greater.
- B. **Max Height.** The maximum height of wind turbines is for a Small Facility is 120 feet and 600 feet for a Large Facility unless evidence is submitted otherwise showing approval for additional height from the Fairfield County Fire Code Official.
- C. **Minimum Lot Size.** Minimum lot size for a Small Scale facility is 5 acres and a Large Scale facility is 25 acres.
- D. **Fairfield County Airport.** All wind energy facilities within 5 miles of the Fairfield County Airport shall be forwarded to the Airport Director for review.
- E. **Visual Appearance**
 1. Must be a non-obtrusive color such as white, off-white, or gray;
 2. May not be artificially lighted, except to the extent required by the FAA; and
 3. May not display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner(s), and operator.
 4. Installation and design of a wind energy facility shall conform to the applicable industry standards, including those of the American National Standards Institute.
- F. **Decommissioning.**
 1. The wind energy facility owner shall have twelve (12) months to complete decommissioning of the wind energy facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Fairfield County Board of Commissioners, if evidence is provided that

the delay is due to circumstances beyond the facility owner/operator's reasonable control.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.
4. Prior to the issuance of a building permit, the owner of a Large Wind Energy Facility shall provide a bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Farm, less the salvage value of the equipment prior to construction. If the Wind Farm Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in South Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Use Permit.

3.3 COMMERCIAL USE REGULATIONS

3.3.1 COMMERCIAL RECREATION & ENTERTAINMENT, OUTDOOR

- A. **Lighting.** Lights from the use shall be designed so that they will not produce glare which will shine on any adjacent residential structures.
- B. **Noise Levels.** Noise emanating from the use shall not exceed ambient noise levels in the surrounding area at a distance of more than one hundred feet from any point of the property containing the use.
- C. **Fencing.** Batting cages, golf driving ranges, airsoft, paintball and similar facilities shall include fencing, netting, or other control measures around their perimeter to prevent objects from leaving the designated area.

3.3.2 LIMITED EVENT VENUE

- A. Within RD and RD-1 Districts these uses shall be subject to the following standards:
 - 1. **Minimum area.** The minimum area required to establish a limited event venue shall be five acres.
 - 2. **Time Limit.** Amplified music shall be limited to 9:00 AM to 11:00 PM.
 - 3. The site must have at least one permanent building that includes permanent restroom facilities.
 - 4. **Setbacks.** All structures, seating, stages, vendors, restrooms, trash facilities, dumpsters, and parking areas shall be setback at least one hundred and fifty (150) feet from any street or property line. This may be reduced to one hundred (100) feet if mature trees and vegetation exists with a width of at least fifty (50) feet.
 - 5. **Parking.** Parking must be located outside of road rights-of-way.
 - 6. **Lighting.** Outdoor lighting must be shield to direct light and glare only on the facilities' premises but may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded, and focused away from any adjoining properties.
 - 7. **Access.** The parcel must have frontage on or have direct access to a SCDOT maintained road or a privately maintained paved street. Proposed access points on SCDOT roads must be approved by SCDOT. In the event that a privately maintained street is used to gain entry to the site, the applicant shall provide documentation from the private road owner(s) that access to the site for events is permitted.
 - 8. Other than as part of designated events, no meals shall be served to the general public on site.
 - 9. **Size and capacity limitations.** Gathering, meeting, or hosting area event space shall be limited to no more than 8,000 square feet in size.
 - 10. **Accessory Uses Permitted.** Accessory and/or ancillary uses shall be those directly related to the event being held. Examples are food and beverages service, dance floors, outdoor speakers, music, festive lighting, decorations, tents, etc.

3.3.3 SHOOTING RANGE (INDOOR AND OUTDOOR)

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

- A. **Operations Requirements for Indoor and Outdoor Shooting Ranges.**
 - a. **On-Site Management.** An on-site manager shall be present and available during all hours of operations. Updated contact information for the on-site manager shall be provided to the Zoning Administrator anytime the on-site manager's contact information changes.
 - 2. **Noise.**
 - a. The design of an indoor shooting range must be designed to absorb or dissipate noise from the discharge of firearms so that it is not audible from exterior property lines.
- B. **Development Standards for Outdoor Shooting Ranges.**
 - a. **Hours.** Hours of operation for an outdoor shooting range is limited to the following:
 - i. 8:00 AM – 5:00 PM, Monday- Friday
 - ii. 10:00 AM – 5:00 PM Saturday
 - iii. 12:00 PM – 5:00 PM Sunday
 - b. **Minimum Lot Size.** All outdoor shooting ranges must be located on a parcel of at least 5 acres in size.
 - c. **Setbacks.** All elements of the outdoor shooting range facility must be located at least 300 feet from all property lines of the lot of which it is located, except that access roads and utilities may be located in the 300-foot setback area.
 - d. **Buffers.** If not separated by mature vegetation outdoor shooting ranges require Bufferyard Type 4.
 - 2. **Separation Requirements.**
 - i. The exterior boundary of the shooting area at an outdoor shooting range shall be located no closer than 2,500 feet to any residential use, unless a waiver in writing is secured from the neighboring landowner.
 - ii. The exterior boundary of the shooting area at an outdoor shooting range shall be located no closer than 2,500 feet to any lots containing dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not the lots are located in the incorporated or unincorporated area of Fairfield County.
 - 3. **Design.**
 - a. Design in accordance with NRA (National Rifle Standards).
 - b. Warning signs meeting NRA guidelines posted no more than 100' apart along the property lines indicated shooting ranges located on property.

- c. **Environmental Management Practices.** The operator of the shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

3.3.4 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.

A. **Location.**

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.

B. **Access.** Proposed facilities shall have direct access via major streets only.

C. **Minimum Property Size.** 100 Acres in area.

D. **Buffering.** The area of operations shall be surrounded by a 100 feet planted bufferyard. Preservation of mature trees and vegetation at an average width of 75 feet is sufficient to meet buffering requirement.

E. **Lighting.** Light fixture selection and placement shall be done to protect neighboring properties from direct glare. Light shielding and fixtures that meet recommendations from the International Dark Sky Association (IDA) are encouraged.

3.3.5 CRAFT ALCOHOL PRODUCTION

A. **Activity Location.** Except for loading and patio seating for tasting rooms, all activities must occur within a building.

B. **Loading.** Must have an off-street, alley, or parking loading dock.

C. **Permits.** Must obtain all applicable ABC commission permits.

D. **Applicable laws.** Subject to all applicable laws for the manufacturing, sale, and distribution of alcoholic products.

E. **Performance standards.** Shall not produce odors, gas, dust or any other atmospheric pollutant detrimental to the health, safety, or general welfare of persons living or working in the surrounding area.

F. **Drive-Thru.** No drive-thru is permitted.

3.3.6 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. **Owner Occupied.** Be occupied by the resident/owner.
- B. **Service.** Serve no regularly scheduled meal other than breakfast.
- C. **Size.** 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.
- D. **Off-street parking.** Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- E. **square feet in area.**

3.3.7 CAMPS AND RECREATIONAL VEHICLE PARKS

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

- A. **Minimum Lot Size and Street Frontage.** The site shall contain at least ten (10) acres, and a minimum of 150 feet of street frontage.
- B. **Open Space.** 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.
- C. **RV Site Dimensional Requirements.** The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - 1. Each RV parking space shall have a minimum of 690 square feet. Each RV shall be parked a minimum of 20 feet from all other RVs, buildings, and structures.
 - 2. Minimum setbacks for all structures and recreational vehicles shall be:

Street right-of-way	100'
All other property lines	50'
- D. **Impervious surface limitations.** Maximum impervious surface ratio shall not exceed 15 percent of the project site.
- E. **Maximum density.** Maximum density shall not exceed 10 vehicles or campsites per acre.
- F. **Buffering.** Bufferyards shall be as specified by Section 4.1.
- G. **Parking and loading.** 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.
- H. **Streets.** All streets within RV Parks shall be private and not public.
- I. **Utility service.** Each park site shall be serviced by public water and sewer or other systems approved by DES.

- J. **Occupancy and RV parking limitations.** No RV or person(s) may occupy an RV site more than 30 consecutive days. Campground owners or operators must maintain a registry of all occupants, the RV site occupied, arrival times, and departure times.

3.3.8 KENNELS

- A. **Minimum lot size.** Minimum lot size shall be a minimum of five acres.
- B. **Building separation from residential structures.** Any building (which is part of a kennel) housing animals shall be located a minimum of 500 feet from any residentially zoned or used property.
- C. **Time limitations.** Fenced outdoor runs are allowed for use only during the hours of 6:00 a.m. to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- D. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.

3.3.9 SEXUALLY ORIENTED BUSINESS

- A. **Location.**
 - 1. The location of such uses where conditionally permitted by Table 1, shall be tempered by the supplemental siting criteria of this section.
 - 2. No such use shall be located within 1,500 feet (measured in a straight line and documented on a map drawn to scale) of:
 - a. a residence, residential subdivision or residential zone,
 - b. a church or religious institution,
 - c. public or private schools and educational facilities,
 - d. public parks and recreational facilities,
 - e. another sexually oriented business,
 - f. day care facility,
 - g. Industrial and Business Parks,
 - h. Governmental buildings and sites, or
 - i. US 321, US 21, SC 34, SC 200 and SC 215.
- B. **Operation Requirements.**
 - 1. 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.
 - 2. The operation, establishment, or maintenance of more than one sexually oriented business is prohibited in the same building, structure, or portion thereof.
- C. **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.

D. Revocation.

1. 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:
 - a. The operator has knowingly allowed possession, use or sale of controlled substances on the premises.
 - b. The operator has knowingly allowed prostitution on the premises.
 - c. 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.

3.3.10 VENDORS

A. 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.

3.3.11 MAJOR 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.

3.3.12 CAR WASH

- A. **Separation.** Buildings shall be located a minimum of 75 feet from all side and rear property lines that adjoin a lot containing a Residential use or located in a Residential zoning district.
- B. **Time Limitations.** The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
- C. **Waste Disposal.** Adequate provisions shall be made for the safe and efficient disposal of waste products.

3.4 INDUSTRIAL USE REGULATIONS

3.4.1 ARTISAN MANUFACTURING

- A. **Owner Occupied.** Owner/Operator Lives on site in RD-1 District.
- B. **Screening.** Any outdoor storage must be screened by a 6' opaque fence

3.4.2 MANUFACTURING USES

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.

- A. **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: 0.10Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.
- B. **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 firefighting and fire suppression equipment, as prescribed in the Standard Building Code.
- C. **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.
- D. **Nighttime 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.

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

E. **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.

Type of Operation in Character of Noise	Correction in Decibel*
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.

- F. **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.
- G. **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.
- H. **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.
 - I. **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.
 - J. **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.
 - K. **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.
 - L. **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.
 - M. **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.

3.4.3 ASPHALT PLANTS

These facilities must adhere to conditions referenced in Section 4.2 for all manufacturing operations. In addition, the following conditions apply:

- A. **Location.** Facilities shall be located a minimum of 1,000 feet away from R-1 and R-2 zoning existing at the time of project initiation.
- B. **Property size.** The minimum area required shall be ten acres.
- C. **Fencing and Screening.** The entire perimeter of the operation shall be screened by an opaque fence with a minimum height of six (6) feet. A vegetative screen, either planted or natural wooded area, a minimum of six feet in height, can be used as an alternative to fencing. A vegetative screen, either planted or natural wooded area shall be provided along public street right-of-ways and along property lines within 250 of a property with residential uses or zoned for residential uses.
- D. **Drainage.** The site shall be designed in order to avoid erosion or silting on neighboring properties and to limit impacts to natural water courses.
- E. **Access.** All roads leading to the operation shall be constructed with paving, concrete or gravel and maintained in a dust-free manner.

3.4.4 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:

- A. A reclamation and reuse plan, once mining operations are complete.
- B. 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.

- C. 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.

In addition these operations must meet the following supplemental standards:

- A. **Property size.** The minimum area required shall be twenty acres.
- B. **Operations setback.** Operations shall be setback at least 150 feet from property lines.
- C. **Stream setbacks.** Area of operations shall be setback a minimum of 150 feet from intermittent and perennial streams.
- D. **Gating & Fencing.** At a minimum the area of operations shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate. A planted berm can be used as an alternative means of compliance.
- E. **Buffering.** The area of operations shall be surrounded by a 100 feet planted bufferyard. Preservation of mature trees and vegetation at an average width of 75 feet is sufficient to meet buffering requirement.
- F. **Lighting.** Light fixture selection and placement shall be done to protect neighboring properties from direct glare. Light shielding and fixtures that meet recommendations from the International Dark Sky Association (IDA) are encouraged.

3.4.5 WRECKING, SCRAP AND SALVAGE OPERATIONS

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

- A. **Location.** No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
- B. **Activities.**
 - 1. No material or products shall be burned on the premises.
 - 2. No material shall be placed in open storage in such a manner that it may be transferred out by wind, water, or other causes.
 - 3. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.
- C. **Fencing.** 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.

3.4.6 OUTDOOR STORAGE

- A. **Setback.** Such use shall be setback a minimum of 30' from the public right-of-way and 20' off each property line
- B. **Landscaping and Buffering.** Type 4 bufferyard required adjacent to residential uses.

- C. **Other Requirements.** The storage of junked, wrecked, or inoperable vehicles is not allowed. The storage of any hazardous materials is not allowed. The storage of any scrap, waste materials, trash, or other junk is not allowed.

3.4.7 SELF-SERVICE STORAGE (CLIMATE CONTROLLED, OTHER)

- A. **Storage.** The storage of hazardous materials is prohibited.
- B. **Location of Outside Storage.** Any outside storage of vehicles, trailers, campers, boats, ATVs, or the like shall be separate from any structure and must be located to one side or to the rear of the building or structure and must be a minimum of 25 feet from the property line.
- C. **Fencing and Screening.** All outside storage must be screened with a 6' opaque fence.

3.4.8 HAZARDOUS WASTE AND NUCLEAR WASTE TRANSFER, STORAGE, TREATMENT AND/OR DISPOSAL FACILITIES

- A. **Separation.** 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.
- B. **Operation Location.** Operations shall be located a minimum of 100 feet from property lines.
- C. **Fencing.** 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.
- D. **Application.** 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.
 - 1. The application shall identify the materials to be handled and the approximate quantity to be accommodated over the life of the facility.
 - 2. 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.

3.4.9 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:

- A. No such use shall be located closer than 1,000 feet to any residence, church, school, historical place, or public park.
- B. 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.
- C. 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.
- D. All such facilities shall have direct access off a major street only.

3.4.10 SOLID WASTE LANDFILL

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

- A. **Separation.** 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. **Written Opinion.** 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. **Fencing.** 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. **Plan** A plan showing restoration of the site on completion of use as a landfill shall accompany the request.
- E. **Location and Size.** Location and size of the landfill must be in compliance with the Fairfield County Solid Waste Management Plan, as amended.

3.4.11 CONSTRUCTION & DEMOLITION LANDFILL

- 1. 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.
- 2. 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.
- 3. 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.
- 4. The site shall be restored and re-vegetated on completion of use as a landfill.

3.5 AGRICULTURE USE REGULATIONS

3.5.1 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.

A CAFO is an agricultural facility where animals are confined and fed or maintained for a total of forty-five days (45) or more in a twelve (12) 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 concentrated feeding operation.

Swine operations established after the effective date of this Ordinance shall meet the following standards in addition to those in state law:

- A. Operations shall be located no closer than 750 feet of any pre-existing adjoining property line, 1,500 feet of any pre-existing residence, religious institution, industrial park or business or 3,960 feet (three quarters of a mile) of pre-existing CAFO, school, or public park or recreation facility, unless the titleholder of the adjoining land executes a waiver with the titleholder of the land where the CAFO or farming operation is established or proposed to be established under terms and conditions that the parties negotiate. A waiver shall be executed by the adjacent/adjoining property owner(s) which grants permission to locate a CAFO closer than standard separations. Said zoning use waiver must contain a description of which portion of the adjacent property is subject to the waiver and a derivation. The waiver shall be witnessed by two persons and filed in the office of Planning and Zoning.
- B. Site design shall ensure safe, predictable vehicular parking, access, and movement onto and off of the site.
- C. CAFO facilities shall be provided with a 200-foot vegetated buffer strip on all sides. The buffer shall not contain any water body, water source, or wetland. No portion of any swine facility shall be located in the 100-year floodplain.

Non-Conforming Swine CAFOs and farming operations in existence prior to the effective date of this Ordinance are subject to the non-conforming provisions of this Ordinance.

3.5.2 EQUESTRIAN USES

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

- A. **Minimum lot area.** Minimum lot area shall be 1/2 acre per horse.

- B. Each stable shall have a minimum fenced paddock area of at least 500 square feet.
- C. **Separation.** Stables shall be located no closer than 100' to the nearest residential property line.
 - 1. Paddock fences shall be located no closer than 50' to the nearest residential property line.
- D. **Design and Maintenance.** The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.
 - 1. The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.
 - 2. The lot must be maintained in a sanitary condition through the proper use of lime and pesticides.
 - 3. 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.
 - 4. All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.
- E. **Storage.** All grain on the lot must be stored in rodent-proof containers.
- F. All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.
- G. Any exercise and/or training areas on the lot must be dampened so as to prevent dust.
- H. 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.
- I. 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.

3.6 ACCESSORY USE REGULATIONS

3.6.1 ACCESSORY STRUCTURES

See Article 8 for Accessory Structure Requirements

3.6.2 ACCESSORY APARTMENTS

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

- A. The principal structure (dwelling) must be owner occupied.
- B. The apartment, whether attached or detached, cannot exceed 75 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- C. The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.

- D. 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.
- E. 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.
- F. Evidence of the accessory apartment should not be apparent from the street.
- G. A third off-street parking space shall be required.
- H. Neither the primary residence nor the accessory apartment shall be a manufactured home.

3.6.3 FAMILY DAY CARE HOME

- A. Minimum lot size- Must be at least 10,000 square feet.
- B. Separation Requirements- No other family day care home may be located within 500 feet of an existing family day care home.
- C. Hours of Operation- Such use shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m.
- D. Must be licensed by State of South Carolina for this use.
- E. May have no more than six (6) children present at any one time, not including the operator's own children.

3.6.4 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.

3.6.5 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.

3.6.6 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 setback 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.

3.6.7 GROUND MOUNTED SOLAR

- A. Ground mounted solar panels that area an accessory use shall meet setback requirements of single story structure specified in Article 8.

3.7 TEMPORARY USES

3.7.1 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.

3.7.2 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 nonresidential 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 DES 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

3.7.3 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.