

## Chapter 86

### ZONING\*

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**\*Cross references**-Administration, ch. 2; restrictions on new developments regarding the protection of sea turtles, § 10-63; buildings and building regulations, ch. 14; flood damage prevention regulations concerning subdivisions and utilities, § 14-141 et seq.; planning, ch. 62.

**State law reference**-South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq

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### ARTICLE I. IN GENERAL

- ~~Sec. 86-1. Authority for enactment of chapter.~~  
~~Sec. 86-2. Conflict with other laws.~~  
~~Sec. 86-3. Definitions.~~  
~~Sec. 86-4. Schedule of fees.~~  
~~Secs. 86-5-86-30. Reserved.~~

#### Sec. 86-1. Authority for enactment of chapter.

In pursuance of authority conferred by the S.C. Code 1976, 6-7-10 et seq., and 6-29-310, et seq., the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 ("the Enabling Act") with the intention of the Town Council that this chapter is enacted for the purpose of promoting the health, safety, morals and general welfare of the community; lessening congestion in the streets; securing safety from fire; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public improvements; and in accordance with a comprehensive plan with the intention that this chapter implement the planning policies adopted for the Town and its extraterritorial planning jurisdiction, as reflected in the comprehensive land use plan and other related planning documents and reaffirming its commitment that this chapter and any amendment to it be in conformity with adopted planning policies and expressing the intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document, the Town Council does ordain and enact into law this chapter.  
 (Ord. of 6-11-81, art. I; Ord. of 11-14-96(4), § 6)

#### Sec. 86-2. Conflict with other laws.

Whenever the regulations of this chapter require a greater width or size of yards, or require a greater percentage of lot be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.  
 (Ord. of 6-11-81, § 1300)

**Sec. 86-3. Definitions.**

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use* means the detached building subordinate to the main building on a lot and used for purposes customarily incidental to the principal use, including, but not limited to, garages, greenhouses and utility structures.

Adult means an individual 18 years of age or older.

*Adult bookstore* means a bookstore or establishment deriving the majority of its gross income from the sell or rental of or having a majority of its stock in trade in books, magazines or other periodicals, films, or mechanical or non-mechanical devices which constitute adult materials.

*Adult material* means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, pornographic record, CD or tape, other tangible things, or any service capable of arousing interest through sight, sound or touch, and:

- (1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination, or
- (2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination.

*Adult motion picture theater* means an enclosed motion picture theater or motion picture drive in theater used for presenting and driving a majority of its gross income from adult material for observation by patrons therein.

*Adults only entertainment establishments* means any establishment which features services which constitute adult material, or which features exhibitions of persons total nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitutes adult material.

*Alley* means a secondary way which affords access to the side or rear of abutting property.

*Alteration of building* means any changes in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

*Approved tree replacement list* means a list of types of trees that are approved as replacements for protected trees that have been removed.

*Awning sign* means any sign on or attached to a retractable shelter that is supported entirely from the exterior wall of a building.

*Banner and pennants* mean any sign usually made of cloth or paper and suspended across streets, building fronts or fences.

*Bedroom* shall be defined as follows: Any room in a residential structure which is at least 70 square feet

of floor area and can be used as a sleeping area; excluding kitchen, dining room, living room, bathroom, utility room, or hallway.

*Bench sign* means any signs which are painted or otherwise attached to the back rest of benches.

*Boardinghouse* means a dwelling in which at least four (4) persons are provided with meals for compensation.

*Building* means a structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind, and includes the word "structure." The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

*Building height.* For the definition of "building height" please refer to section 86-182. The provisions of section 86-182 are incorporated in this section to define "building height" for purposes of this section.

*Building Permit* means the permit issued by the Town's Building Code Administrator to undertake construction of a structure pursuant to Chapter 14.

*Building, principal* means a building in which is conducted the principal use of the lot on which such building is located.

*Business identification sign* means a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

*Canopy sign* means any sign on or attached to a permanent overhanging shelter which projects from the face of a building and which is wholly or partially supported by the building.

*Combination wall-roof-mount sign* means any double-faced, projecting wall sign which projects above the roof line of a building and which is wholly or partially supported by the building.

*Condominium* means a status of property as the term is defined by the South Carolina Horizontal Property Act, Code of Laws of South Carolina § 27-31-10, et seq., as the same may from time to time be amended.

*Day care center* means and includes any home, center, agency or place, however styled, where children not related to the operator are received for custodial care, apart from their parents whether for compensation, reward, or otherwise during the day only.

*DBH or diameter at breast height* means the diameter of any tree, measured at breast height (four-and-a-half) (4 ½) feet above the ground. The DBH of a multi-trunk tree will be the sum of the various diameters at breast height.

*Destroyed, or destruction* shall refer to a structure whose value immediately before a fire or act of God is reduced by more than fifty percent (50%) by fire or by act of God.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, dredging, filling, grading, paving, or excavation.

*Developed lot* means a lot upon which a building has been erected.

*Dock site* means a waterfront lot suitable for the construction of a dock/pier and/or auxiliary structures. Dock sites may only exist in the districts in which they are allowed as a permitted use.

*Driveway* means a public road connecting a building, such as a house or garage, with the street.

*Dwelling, multifamily* means a building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their cooking therein, including apartment, apartment hotels, condominiums and group houses.

*Dwelling, single-family* means a building arranged or designed to be occupied by one family. No more than one dwelling per lot is permitted.

*Dwelling, two-family* means a building arranged or designed to be occupied by two (2) families living independently of each other.

*Dwelling unit* means a building or portion thereof providing complete and permanent living facilities for one family.

Easement refers to a reservation or grant by the property owner to any person, firm or corporation, or to the general public of the use of a strip or parcel of land for a specified purpose.

*Facial sign* means any sign which is in any manner affixed to any exterior wall of a building and which projects not more than 18 inches and does not extend more than six (6) inches above the parapet eaves or building facade.

*Fishing pier* means a platform extending from a shore over water and supported by piles or pillars used for non-competitive recreational fishing and pedestrian traffic.

*Flood hazard area* means any area of the Town subject to flooding and so designated by the Department of Housing and Urban Development and the Federal Emergency Management Agency and delineated on applicable FEMA flood hazard boundary maps. The terms "flood hazard area" or "special flood hazard area" are interchangeable.

Floodplain, also flood prone area, means a land area duly designated on officially adopted Town floodplain maps available at Town Hall.

"Footprint" shall mean the entire area of the lot to be covered by improvements that create impervious surfaces including but not limited to roof overhangs, covered porches, and solid surface decks, but shall not include uncovered decks and exterior uncovered steps that are not solidly sheeted and do not create impervious surfaces; for purposes of this subsection, uncovered porches, decks and external steps are not considered impervious surfaces if they are constructed with boards not exceeding eight (8) inches in width, with gaps of a minimum of one-eighth (1/8) inch and the surface below the structure is pervious.

*Freestanding sign structure* means a sign structure which may contain a sign or signs on one (1) side only or it may be V-shaped structure or one containing signs back to back. A freestanding sign structure is one (1) sign.

*Historic trees* means all trees with a DBH of twenty-four (24) inches or greater are considered historic. Also called protected trees.

*Home occupations* means any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental or secondary to the use of the dwelling for residential purposes and does not change the character thereof, and not more than one assistant may be employed. It is provided further that no such occupation shall create disturbing or offensive noises, traffic hazards or unsightly conditions. Not over twenty-five percent (25%) of the total floor space of any structure shall be used for home occupation. Off-street parking requirements shall conform with section 86-175. If traffic hazards are created by this use, the occupation must be moved to a commercial area. Home occupations do not include "body piercing" as that term is use in Code of Laws of South Carolina § 44-32-10 or "tattooing" as that term is used in Code of Laws of South Carolina § 44-34-10.

*Impervious surface* means that portion of real property which is modified by use of a hard surface or covered by a structure which either prevents the entry of water into the soil mantle or retards the entry of water into the soil mantle to a greater extent than would have existed under natural conditions prior to application of the hard surface or coverage by a structure, or causes water to run off the surface in greater quantities or at an increased flow rate from the quantity or flow rate under natural conditions.

*Landowner* means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this article.

*Legally non-conforming* shall mean a use or structure that was in compliance with this chapter at the time of commencement or construction, but by virtue of amendment of this chapter, is no longer in compliance with this chapter.

*Lot* means a parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, and includes the words "plat" and "parcel."

*Lot, corner* means a lot having frontage on two (2) or more streets at their intersection.

*Lot depth* means the mean horizontal distance between front and rear lot lines.

*Lot, double frontage* means a lot having frontage on two (2) parallel or approximately parallel streets.

*Lot, frontage* means the distance for which the front boundary line of the lot and the street line are coincident.

*Lot of record* means a piece of land for which a plat or to which the deed has been recorded in the office of Colleton County Register of Deeds prior to the adoption of this chapter.

*Lot width* means the distance between side lot lines measured at the building lines.

*Map* and *zoning map* mean the official zoning map of the Town of Edisto Beach, South Carolina.



*Marquee sign* means any sign on or attached to a permanent overhanging shelter which projects from the building and is entirely supported by such building.

"Multi-unit" shall mean more than two (2) units on common land where the units do not have defined individual yards meeting the minimum requirements of sections 86-135, 86-136 and 86-185.

*Nonconforming use* means a structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this chapter.

*Nudity (Nude)* means the showing, representation or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

*Off-premises sign* means any sign that identifies, advertises or directs the public to a business, merchandise, service, institution, entertainment or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at any location other than on the property where the sign is located. Signs advertising public service, religious or civic club organizations and not exceeding fifteen (15) square feet in sign area shall constitute exceptions to this definition of off-premise signs.

*One hundred-year flood elevation refers to that elevation of land, measured from mean sea level, which has a one percent chance of being reached each year as a result of flooding conditions usually accompanying a hurricane.*

*On-premises sign* means any sign that advertises activities, goods, products, etc. that are available within the building or on the lot where the sign is located.

*Open space* means areas that are not occupied by buildings, structures, parking areas, streets, public and private roads, alleys or required yards. Open space shall be permitted to be devoted to landscaping and preservation of natural features.

*Painted wall sign* means any sign which has been painted on a building which advertises a product or service.

*Parking area* means all space devoted to parking including driving lanes, minor walks, islands, minor landscaping and other features incidental to parking.

*Parking space* means the area required for parking one automobile.

*Permanent signs* means any sign which is permanently attached to a building, the ground or other structures and which meets the structural and installation standards of the Standard Building Code and the electrical standards of the National Electrical Code.

*Person means an individual, corporation, business or land trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.*

*Phased development plan means a development plan submitted to the Town by a landowner that shows*

the types and density or intensity of uses for a specific property or properties to be developed in phases, but which does not satisfy the requirements for a site specific development plan. These include, but are not limited to, concept PUD plans as authorized by section 86-144 and plans for properties for which only a portion of the whole property is designed and submitted as a site specific development, with the remainder reserved for future development.

*Planned shopping center* means a group of commercial establishments planned and developed as a unit related in location, size and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

*Planned unit development [PUD]* means land under unified control, to be planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all land and buildings, according to comprehensive and detailed plans that include not only streets, utilities, lots or building sites and the like, but also site plans for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to buildings, pursuant to section 86-144, being the same as the Planned Development District (PDD) as further defined in sections 6-29-720 and 6-29-740 of South Carolina code.

Plat refers to a map or drawing of a lot which is capable of being recorded.

*Portable sign* means any sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by weights and/or cable attached to stakes driven into the ground.

*Private road* means a nonpublic road which is limited in access to specified groups and their permittees which one, has not been dedicated to the state, the county and the Town, and two, not accepted by the appropriate public agency for the purpose of maintenance.

*Projecting wall sign* means any double-faced sign which is mounted to the wall of a building and which projects out from that building for more than 18 inches.

*Protected trees* means trees that are classified as either "historic" or "significant".

*Public road* means a dedicated and accepted public right-of-way for vehicular traffic which affords the principle means of access to abutting properties (see street).

Real property or property means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as part of real property.

*Recreational equipment, major* includes travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

*Replacement tree* means any tree that is planted in order to replace an existing tree which must be removed. Replacement trees must have a minimum DBH of three (3) inches and be at least ten (10) feet in height. Multi-trunk replacement trees must be at least ten (10) feet in height.

*Restaurant, drive-in* means a building and adjoining parking area used for the purpose of furnishing food, beverages, ice cream and similar confections to the public normally for consumption outside the confines

of the principal building in vehicles parked upon the premises, regardless of whether, in addition thereto, seats or other accommodations are provided inside for patrons. Services are effected while patrons remain in their vehicles.

Retail business establishment shall mean a business located in a building which involves the retail sale or rental of merchandise, provided that open air markets and flea markets shall be specifically excluded from this definition and shall not be deemed or interpreted to be retail business establishments.

*Roof mount sign* means any sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

*Sandwich sign* means any sign which is an "A" shaped structure and utilizes copy on both sides, resting on the ground with no permanent attachment.

*Screening* means a continuous visual buffer which shall be maintained along the property line where a permitted non-residential use adjoins a residential district or any land occupied by any residential use. Such screening shall consist of a compact evergreen hedge or other type evergreen foliage screening, a fence, or a combination of fence and evergreen shrubbery as stated. Screening shall be at least six (6) feet in height.

*Sexual activity* means sexual conduct or sexual contact, or both.

*Sexual conduct* means vaginal intercourse between a male and female and anal intercourse, fellatio, or cunnilingus between persons regardless of sex. Penetration, however slight, is significant to complete vaginal or anal intercourse.

*Sexual contact* means any touching of any erogenous zone of another, including without limitation the thigh genitals, buttocks, pubic region, or, if the person is a female the breasts for the purpose of sexually arousing or gratifying either person.

*Sexual excitement* means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

Short term lodging is the lease or rental of sleeping accommodations supplied to a person or persons for a period of less than thirty (30) continuous days.

*Sign* means a name, identification, image, description, display or illustration which is affixed to, painted, or represented directly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, road, right-of-way, sidewalk, alley, park or other public property.

*Sign area* means that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from this background, but shall not include supports. Where two (2) sides of a double-faced sign are not more than 24 inches apart at the widest point, and display identical writing or other representation, the sign face shall be computed by measuring one face only.

*Significant trees* means [that] all oak, cedar, and magnolia trees with a "DBH" of eight (8) inches or greater but less than twenty-four (24) inches are considered "significant".

*Single story* shall refer to a structure whose lowest enclosed living area has only one floor elevation, or multi-floor levels whose lowest enclosed living area has a floor whose elevation is within 36 inches of the floor of the highest enclosed living area.

*Site area* means the total area included within the property of a site proposed for development.

*Site plan* means a scale drawing showing all details of a proposed development as required by the various sections of this chapter.

*Site specific development plan* means a development plan submitted to the Town or its authorized Boards, commissions or agents by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. These plans include planned unit development district (PUD) submissions pursuant to section 86-144 which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.

*Snipe sign* means any sign attached in any way to a utility pole, tree, fence, post or any other fixed object located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.

*Storage outbuilding* means a detached building subordinate to the principal structure on a lot and used for the safekeeping of goods in a depository. The use of motor vehicles for such storage purposes does not conform to the provisions of this chapter.

*Street* means a dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

*Structure* means anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. The word structure includes the word "building".

*Temporary sign* means any sign which is not permanently attached to a building, the ground or other structures and which may not meet the structural and installation standards of the Standard Building Code or the electrical standards of the National Electrical Code.

*Trailerable* refers to any watercraft which can be conveyed to a boat ramp by means of a trailer.

*Tree* means any living, self-supporting, woody perennial plant which is evergreen or deciduous.

*Undeveloped lot* means a parcel or a lot on which no buildings have been erected.

*Unified business* mean two (2) or more businesses located on a single lot.

*Use permit* means the permit authority granted by the Town through its authorized procedures to undertake a use as described in chapter 86, but is not a building permit under chapter 14 (formerly referred to as a "land use" permit).

*Variance* means a modification of the strict terms of this chapter 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 and not as the result of any action on the part of the property owner, a literal enforcement of the chapter would result in unnecessary and undue hardship.

Vested right means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in the zoning ordinance.

*Wall sign* means any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Such signs are sometimes identified as projection signs.

*Yard* means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

*Yard, front* means a yard situated between the front building line and the front lot line extending the full width of the lot.

*Yard, rear* means a yard situated between the rear building line and the rear lot line and extending the full width of the lot.

*Yard, side* means a yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

(Ord. of 6-11-81, art. XI; Ord. of 3-14-91, § 10; Ord. of 11-14-96(2), § 5; Ord. of 11-14-96(3), § 5; Ord. of 11-14-96(4), § 5; Ord. of 6-11-98, § 1; Ord. of 9-10-98(4), § 1; Ord. of 2-8-01, § 1; Ord. of 6-21-01(2), § 2; Ord. of 10-11-01, § 1; Ord. of 8-8-02, § 1; Ord. of 10-9-03(2), §§ 1-4; Ord. of 1-8-04, § 1; Ord. of 8-12-04(1), § 1; Ord. of 11-11-04(5), § 2; Ord. of 11-11-04(6), § 1; Ord. of 6-9-05 § 1; Ord. of 12-8-05, § 1; Ord. of 7-13-06, § 1; Ord. of 8-10-06, § 1; Ord. No. 2008-09, 11-13-08; Ord. No. 2010-20, 5-13-10; Ord. No. 2010-32, 9-9-10)

**Cross reference**-Definitions generally, § 1-2.

#### **Sec. 86-4. Schedule of fees.**

(a) The schedule of fees listed in this section shall be posted in the office of the Town Administrator and may be altered or amended from time to time by the Town Council to help defray the costs of zoning administration.

(b) No land use permit, sign permit or certificate of occupancy, shall be issued until such fees have been paid in full to the office of the Town Administrator. Nor shall any act in be taken on proceedings before the Zoning Board of Appeals or Planning Commission until the following application fees have been paid in full:

- (1) Use permit and certificate of occupancy (one form): \$50.00.
- (2) Temporary certificate of zoning: \$50.00 for one-year certificates and each renewal; \$40.00 for 60-day certificates and each renewal; \$30.00 for 45-day certificates and each renewal.
- (3) Sign permit: \$50.00.
- (4) Land clearing permit: \$125.00

(5) Protected tree removal permit: \$25.00. The Building Code Administrator may waive or reduce these fees in cases where there are safety issues involved due to acts of God or disease, or where removal is requested to address insurance underwriting matters.

(6) Certificate of completion of improvements: \$50.00

(c) The following filing fees are to help defray expense of legal notice, hearings and other extra administrative costs and are in addition to permit and certificate fees listed in this section:

(1) Variance application: \$100.00.

(2) Amendment of chapter or zoning map: \$100.00.

(d) No application or filing fees shall be returned for any reason or if a permit is canceled, as provided for in section 86-68.

(e) It shall be the responsibility of the PUD Architectural Review Board to remit to and account for all permit fees issued and civil penalties assessed in the existing PUD district.  
(Ord. of 6-11-81, art. XII; Ord. of 6-21-01(2), § 3; Ord. No. 2010-21, 5-13-10)

**Secs. 86-5-86-30. Reserved.**

## ARTICLE II. AMENDMENTS

Sec. 86-31. Authority.

Sec. 86-32. Requirements for change.

Sec. 86-33. Procedure for amendments.

Secs. 86-34-86-60. Reserved.

### **Sec. 86-31. Authority.**

This chapter, including the official zoning map, may be amended from time to time by the Town Council as specified in this article, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.  
(Ord. of 6-11-81, § 1000)

### **Sec. 86-32. Requirements for change.**

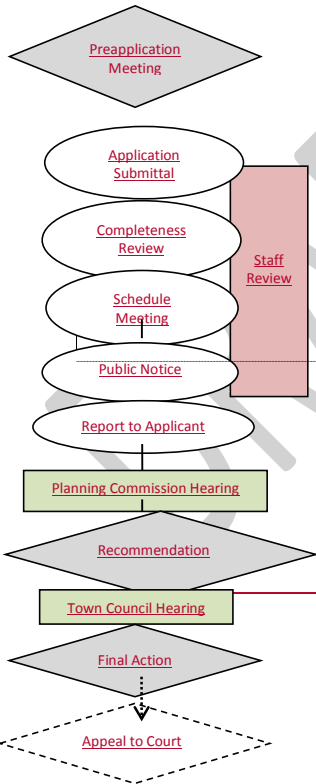
When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the Town Council may undertake the necessary steps to amend this chapter.  
(Ord. of 6-11-81, § 1001)

**Sec. 86-33. Procedure for amendments.**

Requests to amend this chapter shall be processed in accordance with the following requirements:

(1) *Initiation of amendments.* A proposed amendment to this chapter may be initiated by the Town Council, the Planning Commission or by application filed with the Building Code Administrator by the owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting the same change in district classification by a property owner or owners of more often than once every twelve (12) months.

(2) *Application procedure.* Application forms for amendment requests shall be obtained from the Building Code Administrator. The application form shall, in addition to other pertinent information, require the applicant to state in detail the nature of his or her interest in the property sought to be rezoned. Completed forms, together with an application fee to cover administrative costs; plus any additional information the applicant feels to be pertinent, will be filed with the Building Code Administrator. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required. Application for amendments must be submitted in proper form at least two (2) weeks prior to a Planning Commission meeting in order to be heard at that meeting. Application fees shall be forwarded by the Building Code Administrator to the Mayor, who shall supervise the application of same to the costs of advertising and other administrative expenses.



(3) *Hearing by the Planning Commission.*

- a. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.
- b. The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation, for transmittal to the Town Council.
- c. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by an attorney.
- d. No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.
- e. Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Town Council for final action.

(4) *Public hearing by Town Council.*

- a. Before enacting an amendment to this chapter, the Town Council shall hold a public hearing thereon. Notice of the time and place of the public hearing shall be given by publication in a newspaper of general circulation in the Town at least fifteen (15) days before the date of the hearing.
- b. In addition, if the proposed amendment is an amendment in the

Commented [NF1]: Changed "hearing" to "meeting"

zoning district boundaries depicted on the official zoning map, notice of the time and place of the public hearing shall be given as follows:

1. Each lot or tract to which the proposed rezoning ordinance applies shall be posted with a notice of the proposed change and the date, time and place of the public hearing. The notice shall be on a form approved by the building inspector and shall be no smaller than 8 ½ inches by 11 inches, shall be properly shielded from the natural elements and shall be posted on the premises at such place as shall gain the maximum exposure to the public;
2. Each owner of a lot or tract falling within the block or blocks on which any change in the zoning map is proposed and each owner of a lot or tract in any block which is separated from the block or blocks in which the change is proposed by a road or a road right-of-way shall be given notice of the date, time and place of the public hearing. For purpose of this provision, notice shall be deemed given when the Town Administrator has deposited a copy of such notice in the United States mail, postage paid, and addressed to the owner at the address which is the most current address in the records of the Town; and
3. The Town Administrator shall give notice of the proposed action, and the date, time and place of the public hearing in the Town's newsletter published next ensuing the date of hearing.

(5) *Changes in the zoning map.* Following final action by the Town Council, any necessary changes shall be made in the zoning map by the Town Administrator or his/her designee. A written record of the type and date of such change shall be maintained by the Town Administrator or his/her designee.  
(Ord. of 7-9-87, § 1; Ord. of 3-9-89, § 1)

### ARTICLE III. ADMINISTRATION

Sec. 86-61. Building Code Administrator.  
Sec. 86-62. Building and sign permits required.  
Sec. 86-63. Application for building permit.  
Sec. 86-64. Certificate of occupancy for new, altered or nonconforming uses.  
Sec. 86-65. Conditional and temporary uses.  
Sec. 86-66. Expiration of building permit.  
Sec. 86-67. Complaints regarding violations and remedies.  
Sec. 86-68. Remedies.  
Sec. 86-69. Penalties for violation.  
Sec. 86-70. Appeal from the decision of the Building Code Administrator.  
Secs. 86-71 – 86-85. Reserved.  
Secs 86-86 – 86-92 Deleted from this section; moved to Chapter 62  
Secs 86-93 – 86-110. Reserved; deleted.

#### **Sec. 86-61. Building Code Administrator.**

(a) The Town Council shall appoint the Building Code Administrator who, as such, will be assigned the duty and authority to administer and enforce the provisions of this chapter.

(b) If the Building Code Administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, 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; or shall take any other action authorized by this chapter to ensure compliance with

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or to prevent violation of its provisions.  
(Ord. of 6-11-81, § 800; Ord. of 2-13-03(1), § 15)

**Cross reference**-Building inspection department, § 14-71 et seq.

**Sec. 86-62. Building and sign permits required.**

No building, sign or other structure shall hereafter be erected, moved, added to, or structurally altered without a permit thereof, issued by the Building Code Administrator except in conformity with the provisions of this chapter and chapter 71, unless he is so directed by the Zoning Board of Appeals as provided by this chapter and chapter 62. No building permit issued under the provisions of this chapter for land use or construction in the Town shall be considered valid unless signed by the Building Official or Building Code Administrator.  
(Ord. of 6-11-81, § 801; Ord. of 2-13-03(1), § 16)

**Sec. 86-63. Application for building permit.**

(a) All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, a site plan of which one additional copy shall be in digital form (disk/CD), depicting the area to be cleared, the area required for the septic system, where applicable, and the location of all "protected trees," the exact location on the lot of any building(s) already existing, and the locations and dimensions of the proposed building or alteration. The application shall include such the exact sizes and locations on the lot of the buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official or Building Code Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter. At the time of the application, all protected trees on a lot that require removal for the proposed construction shall be marked with flagging tape.

(b) One (1) copy of the plans shall be returned to the applicant by the Building Code Administrator, after he/she has marked such copy either as approved or disapproved and attested to same by their signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Building Code Administrator.

(c) In addition, pre-construction site plans and as-built site plans shall be required for all additions and new construction projects. The Building Code Administrator shall have the authority to exempt the site plan or as-built, providing the projects do not alter the footprint of the structure as defined in section 86-186(a)(1)(c).

(Ord. of 6-11-81, § 802; Ord. of 6-21-01(2), § 4; Ord. of 2-13-03(1), § 17; Ord. of 11-11-04(2), § 1; Ord. of 3-8-07(1), § 1; Ord. of 10-11-07(2), § 1)

**Sec. 86-64. Certificate of occupancy for new, altered or nonconforming uses.**

(a) It shall be unlawful to use or occupy or permit the use or 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 or structure until a certificate of occupancy shall have been issued therefore by the Building Code Administrator. The certificate of occupancy shall state that the proposed use of the building of land conforms to the requirements of the Town's ordinances and all applicable Building Codes.

(b) No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of occupancy has been issued, which shall state specifically wherein the nonconforming use differs from the provisions of this chapter, provided that upon enactment or amendment of this chapter, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conformance at the time of enactment or amendment of this chapter.

(c) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of occupancy. The certificate shall be issued in conformity with the provisions of this chapter upon completion of the work. A temporary certificate of occupancy may be issued by the Building Code Administrator during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public

(d) No certificate of occupancy issued under the provisions of this chapter shall be considered valid unless signed by the Building Code Administrator as duly designated in section 86-61.

(e) The Building Code Administrator shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

(f) Failure to obtain a certificate of occupancy shall be a violation of this chapter and punishable under section 86-69.

(g) Before issuance of a certificate of occupancy an as-built site plan and height certification shall be provided to the building department. The as-built site plan shall be in paper and digital form (disk/CD). The as-built site plan and height certification shall bear the seal of a licensed and certified surveyor within the State of South Carolina. The required height certification shall be provided to the building department at or before the rough-in inspection and shall bear the seal of a licensed and certified surveyor within the State of South Carolina. The Building Code Administrator may waive the requirement for an as-built or height certification where the building footprint as defined in section 86-186 (a)(1)(c) has not been modified, and/or there were no roof modifications or additions. (Ord. of 6-11-81, § 803; Ord. of 2-13-03(1), § 18; Ord. of 10-11-07(2), § 2)

#### **Sec. 86-65. Conditional and temporary uses.**

Conditional uses, as set forth in sections 86-136 through 86-145, and temporary uses, as set forth in this section, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location.

(1) *General requirements.* Conditional uses shall be permitted subject to a determination by the Building Code Administrator that they conform to all regulations set forth herein and elsewhere in this chapter, with particular reference to those requirements established for those districts in which they are proposed for location.

(2) *Conditional use administration and duration.* Applications for permission to build, erect or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this article, prior to this issuance of any permits. It shall be the responsibility of the Building Code Administrator to determine compliance with the conditions for such use. Seasonal uses, which are proposed to be open for more than three (3) weeks, but less than six (6) months, shall be processed as a conditional use, not a temporary use.

(3) *Temporary uses.* The Building Code Administrator, or his designee, is authorized to approve and issue a temporary certificate of zoning compliance for temporary uses, as follows:

a. Carnival, circus, fair, street dances, tournaments, festivals and similar special events that draw large crowds

1) No more than one hundred (100) people will be participating.

2) No special parking or traffic control is necessary as determined by the Police Department.

3) The event is scheduled to last less than eight (8) hours per day for no more than two (2) days, and,

4) The applicant has provided such information and performance assurances and/or requirements as may be set forth in the Special Events Application Town Council may adopt from time to time, including such certificates of liability insurance as may be required.

5) Appeals of the Building Code Administrator's decisions on a special event application are appealable to Town Council. Accordingly, applications should be filed well in advance to allow for processing and appeal.

b. Religious meeting in a tent or other temporary structure in C-1, C-2, or C-3 districts, for a period not to exceed seven (7) days.

c. Open lot sale of Christmas trees, in the C-2 and C-3 districts for a period not to exceed thirty (30) days.

d. Contractor's office and equipment sheds, in any district, for a period of six (6) months, provided that such office be placed on the property to which it is appurtenant, and further provided that such office shall not be used for living, sleeping or housekeeping purposes.

e. All temporary certificates of zoning compliance may be renewed provided that it is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

f. All structures for which a temporary certificate of zoning compliance has been issued shall be removed from the Town immediately at any time the National Hurricane Center predicts landfall of a hurricane within 72 hours and within 70 miles of the Town, and shall remain out of the Town until such alert is lifted. The Building Code Administrator shall not issue a permit under this section for a structure which cannot be removed within two (2) hours. The permittee shall provide written evidence that he has available when needed equipment necessary for the removal of the temporary structure.

(Ord. of 6-11-81, § 804; Ord. of 9-11-86, §§ 1,2; Ord. of 8-7-97(2), § 2; Ord. of 9-14-00, § 1; Ord. of 2-13-03(1), § 19; Ord. No. 2009-03, § 1,2-12-09)

#### **Sec. 86-66. Expiration of building permit**

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, the permit shall become invalid, or if the building or work authorized by such permit is suspended or abandoned for a period of six months or more after the work has commenced, the permit shall become invalid and it shall be canceled by the Building Code Administrator, subject to vested rights and/or any other state or federal laws. Written notice thereof shall be given to the persons affected. Failure of the Building Code Administrator to send a written notice shall not be construed as a prerequisite to the explanation of the permit;

March 24, 2015 – Current ordinance in black with revisions shown in red.

rather, it is an administrative courtesy.

(Ord. of 6-11-81, § 805; Ord. of 2-13-03(1), § 20)

**Sec. 86-67. Complaints regarding violations and remedies.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Code Administrator. The Building Code Administrator shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with the chapter. (Ord. of 6-11-81, § 806; Ord. of 2-13-03(1), § 21)

**Sec. 86-68. Remedies.**

(a) In case any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be or is used in violation of this chapter, the Town Administrator, Building Code Administrator, Town Council, the Town Attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. See also Chapter 71, Article IV, and Chapter 14.

(b) Any occupant violating the permit terms of the septic or sewer system to which the building is connected shall be subject to withholding or revocation of the building's certificate of occupancy. In the event any occupant violates the permit terms of the septic or sewer system to which the building has been connected, the Town Administrator, Building Code Administrator, Town Council, the Town Attorney, or any other person aggrieved may, in addition to proceeding to prevent, enjoin, abate, or remove such unlawful use of the sewer or septic system, and the occupant may be subject to additional remedies and actions under Chapter 14 and the International Building Code or state law.

(Ord. of 6-11-81, § 807; Ord. of 2-13-03(1), § 22; Ord. of 10-9-03(2), § 6)

**Sec. 86-69. Penalties for violation.**

(a) Any person violating any provisions of this chapter shall be guilty of a misdemeanor, shall be prosecuted according to procedures established for misdemeanors, and, upon conviction, shall be fined as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.

(b) Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 6-11-81, § 808)

**Sec. 86-70. Appeal from the decision of the Building Code Administrator.**

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the Building Code Administrator and that such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Building Code Administrator, as provided for in article III of chapter 62.

(Ord. of 6-11-81, § 809; Ord. of 2-13-03(1), § 23)

Secs. 86-71-86-85. Reserved.

ARTICLE IV. DISTRICTS

DIVISION 1. – GENERALLY

DIVISION 2. – SPECIFIC DISTRICT REGULATIONS

DIVISION 3. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

- Sec. 86-111. Establishment of districts
- Sec. 86-112. Zoning district boundaries and the official zoning map
- Sec. 86-113. Critical areas and the official zoning map
- Sec. 86-114. Flood hazard boundary maps
- Sec. 86-115. Rules for interpretation of district boundaries
- Sec. 86-116. Changes to district boundaries
- Sec. 86-117. Custodian of the official zoning map
- Sec. 86-118. Zoning of annexed property
- Sec. 86-119. General standards
- Sec. 86-120. Durational limitation on Town Council approvals
- Sec. 86-121. Summary tables of bulk standards for specific districts
- Sec. 86-122 – 86-134. – Reserved.

**Sec. 86-111. Establishment of districts.**

For the purpose of this chapter, the Town is hereby divided into the following zoning districts:

<b>R-1</b>	Low density residential district
<b>R-2</b>	Two-family residential district
<b>R-4</b>	Low density residential and clubhouse district
<b>R-7</b>	Multifamily residential district
<b>C-1</b>	Office commercial district
<b>C-2</b>	Marine commercial district
<b>C-3</b>	Commercial district
<b>PB</b>	Public and semipublic district
<b>PUD</b>	Planned unit development district
<b>O-1</b>	Open space district

**Deleted: MH** Mobile Manufactured home district ¶

(Ord. of 6-11-81, § 300; Ord. of 5-14-92, § 1; Ord. of 2-3-97, § 2; Ord. of 12-9-04(2), § 1)

**Sec. 86-112. Zoning district boundaries and the official zoning map.**

The boundaries of the above zoning districts are shown on a map entitled Official Zoning Map, Edisto Beach, South Carolina, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the Mayor attested by the Town Administrator, together with the date of the adoption of this chapter and any subsequent amendment. (Ord. of 6-11-81, § 301)

**Sec. 86-113. Critical areas and the official zoning map.**

Critical areas as defined by section 3, paragraphs (t), (g), (h), and (i) of the South Carolina Coastal Zone Management Act, S.C. Code 1926, § 48-39-270 et seq., are delineated on the official zoning map and, as such, are a part of this chapter. (Ord. of 6-11-81, § 302)

**Sec. 86-114. Flood hazard boundary maps.**

Federal Emergency Management Agency flood hazard boundary maps designating flood hazard areas within the Town having an effective date as prepared by the Department of Housing and Urban Development, Federal Emergency Management Agency, copies of which are on file in the office of the Town Administrator, are hereby adopted by reference and are fully a part of this chapter as if set forth in this section. (Ord. of 6-11-81, § 303)

**Sec. 86-115. Rules for interpretation of district boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, or the FEMA flood hazard boundary maps, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following Town limits shall be construed as following such Town limits;
- (4) Boundaries indicated as parallel to or extension of features indicated in subsections (1) through (3) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- (5) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (4) of this section, the Zoning Board of Appeals shall interpret the district boundaries.

(Ord. of 6-11-81, § 304)

**Sec. 86-116. Changes to district boundaries.**

(a) If, in accordance with the provisions of this chapter and S.C. Code 1976, § 6-7-10 et seq., changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Town Council. No amendment to this chapter which involves matter portrayed on the official zoning map shall become effective until after such change has been made on such map.

(b) No change of any nature shall be made on the official zoning map except in conformity with the procedures set forth by this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided by law. (Ord. of 6-11-81, § 305)

**Sec. 86-117. Custodian of the official zoning map.**

Regardless of the existence of purported copies of the official zoning map, referenced in 86-33 (5), which may from time to time be made or published, the official zoning map which shall be located in the Town Council chambers shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the Town.

(Ord. of 6-11-81, § 306)

**Sec. 86-118. Zoning of annexed property.**

All territory which may hereafter be granted or annexed to the Town shall not be classified until such time as the Town Council may establish such classification through normal procedures. No building permits shall be issued in non-zoned areas.

(Ord. of 6-11-81, § 307)

**Sec. 86-119. General standards.**

The regulations set by this chapter within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this chapter. Except where provisions for relief are set forth elsewhere in the chapter, the following general standards for the enforcement of district regulations shall apply.

*(1) Use of land or structures.*

a. No land or structures shall hereafter be used or occupied, and no structure or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all of the regulations specified in this chapter for the district in which it is located.

b. No part of a yard, or other open space or off-street parking or loading required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard open space, or off-street parking or loading space similarly required for any other building.

c. Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front rear or side yard for the purpose of meeting yard requirements.

*(2) Lot reduction prohibited.* No yard or lot existing at the time of passage of this chapter shall be reduced in dimensions or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

*(3) Use of substandard lots of record.* Where the owner of a lot at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may nonetheless be used as a building site and the Building Code Administrator is authorized to issue a permit for the use of the property which conforms to the requirements for the district in which the lot is located as set forth in the chapter provided that the lot requirements are not reduced below the minimum specified in this chapter by more than twenty percent (20%), as determined by the Building Code Administrator.

*(4) Division 2 of this article provides for uses of some districts within certain other districts as permitted uses. In such circumstances, the use, activity or structure allowed within the district must comply with the most*

stringent regulations governing such use, activity or structure; provided however, lot area should be governed by the underlying or primary district regulations;

(5) Adoption of this section does not prohibit continuation of an existing, lawful grandfathered use, activity or structure.

(Ord. of 6-11-81, art. IV; Ord. of 10-10-02(1), § 1)

**Sec. 86-120. Durational limitation on Town Council approvals.**

Any approval or conditional approval given by Town Council which is required to be submitted to Town Council after the recommendation of the Planning Commission shall be void unless a building permit for the proposed improvements is issued within six (6) months from the date of approval by Town Council; provided, however, any such approval or conditional approval subject to the vested rights of article VIII of this chapter shall be void unless a building permit for the proposed improvements is issued within six (6) months after a vested right under article VIII expires.

(Ord. of 8-12-04(2), § 1; Ord. of 3-8-07(2), § 1)

**Secs. 86-121-86-134. Reserved.**

**DIVISION 2. SPECIFIC DISTRICT REGULATIONS**

<del>Sec. 86-135.</del>	<del>R-1 low density residential district</del>
<del>Sec. 86-136.</del>	<del>R-2 two-family residential district</del>
<del>Sec. 86-137.</del>	<del>R-4 low density residential and clubhouse district</del>
<del>Sec. 86-138.</del>	<del>R-7 Multifamily residential district</del>
<del>Sec. 86-139.</del>	<del>C-1 office commercial district</del>
<del>Sec. 86-140.</del>	<del>C-2 marine commercial district</del>
<del>Sec. 86-141.</del>	<del>C-3 marine commercial district</del>
<del>Sec. 86-142.</del>	<del>PB public and semipublic district</del>
<del>Sec. 86-143.</del>	<del>Reserved.</del>
<del>Sec. 86-144.</del>	<del>PUD planned unit development district</del>
<del>Sec. 86-145.</del>	<del>Beach management overlay zoning district</del>
<del>Sec. 86-146.</del>	<del>O-1 open space district</del>
<del>Sec. 86-147 – 86-165.</del>	<del>Reserved</del>

Deleted: MH manufactured home district

**Sec. 86-135. R-1 low density residential district.**

(a) *Purpose.* The purpose of the R-1 low density residential district is to provide for quiet, livable, low-density, single-family neighborhoods. The district requirements are designed to prevent encroachment by incompatible uses and to encourage the discontinuance of existing uses that would not be permitted as new uses under this chapter.

(b) *Permitted uses.*

- (1) One-family dwelling. Only one dwelling is permitted per lot.
- (2) Boat docks, private noncommercial.
- (3) Public libraries.
- (4) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.



(5) Churches, provided structures are not less than twenty-five (25) feet from any residential property line.

(6) Public and private schools, provided the structures are placed not less than fifty (50) feet from any residential property line.

(7) Public utilities, provided that service and storage yards are prohibited.

(8) Accessory uses and home occupations as described by this chapter. The use of motor vehicles for storage purposes does not conform to the provisions of this chapter as set forth in section 86-3.

(9) Signs, in accordance with subsection (c) of this section, sign regulations.

(10) Use of dwelling units otherwise permitted in the R-I district to provide lodging for short-term occupancy.

(11) Public parks.

(c) *Sign regulations.* See article V of this chapter.

(d) *Area regulations.*

(1) Minimum lot area per dwelling unit:

- a. On septic tank: 11,000 square feet.
- b. On community sewer system: 11,000 square feet.

(2) Minimum lot width measured at building line for dwelling units: Seventy-five (75) feet.

(3) Dock sites. Minimum lot width: Fifty (50) feet.

(e) *Yard regulations.*

(1) Minimum front yard setbacks for lots on Palmetto Boulevard fronting the Atlantic Ocean from Highway 174 to Portia Street: Ten (10) feet.

(2) Minimum front yard setback for all other lots: Twenty (20) feet.

(3) Minimum side yard setback: Ten (10) feet.

(4) Minimum rear yard setback: Ten (10) feet.

(f) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking regulations.* See section 86-175.

**Deleted:** Mobile homes in compliance with section 86-143. ¶  
¶  
(9)

(h) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions.

(Ord. of 6-11-81, § 500; Ord. of 3-13-86, § 1; Ord. of 11-10-88, § 1; Ord. of 1-12-89, § 1; Ord. of 3-14-91, § 1; Ord. of 8-8-91, § 1; Ord. of 11-14-96(2), § 1; Ord. of 7-11-02(2), § 1; Ord. of 10-11-07(2), § 3; Ord. No. 2009-04, § 1,2-12-09; Ord. No. 2012-03, § 2, 4-12-12)

**Sec. 86-136. R-2 two-family residential district.**

(a) *Purpose.* The purpose of the R-2 two-family residential district is as follows:

- (1) To encourage the formation and continuation of a stable, healthy environment for medium density residential neighborhoods on septic tank systems or following the construction of a public sewerage system.
- (2) To discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character.
- (3) To discourage any use which would generate traffic on local streets other than that required to serve residents on these streets.

(b) *Permitted uses.*

- (1) All uses permitted in the R-1 low density residential district.
- (2) Two-family dwellings.
- (3) Use of dwelling units otherwise permitted in the R-2 district to provide lodging for short-term occupancy.
- (4) Dock sites, fifty (50) feet minimum lot width.
- (5) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions.

(c) *Sign regulations.* See article V of this chapter.

(d) *Area and dimension regulations.*

(1) Minimum lot area (square feet):

<i>Dwelling</i>	<i>On Septic Tank</i>	<i>On Community Sewerage System</i>
Single-family	11,000 sf	6,000 sf
Two-family and other permitted uses	11,000 sf	8,800 sf

(2) Minimum lot width measured at building line: Seventy (70) feet.

(3) Minimum lot width for dock site only: Fifty (50) feet.

(4) The amendments to this provision do not apply to any lots which are shown on a duly recorded plat and complied with all zoning requirements as of Aug. 7, 1997.

(e) *Yard regulations.*

(1) Minimum front yard setback: Twenty (20) feet.

(2) Minimum side yard setback: Ten (10) feet.

(3) Minimum rear yard setback: Ten (10) feet.

(4) No more than thirty percent (30%) of the ground of lots in the R-2 district may be covered with impervious surfaces.

(f) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking regulations.* See section 86-175.

(h) *Processing duplexes.* A preliminary development concept plan shall be submitted to the Planning Commission for recommendation to the Town Council for all duplexes. This plan shall be in accordance with subsection 86-144(e)(5), pertaining to processing planned developments.

(i) *Certain lots grandfathered.* All two-family residential units existing on under construction on lots in the R-2 district, and undeveloped lots in the R-2 district on July 1, 2004 may continue to be used for two-family residential dwellings allowable under this section until the following occurs: (1) a two-family unit is replaced by a single-family unit; or (2) a single-family unit is built on an undeveloped R-2 lot.

(Ord. of 2-3-97, § 4(500A); Ord. of 8-7-97(1), § 4; Ord. of 3-12-98, § 4; Ord. of 8-12-04(1), § 2; Ord. of 9-9-04(3), § 2; Ord. of 10-11-07(2), § 4; Ord. No. 2009-04, § 1, 2-12-09)

**Sec. 86-137. R-4 low density residential and clubhouse district.**

(a) *Purpose.* The purpose of the R-4 low density residential and clubhouse district is to provide for quiet, livable, low-density, single-family neighborhoods integrated with appropriate private clubs. The district requirements are designed to prevent encroachment by incompatible uses and to encourage the discontinuance of existing uses that would not be permitted a new user under this chapter.

(b) *Permitted uses.*

(1) All uses permitted in the R-1 low density residential district.

(2) Clubhouses for private nonprofit yacht clubs, not including the chief activity of which is a service customarily carried on as a business.

(3) Signs, in accordance with article V of this chapter, sign regulations.

(c) *Area and dimension regulations.*

## (1) Minimum lot area:

	<i>On Septic Tank</i>	<i>On Community Sewerage System</i>
Clubhouse	8/10 acre	8/10 acre
Single-family dwelling	11,000 sf	6,000 sf

(2) Minimum lot width measured at building line: Seventy-five (75) feet.

(3) Minimum lot width for dock site only: Fifty (50) feet.

(d) *Yard regulations.*

(1) Minimum front yard setback: Twenty (20) feet.

(2) Minimum side yard setback: Ten (10) feet.

(3) Minimum rear yard setback: Ten (10) feet.

(e) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(f) *Off-street parking regulations.* See section 86-175. For purpose of off-street parking regulations, a clubhouse shall be deemed a place of public assembly.

(g) *Additional requirements for private, nonprofit yacht clubs.*

(1) Dry stacking of boats is prohibited.

(2) Screening is required as defined in section 86-3 of article I of this chapter.

(h) *Applicant procedure.* Each application for a building permit for a clubhouse in an area zoned R-4 shall be reviewed by the Planning Commission and approved by the Town Council. The application shall be accompanied by the following:

(1) A development plan of the proposed development at a scale of not less than one (1) inch equals one-hundred (100) feet showing:

- a. The location and size of site;
- b. The dimensions of the property;
- c. The location and proposed use of buildings and their general exterior dimensions;
- d. A traffic, parking and circulation plan, showing proposed locations; arrangements, number and dimensions of parking spaces, loading areas, and ingress and egress to and from adjacent street;

e. The proposed locations and materials to be used for screening as defined in section 86-3 of article I of this chapter.

f. A title, showing the names of the developer, the date, scale of plan, and the name of the individual or firm preparing the plan.

(2) A statement, to be filed with the Building Code Administrator, indicating readiness to proceed with construction of the proposed development within one (1) year from the date the proposal is approved.

(i) *Issuance of building permit.* No building permit shall be issued for any clubhouse in an area zoned R-4 until a final development plan shall have been reviewed and recommended to the Building Code Administrator by the Planning Commission. The Building Code Administrator may approve requests based on his review, the Planning Commission's report, and such other data as he may require.

(Ord. of 6-11-81, § 50.A; Ord. of 5-14-92, § 2; Ord. of 3-12-98, § 5; Ord. of 9-10-98(4), §§ 2, 3; Ord. of 2-13-03(1), § 27; Ord. of 10-11-07(2), § 5; Ord. No. 2009-04, § 1, 2-12-09)

**Sec. 86-138. R-7 Multifamily residential district.**

(a) *Purpose.* The purpose of the R-7 multifamily residential district is as follows:

(1) To encourage the formation and continuance of a stable, healthy environment for medium and high density residential neighborhoods on septic tank systems or following the construction of a public sewerage system.

(2) To discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character.

(3) To discourage any use which would generate traffic on local streets other than that required to serve residents on these streets.

(b) *Permitted uses.*

(1) All uses permitted in the R-1 low density residential district.

(2) Multifamily dwellings, Townhouses and condominiums.

(3) Dock sites: Fifty (50) feet minimum lot width.

(4) Accessory uses to multifamily dwellings, including parking lots, swimming pools, tennis courts, and laundry facilities.

(5) Two-family dwellings.

(6) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions.

(7) Use of dwelling units otherwise permitted in the R-7 district to provide lodging for short-term occupancy.

(c) *Sign regulations.* See article V of this chapter.

(d) *Area and density regulations.*

(1) Minimum lot area:

	<i>On Septic Tank</i>	<i>On Community Sewerage System</i>
Single-family dwellings	11,000 sf	6,000 sf
Two-family dwellings and other permitted uses	11,000 sf	8,800 sf

(2) Minimum lot width measured at building line: Seventy (70) feet.

(3) The amendments to this provision do not apply to any lots which are shown on a duly recorded plat and complied with all zoning requirements as of August 7, 1997.

(4) Maximum density is seven (7) dwelling units per acre.

(5) Notwithstanding the provisions of section 86-168, one-family and two-family residential structures which are constructed on property which has been conveyed in fee simple to a horizontal property regime, as that term is used in the South Carolina Horizontal Property Act, Code of Laws of South Carolina § 27-31-10, et seq., as amended, are not required to be located on an individual lot of record so long as they meet all other density requirements of this section; provided however, none of the premises conveyed to such horizontal property regime may be used for any use except use as permitted dwellings, accessory uses to dwellings and home occupations.

(e) *Yard regulations.*

(1) Minimum front yard setback: Twenty (20) feet.

(2) Minimum side yard setback: Ten (10) feet.

(3) Minimum rear yard setback: Ten (10) feet.

(4) No more than thirty percent (30%) of the ground of lots in the R-7 district may be covered with impervious surfaces.

(f) *Minimum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking regulations.* See section 86-175.

(h) *Processing applications and permits for all dwelling units.* Applicants for all dwelling units shall participate in applicant and permit procedures identical to those provided in subsection 86-141(i) and (j).

(Ord. of 6-11-81, § 501; Ord. of 3-13-86, § 2; Ord. of 6-12-86, §§ 1, 2; Ord. of 3-14-91, § 2; Ord. of 4-11-91, § 1; Ord. of 8-8-91, §§ 2, 9; Ord. of 11-14-96(2), §§ 2, 3; Ord. of 8-7-97(1), § 5; Ord. of 3-12-98, § 6; Ord. of 3-11-99(1),

§ 1; Ord. of 2-8-01, §§ 2-4; Ord. of 8-12-04(1), § 3; Ord. of 10-11-07(2), § 6; Ord. No. 2009-04, § 1, 2-12-09 )

**Sec. 86-139. C-1 office commercial district.**

(a) *Purpose.* The intent of the C-1 office commercial zoning district is to develop and reserve land for business office, institutional, specified public, semipublic, and residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms and to discourage any encroachment by uses capable of adversely affecting the specialized character of the district.

(b) *Permitted uses.*

(1) Any uses permitted under Section 86-135(b) for the R-1 low density residential district, together with the conditions attached thereto.

(2) Businesses involving the rendering of personal and general services, including, but not limited to, barber and beauty shops, real estate agencies, attorney offices and shoe repair shops.

(3) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions.

(4) Public libraries.

(c) *Sign regulations.* See Article V of this Chapter.

(d) *Area regulations.*

(1) Minimum lot area per unit:

a. Single-family dwellings: 11,000 square feet.

b. Other permitted uses: 11,000 square feet.

c. Minimum lot width measured at building line: Seventy-five (75) feet.

(e) *Yard regulations.*

(1) Minimum front yard setback: Twenty (20) feet.

(2) Minimum side yard setback: Ten (10) feet.

(3) Minimum rear yard setback: Ten (10) feet.

(f) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking regulations.* See section 86-175.

(h) *Screening.* Screening is required as defined in section 86-3 of article I of this chapter.

(i) *Applicant procedure.* Each application for a building permit for new construction, remodeling, or a change in floor plan or for a change in use permit or a change in the parking requirements in an area zoned C-1 shall be reviewed by the Planning Commission and approved by Town Council. Review and approval of new single family structures, a change in floor plan that does not increase parking, general maintenance, repair and upkeep of structural and mechanical elements shall not require review and approval by the Planning Commission and the Town Council respectively. The application shall be accompanied by the following:

(1) A development plan of the proposed development at a scale of not less than one (1) inch equals one-hundred (100) feet showing:

- a. The location and size of the site;
- b. The dimensions of the property;
- c. The location and proposed use of the buildings and their general exterior dimensions;
- d. A traffic, parking, and circulation plan showing proposed locations, arrangements, number and dimensions of parking spaces, loading areas, and ingress and egress to and from adjacent streets;
- e. The proposed locations and materials to be used for screening;
- f. A title showing the names of the developers, the date, scale of plan, and the name of the individual or firm preparing the plan;
- g. Landscape plan;
- h. Description of construction material, especially roofing and exterior siding;
- i. Elevation drawings (all sides unless identical) and floor plan.

(2) A statement, to be filed with the Building Code Administrator, indicating readiness to proceed with construction of the proposed development within one year from the date the proposal is approved.

(Ord. of 6-11-81, § 502; Ord. of 3-14-91, § 3; Ord. of 8-8-91, § 3; Ord. of 9-10-98(4), § 4; Ord. of 3-11-99(3), § 1; Ord. of 7-11-02(6), § 1; Ord. of 2-13-03(1), § 28; Ord. of 10-11-07(2), § 7; Ord. No. 2009-04, § 1, 2-12-09)

**Sec. 86-140. C-2 marine commercial district.**

(a) *Purpose.* The purpose of the C-2 marine commercial district is to provide areas within the community where, due to their proximity to navigable waters, commercial marine uses may be permitted, and to minimize any adverse effects of such uses from neighboring residential uses.

(b) *Permitted uses.*

(1) Any uses permitted under Section 86-135(b) for the R-1 low density residential district, together with



the conditions attached thereto.

- (2) Commercial piers, ports, marinas or docking facilities.
- (3) Seafood preparation, limited to at-dock preparation of catch for icing prior to distribution and local sales.
- (4) Marine equipment sales, repairs, and manufacturing.
- (5) Restaurants.
- (6) Bait and tackle shops.
- (7) Accessory uses to the above permitted uses.
- (8) Signs in accord with subsection (c) of this section.
- (9) Reserved.
- (10) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions.

(c) *Sign regulations.* See article V of this chapter.

(d) *Area and dimension regulations.*

- (1) Minimum lot area.  
All permitted uses with the exception of dock sites used exclusively as such: 8,800 sf.
- (2) Minimum lot width measured at building line: Seventy (70) feet.
- (3) Minimum lot width for dock sites only: Fifty (50) feet.
- (4) The amendments to this provision do not apply to any lots which are shown on a duly recorded plat complied with all zoning requirements as of Aug. 7, 1997.

(e) *Yard regulations.*

- (1) Minimum front yard setback: Twenty (20) feet.
- (2) Minimum side yard setback: Ten (10) feet.
- (3) Minimum rear yard setback: Ten (10) feet.

(f) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking.* See section 86-175.

(h) *Applicant procedure.* Each application for a building permit for new construction, remodeling, or a change in floor plan or for a change in use permit or a change in the parking requirements in an area zoned C-2 shall be reviewed by the Planning Commission and approved by Town Council. Review and approval of new single family structures, a change in floor plan that does not increase parking, general maintenance, repair and upkeep of structural and mechanical elements shall not require review and approval by the Planning Commission and the Town Council respectively. The application shall be accompanied by the following:

(1) A development plan of the proposed development at a scale of not less than one inch equals 100 feet showing:

- a. The location and size of the site;
- b. The dimensions of the property;
- c. The location and proposed use of the buildings and their general exterior dimensions;
- d. A traffic, parking, and circulation plan showing' proposed locations, arrangements, number and dimensions of parking spaces, loading areas, and ingress and egress to and from adjacent streets;
- e. The proposed locations and materials to be used for screening;
- f. A title showing the names of the developers, the date, scale of plan, and the name of the individual or firm preparing the plan;
- g. Landscape plan;
- h. Description of construction material, especially roofing and exterior siding;
- i. Elevation drawings (all sides unless identical) and floor plan.
- j. The development plan for any proposed use of a commercial pier, pier, marina or docking facility as a point of embarkation either directly, or indirectly using shuttles, tenders, or otherwise, for a commercial vessel capable of transporting more than twenty-five (25) passengers and crew at any time must include an area dedicated exclusively for passenger processing and waiting, containing a minimum of fifteen (15) square feet for each such passenger and located within 150 feet of the planned point of embarkation.

(2) A statement, to be filed with the Building Official, indicating readiness to proceed with construction of the proposed development within one year from the date the proposal is approved.

(i) *Issuance of building permit.* No building permit shall be issued for any building in area zoned C-2 until a final development plan shall have been reviewed and recommended to the Building Official by the Planning Commission. The Building Official may approve requests based on his review, the Planning Commission's report, and such other data as he may require.

(Ord. of 6-11-81, § 503; Ord. of 6-12-86, § 3; Ord. of 5-14-87, § 1; Ord. of 7-12-90, § 1; Ord. of 8-8-91, §§ 4, 7; Ord. of 2-11-93, § 1; Ord. of 8-7-97(1), § 2; Ord. of 3-12-98, § 2; Ord. of 9-10-98(4), § 5; Ord. of 3-11-99(3), § 2; Ord. of 10-10-02(2), § 1; Ord. of 2-13-03(1), § 29; Ord. of 12-9-04(3), §§ 1,2; Ord. of 10-11-07(2), § 8; Ord. No. 2009-04, §

1, 2-12-09)

**Sec 86-141 C-3 commercial district.**

(a) *Purpose.* The purpose of the C-3 commercial district is to provide areas within the community where general retail trade and business activities may be conducted without adversely affecting the residential character of the island.

(b) *Permitted uses.*

(1) Any uses permitted within the C-1 office commercial district and the C-2 marine commercial district, and any use permitted under section 86-135(b) for the R-1 low density residential district together with the conditions attached thereto.

(2) Any retail business establishment.

(3) Reserved.

(4) Commercial piers, ports, marina or docking facilities.

(5) Planned shopping centers, provided such use is in compliance with subsection (h) of this section.

(6) Day care facilities, including family day care home, group day care home, day care center and child care center.

(7) Restaurants, but not drive-in establishments.

(8) Public utilities, parks and facilities.

(9) Social, cultural, philanthropic, educational, financial, medical, business and governmental institutions and offices. .

(10) Automobile service station provided:

a. All pumps are set back at least twenty-five (25) feet from the right-of-way line of the street;

b. Parking and/or service areas are separated from adjoining residential properties by screening as defined in section 86-3 of article I of this chapter.

(11) Garage for the repair and servicing of motor vehicles provided:

a. All operations are conducted within a fully enclosed building.

b. There is no open storage of wrecked vehicles, dismantled parts or parts visible beyond the premises.

(12) Combination of residential structure with any use permitted in this section provided that all dwelling units have direct access to the street.

(13) Accessory uses and structures customarily incidental to permitted uses;

(14) Signs, in accordance with subsection (c) of this section, sign regulations.

This list of permitted uses is not illustrative, but is comprehensive and exhaustive.

(c) *Sign regulations.* See article V of this chapter.

(d) *Area and dimension regulations.*

(1) Minimum lot area. All permitted uses with the exception of dock sites used exclusively as such: 11,000 sf.

(2) Minimum lot width measured at building line: Seventy-five (75) feet.

(3) Minimum lot width for dock sites only: Fifty (50) feet.

(4) The amendments to this provision do not apply to any lots which are shown on a duly recorded plat and complied with all zoning requirements as of August 7, 1997.

(e) *Yard regulations.*

(1) Minimum front yard setback: Twenty (20) feet.

(2) Minimum side yard setback: None, except where the district abuts any residential zoning district, street or alley, not less than fifteen (15) feet shall be provided. Further in such cases, unless separated by a street right-of-way, screening as defined in section 86-3 of article I of this chapter shall be provided.

(3) Minimum rear yard setback: Ten (10) feet.

(f) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking regulations.* See section 86-175.

(h) *Requirements for planned shopping centers.*

(1) *Lot area.* The planned shopping center shall be located on a parcel of land not less than two (2) acres in area.

(2) *Setbacks.*

a. Minimum building setback from all street right-of-way lines shall be twenty (20) feet.

b. Minimum building setback from side shopping center property lines shall be fifteen (15) feet.

c. Minimum building setback from rear interior property lines shall be fifteen (15) feet.

(3) *Screening.* Screening is required as defined in section 86-3 of article 1 of this chapter.

(i) *Applicant procedure.* Each application for a building permit for new construction, remodeling, or a change in floor plan or for a change in use permit or in change in parking requirements in an area zoned C-3 shall be reviewed by the Planning Commission and approved by Town Council. Review and approval of new single family structures, a change in floor plan that does not increase parking, general maintenance, repair and upkeep of structural and mechanical elements shall not require review and approval by the Planning Commission and the Town Council respectively. The application shall be accompanied by the following:

(1) A development plan of the proposed development at a scale of not less than one inch equals 100 feet showing:

- a. The location and size of the site;
- b. The dimensions of the property;
- c. The location and proposed use of the buildings and their general exterior dimensions;
- d. A traffic, parking, and circulation plan showing proposed locations, arrangements, number and dimensions of parking spaces, loading areas, and ingress and egress to and from adjacent streets;
- e. The proposed locations and materials to be used for screening;
- f. A title showing the names of the developers, the date, scale of plan, and the name of the individual or firm preparing the plan;
- g. Landscape plan;
- h. Description of construction material, especially roofing and exterior siding;
- i. Elevation drawings (all sides unless identical) and floor plan.
- j. The development plan for any proposed use of commercial piers, ports, marinas or docking facilities proposed to be used as a point of embarkation either directly, or indirectly using shuttles, tenders, or otherwise, for a commercial vessel capable of transporting more than twenty-five (25) passengers and crew at any time must include an area dedicated exclusively for passenger processing and waiting, containing a minimum of fifteen (15) square feet for each such passenger and located within 150 feet of the planned point of embarkation.

(2) A statement, to be filed with the Building Official, indicating readiness to proceed with construction of the proposed development within one year from the date the proposal is approved.

(j) *Issuance of building permit.* No building permit shall be issued for any building in an area zoned C-3 until a final development plan shall have been reviewed and recommended to the Building Official by the Planning Commission. The Building Official may approve requests based on his review, the Planning Commission's report, and such other data as he may require.

(k) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions

(Ord. of 6-11-81, § 504; Ord. of 2-9-89, § 1; Ord. of 7-12-90, § 2; Ord. of 3-14-91, §§ 4,5; Ord. of 8-8-91, § 8; Ord. of 11-14-96(3), §§ 2, 3; Ord. of 8-7-97(1), § 3; Ord. of 3-12-98, § 3; Ord. of 9-10-98(4), §§ 6-9; Ord. of 3-11-

99(1), § 2; Ord. of 3-11-99(3), § 3; Ord. of 2-8-01, § 5; Ord. of 7-11-02(7), §§ 1, 2; Ord. of 2-13-03(1), § 30; Ord. of 11-11-04(3), § 1; Ord. of 12-9-04(3), §§ 3, 4; Ord. of 10-11-07(2), § 9; Ord. No. 2009-04, § 1, 2-12-09)

**Sec. 86-142. PB public and semipublic district.**

(a) *Purpose.* The purpose of the PB public and semipublic district is to provide for uses which shall be needed in the performance of governmental activity or to furnish areas for community recreation.

(b) *Permitted uses.*

- (1) Any office, house, storage shed or other type of buildings which are used exclusively for federal, state, county or Town governmental purposes.
- (2) Police, fire, rescue squad or civil defense stations.
- (3) Grounds and facilities for open air games or sports.
- (4) Accessory uses clearly incidental to permitted use and which will not create a nuisance or hazard.

(5) Public Parks

(c) *Sign regulations.* See article V of this chapter.

(d) *Area regulations.* Minimum lot area: None except where required by county health department for septic tank usage.

(e) *Yard regulations.*

(1) *Setbacks.*

- a. Minimum front yard setback: Twenty (20) feet.
- b. Minimum side yard setback: Ten (10) feet.
- c. Minimum rear yard setback: Ten (10) feet.

(2) *Screening.* Screening is required as defined in section 86-3 of article I of this chapter.

(3) No more than thirty percent (30%) of the ground of lots in the PB district may be covered with impervious surfaces.

(f) *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(g) *Off-street parking regulations.* See section 86-175.

(Ord. of 6-11-81, § 505; Ord. of 3-14-91, § 6; Ord. of 9-10-98(4), § 10; Ord. of 8-12-04(1), § 4; Ord. of 10-11-07(2), § 10; Ord. of 3-20-08(2); Ord. No. 2009-04, § 1, 2-12-09)

**Sec. 86-143. Reserved.****Sec. 86-144. PUD planned unit development district.****(a) Purpose.**

(1) The purpose of the PUD planned development district is to permit development for specialized purposes where tracts suitable in location, area, and character are to be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined primarily by reference to the currently adopted zoning map, but due consideration shall also be given to the existing and prospective character of surrounding development.

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

**(b) Relation of PUD regulations to general zoning or other regulations.** The planned unit development regulations that follow shall apply generally to the initiation and regulation of all planned unit development districts. Where there are conflicts between the special PUD regulations in this section and general zoning, or other regulations or requirements, these regulations shall apply in PUD districts unless the Planning Commission shall find, in a particular case, that provisions in this section do not serve public purposes to a degree at least equivalent to such general zoning or other regulations or requirements.

**(c) Planned unit development; where and how permitted.**

(1) Where the symbol PUD is established on the official zoning district map, planned unit development is permitted as the applicable zoning classification, provided it is planned and developed on a unified basis, in accord with the provisions of this section.

(2) Where the symbol PUD is not established on the official zoning district map, but where there is a minimum area of at least twenty (20) acres, a planned unit development may nonetheless be established by amendment as provided for in this chapter, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, in accord with the provisions of this section.

**(d) Permitted PUD uses.** Any use permitted in the R-7 district; provided that land use can be further restricted by the PUD adopted development map.

(1) Subject to restrictions and limitations on land and tract use set forth in the PUD adopted development map, residential uses allowed, in addition to condominiums and other similar buildings for multi-family use, including duplexes and single-family dwellings, so long as such areas meet all other requirements of an R-7 district as allowed under State Code section 6-29-720 (c)(5) and 6-29-740. Density may be up to, but not exceed, the allowable PUD density in subsection (e)(4)c.

(2) Subject to restrictions and limitations on land and tract use set forth in the PUD adopted development map, commercial uses limited to the following:

- a. Business and professional offices providing monetary and specialized professional knowledge

**Deleted: MH Manufactured home district. ¶**

**Deleted:** (a) *Intent of district.* The intent of the MH manufactured home district is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in manufactured homes, to protect manufactured home parks from encroachment by incompatible uses, and to encourage the consolidation of manufactured home parks within the Town. Manufactured home parks shall henceforth be located in conformance with the regulations set forth in this section. The manufactured home district is a "floating zone", as authorized by the Enabling Act, and consists of a zoning map amendment to be approved by Town Council upon recommendation from the Planning Commission. ¶

**¶ (b) Where and how permitted. ¶**

(1) If the symbol MH is established on the official zoning district map, a manufactured home district is permitted as the applicable zoning classification, provided it is planned and developed on a unified basis, in accord with the provisions of this section. ¶

(2) If the symbol MH is not established on the official zoning district map, a manufactured home district may nonetheless be established by amendment as provided for in this chapter, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, in accord with the provisions of this section. ¶

(3) No permitted use shall create disturbing or offensive noises, traffic hazards or unsightly conditions. ¶

**¶ (c) Definitions. ¶**

(1) *Manufactured home* is a vehicle or structure that is designed as to permit single-family occupancy for dwelling purposes, is moveable on its own chassis for conveyance on public thoroughfares and designed without a permanent foundation. A manufactured home may consist of one (1) or more components that can be disassembled for towing purposes or two (2) or more units that can be towed separately, but designed to be attached as one (1) integral unit). All manufactured homes produced since June 15, 1976, must have been inspected and certified during the manufacturing process, and display and emblem of approval certifying that it was built in compliance with the Federal Manufacturing Housing Construction and Safety Code on the manufactured home. The definition of manufactured homes does not include "modular residential housing", as defined within the South Carolina Modular Buildings Construction Act, nor does it include motor homes or recreational vehicles. The term

**Deleted:** (d) *Park plan.* In order to qualify for a MH manufactured home zoning classification, a proposed park must first meet the following specific requirements: ¶

(1) The site to be utilized for the park shall contain an area of not less than five (5) acres, and be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. ¶

(2) The site must have a minimum lot width measured at the building line of 150 feet. ¶

(3) The manufactured home park shall not contain more than seven (7) manufactured home units per acre. ¶

(4) Each individual manufactured home space shall not be less

**Commented [NF2]:** Removed proposed language change; this is the existing ordinance, with State Code references added.

to the community. Examples include offices of lawyers, accountants, engineers, architects, advertising agencies, real estate, credit and finance, business consultants, and banks.

b. Subject to establishments providing certain convenience items and services to the public. Examples include barber and beauty shops, flower shops, laundromats and dry cleaning pick up stations, beverage stores, confectioneries, delicatessens, news and magazine stands, bakeries where products are sold exclusively at retail and on premises, gift shops, photographic studios, convenience food and sundry stores, and restaurants, but not drive-ins.

c. No permitted use shall create disturbing or offensive noises or odors, traffic hazards or unsightly conditions. Dwellings otherwise permitted in the PUD district may be used to provide lodging for short term occupancy.

(e) *PUD development standards and specifications.* Except as otherwise specified herein, standards and specifications shall be as outlined in the general zoning or other regulations or requirements.

(1) *Site planning: external relationships.* Site planning shall provide protection for the PUD from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences from within the PUD development. In particular:

- a. Principal vehicular access points shall be restricted to a minimum number adequate to serve the anticipated maximum population of the PUD, and designed to encourage smooth traffic flow with controlled turning movements and minimize hazards to vehicular or pedestrian traffic.
- b. Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Such access need not be adjacent to, or limited to the vicinity of, access points for automotive vehicles. Where there are crossings of pedestrian ways and vehicular routes at edges of planned unit developments, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic at edges of districts, safe-guards including fencing may be required to prevent crossings except at designated points. Bicycle paths shall be so related to the pedestrian system that street crossings are combined.
- c. Where a PUD district adjoins a residential zoning district without any intervening permanent open space of at least twenty (20) feet in width serving as a separation between buildable areas, not counting the width of any street or roadway along such boundary, the portion of the perimeter of the PUD so adjoining shall be planned and developed only for uses permitted in the adjoining residential districts, and in accordance with all other requirements for such districts.
- d. Screening, as defined in section 86-3 of article I of this chapter, shall be provided at edges of PUD districts where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect residential occupants of other districts from similar adverse influences within the PUD. In particular, screening shall be provided for extensive off-street parking areas, areas for storage and collection of refuse and garbage, and other incompatible structures or areas.
- e. Maintenance operations, storage, service operations, and areas for storage and collection of



refuse and garbage shall be confined to parcels delineated for that activity. Such parcels shall not be adjacent to residential districts.

(2) *Site planning: internal relationships.* The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses and facilities for appropriate relation of space inside and outside of buildings, to intended uses and structural features, and for preservation of desirable natural features and minimum disturbance of natural topography.

- a. In particular, streets, drives, and parking and service areas, shall provide safe and convenient access to dwelling units and general facilities, and for service and emergency vehicles.
- b. No more than thirty (30) percent of the ground in any planned unit development in the PUD district may be covered with impervious surfaces; provided however, for purposes of the calculations in this subsection, property developed in single family dwellings within the planned unit development shall not be included as part of the PUD, notwithstanding any other provision hereof the requirements of section 86-186 apply to all developments within the PUD.

(3) *Common open space.*

a. *General requirements governing common open space.*

1. "Common open space" shall mean a parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated and intended for the use and enjoyment principally by residents of the proposed PUD. Common open space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents.
2. A minimum total area of twenty percent (20%) of the gross residential area for multi-family dwelling projects shall be set aside as common open space. Of this amount, a maximum of fifty percent (50%) may be covered by water. Common open space is not required for single-family detached dwellings, or commercial use buildings.
3. Up to five percent (5%) of the area designated for common open space may be covered by structures clearly auxiliary to the recreational use of the area. Examples include pools and required restrooms, activity centers, playgrounds and equipment, and tennis courts and associated structures. However, buildings for maintenance, storage or service operations shall not be allowed unless they are associated with the related recreational use of such common open space.
4. The location, shape and character of common open space shall be suitable for the proposed development. Common open space areas need not literally be part of or located within each area of multi-family housing, but shall be reasonably convenient for enjoyment.
5. Common open space shall be used only for amenity or recreational (active or passive) purposes of a non-profit nature. However, this does not preclude a monetary charge for certain recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the development, considering its size, density, expected population, topography, and the number and type of dwellings to be served.

6. Common open space must be suitably improved for its intended use, but common open space containing natural features clearly worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in common open space must be appropriate to the uses which are authorized, and must conserve and enhance the amenities of the area having regard to topography and environmental conditions.

7. The PUD development schedule shall coordinate the provision and improvement of common open space with the construction of residential dwellings so that at no time will dwellings density per acre exceed pro rata requirements of common open space.

b. *Conveyance and maintenance of common open space.* Upon completion of any required improvements of common open space, as shown by the final plan, it shall be conveyed under one (1) of two (2) options.

1. Dedicated and deeded in fee simple to the Town, depending on location, if agreeable to the Town; or

2. Held in corporate ownership by land owners within the PUD and such others as the corporation membership may choose.

(4) *Dimensional requirements.*

a. *Minimum area requirements for PUD.*

1. Where PUDs are established on the official zoning map, minimum area requirements are twenty (20) acres.

2. Where PUDs are not shown on the official zoning map, a minimum area of twenty (20) acres shall be prerequisite to re-zoning.

3. Where an area is to be added to an existing PUD, there is no minimum area requirement for such addition. Such addition constitutes a zoning change.

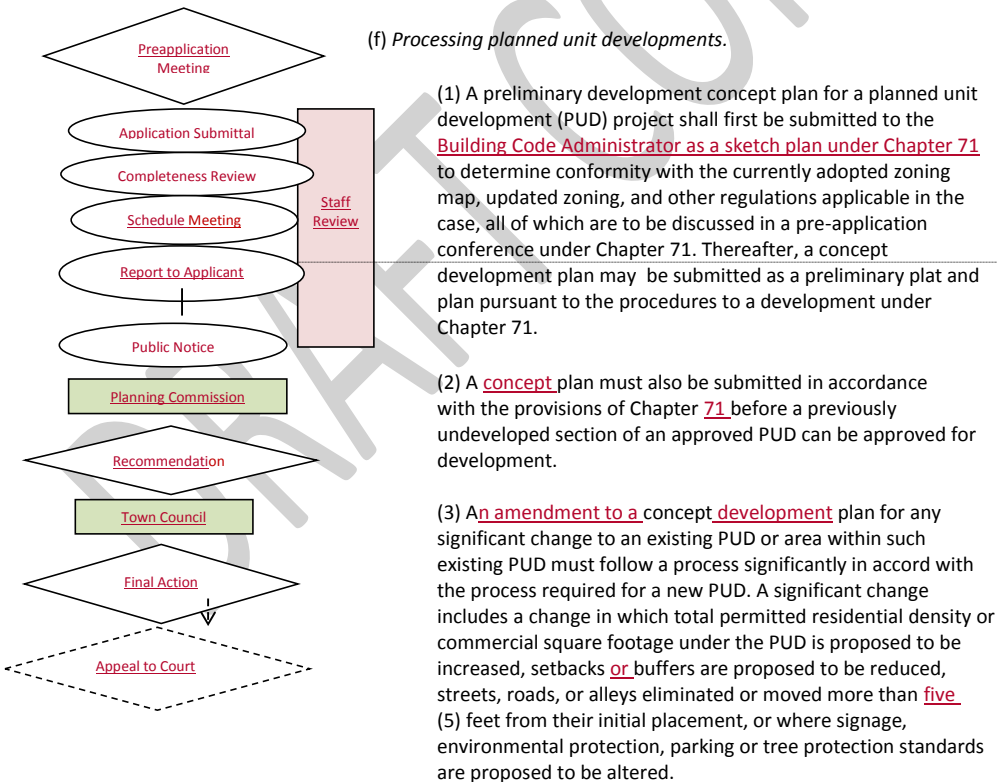
b. *Minimum lot width; minimum yard regulations; maximum lot coverage.* Minimum lot width, minimum yard regulations, and maximum lot coverage are not otherwise regulated within PUD districts, provided, however, that the Planning Commission shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this chapter. Notwithstanding any other provision of this chapter, the following minimum distance restriction shall apply to improvements within the PUD:

1. There will be a minimum distance of twenty (20) feet between buildings;

2. There will be a minimum of twenty (20) feet between any building and a street, road or driveway serving more than one (1) building; and

3. There will be a minimum distance of ten (10) feet between any building and the tract boundary line of any tract depicted on the current PUD adopted plan development map.

- c. *Development densities.* No individual parcel as designated in the PUD adopted planned development map shall be developed to a density exceeding ten (10) units per acre when used for multi-family dwellings and seven (7) units per acre if used for duplexes and/or single-family dwellings.
- d. *Maximum building height.* Forty (40) feet above grade as defined in section 86-182 plus any increase or less any decrease in the base flood elevation (BFE) between that depicted on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.
- e. *Off-street parking requirements.* Off-street parking requirements for a PUD shall be in accord with section 86-175.
- f. Sign regulations: [See Article V of this chapter.](#)



Commented [NF3]: Removed "hearing" replaced with "meeting"

- a. Applicant may first present to the Building Code Administrator in accordance with Chapter 71 a rough outline of proposed changes to the concept plan, with a request for he/she to make recommendations to the Planning Commission or its designee to specify which otherwise required elements or steps may not be required for the specific planned change.
- b. Planning Commission may later add back any eliminated element or step if its findings suggest such element or step is important to its consideration.

(4) The concept plan shall show:

- a. Proposed land uses, the location of various dwelling types, and dwelling unit densities;
- b. Proposed traffic circulation patterns, including all PUD ingresses and egresses;
- c. Proposed parks, playgrounds and other common open space areas;
- d. Delineation of the units or phases to be considered and their progression;
- e. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
- f. Relation to zoning districts in surrounding areas and the currently adopted zoning map;
- g. Specifics about any proposed deviations from standards and specifications as outlined in the general zoning, or other regulations or requirements, or from standards and specifications as outlined in subsection (e) of this section; and
- h. Other such information and descriptions as may be deemed reasonably appropriate for Planning Commission review.

(5) Unless complete conformity with this section is found by the Planning Commission in their study of the concept plan, the applicant shall be notified in writing of any discrepancies, and of the willingness of the Planning Commission and other appropriate officials to confer for the purpose of bringing the material submitted, as nearly as is possible, into conformity with requirements, and/or to define specific modifications of regulations or updates of the currently adopted zoning map that seem justified.

(6) At the conclusion of the preliminary review, the Planning Commission shall:

- a. For projects located within the designated boundaries of a PUD as shown by the official zoning map, and that are in accordance with the adopted planned development map:
  - 1. Recommend to the Town Council approval of the concept development plan proposal for final concept development plan preparation, if it is determined to be in compliance with the provisions of this section; or
  - 2. Recommend to Town Council to disapprove the proposal, specifying in writing to the applicant and Town Council the reasons for disapproval.
- b. For projects requiring rezoning, recommend to the Town Council:
  - 1. Approval of the PUD amendment as proposed, approval conditioned with stipulations as

to any specific stated modifications or requirements; or

2. Disapproval, with recorded reasons, therefor.

(7) Once a PUD is established on the official zoning map, and the development regulations applicable to the PUD under the concept development plan approved by Town Council, the adopted "final concept development plan and final concept development plat" become the "PUD zoning regulations" and the "PUD development map". No development permit shall thereafter be issued therein unless preliminary and final development and subdivision plans are found to be in compliance with the PUD zoning regulations and the PUD development map, are approved pursuant to this chapter and Chapter 71, and any requirements concerning the order and location in which development permits are to be issued in the particular PUD are observed.

(8) The preliminary and final subdivision plat and development plans for a property within a PUD shall include the information required under Chapter 71 for preliminary and final plat or plan submission.

(9) Approval of preliminary and final plans and subdivision plats shall be based on substantial compliance with Town Council approved concept development plan, the PUD zoning regulations, and all applicable requirements under this chapter and Chapter 71

(10) Final subdivision and development plan recommendations for subdivision or development are made in accordance with Chapter 71 regarding plat and plan submission.

a. No public notice or hearing is required in connection with approval proceedings on final subdivision plats and development plans or changes in approved development concept plans if there was a public hearing in the preliminary review process, and if the final development plan or plat, or approved changes, are in substantial accord with the concept development plan as was originally presented for public review.

(11) Significant changes in approved final concept development plans or PUD map may be approved by the Town Council on recommendation of the Planning Commission as an amendment to the PUD district or zoning regulations.

(Ord. of 6-11-81, § 507; Ord. of 3-14-91, § 8; Ord. of 8-8-91, § 6; Ord. of 11-14-96(2), § 4; Ord. of 9-10-98(4), § 13; Ord. of 7-11-01(3), § 1; Ord. of 7-11-01(4), § 1; Ord. of 8-12-04(1), § 6; Ord. of 3-10-05, § 1; Ord. of 10-12-06; Ord. of 6-14-07(2), § 1; Ord. of 10-11-07(2), § 11; Ord. No. 2009-04, § 1, 2-12-09)

#### **Sec. 86-145. Beach management overlay zoning district.**

(a) *Primary purpose.* The purpose of the beach management overlay zoning district is to implement and enforce the retreat strategy and storm hazard mitigation plan adopted by the Town so as to protect life and property located within the close proximity to the baseline established by the South Carolina Office of Coastal Resource Management (OCRM).

(b) *Secondary purpose.* This beach management overlay district provision will by its being a part of the Town's beach management retreat strategy and storm hazard plan provide a means of educating all persons owning property along the beach about the hazards connected with erosion, storms and flooding in areas close to the beach.

(c) *Applicable state law.* This beach management overlay zoning district is to be compatible with the intent of the South Carolina Beach Management Act, S.C. Code 1976, § 48-39-10 et seq. with full compliance with this act being required whenever applicable.

(d) *Setback lines.*

(1) New construction and the reconstruction of roofed structures within this overlay district shall have a minimum rear setback measured from the roofline which equals the greatest distance resulting from application of each of the following three (3) methodologies:

- a. Ten (10) feet from the South Carolina Office of Coastal Resource Management baseline;
- b. The average of the distance between the seaward most building roof line of the closest three (3) existing habitable structures to the lot containing the new or reconstructed structure and the South Carolina Office of Coastal Resource Management baseline; and
- c. The average of the distance of the seaward most building roof line of the closest three (3) existing habitable structures to the lot containing the new or reconstructed structure and the edge of the adjacent highway right-of-way. The existing structure can be used when computing average distance.

(2) Should application of the rear setback provided for in subsection (d)(1) of this section not provide sufficient area to provide for construction or reconstruction, the Building Code Administrator is authorized to allow the twenty (20) foot front setback to be reduced to not less than ten (10) feet; if reduction to ten (10) feet will not enable construction which will not violate subsection (d)(1) of this section, a variance will be necessary to reduce the front setback under ten (10) feet.

(e) *Permitting.*

(1) No person or corporation shall initiate any development construction or reconstruction, in the area regulated by this chapter, or cause the same to be done without first obtaining permit therefore or forms provided by the Town. Compliance with the requirements of this chapter shall be by submittal of a site plan as in the marine commercial district or by submittal of a site plan or plat of the property on which the structure is to be built or rebuilt or expanded. Such site plan or plat will have the structure drawn to scale with the lines shown which earmark the South Carolina Office of Coastal Resource Management's twenty (20) foot critical setback line, the additional rear ten-foot Town setback line, the baseline, and the position of the structures in relation to these setback lines.

(2) Any person or corporation desiring to extend any structure seaward of the South Carolina Office of Coastal Resource Management (OCRM) setback line must be issued authorization from the OCRM. Any person or corporation desiring to extend any structure seaward of OCRM baseline must be issued a special permit from the OCRM.

(3) No permit shall be issued for construction on any land or accreted land seaward of the most seaward lots currently existing within the Town; except that beach walkovers may be permitted so long as the entire length of the walkover meets the requirements of the South Carolina Office of Coastal Resource Management, and no such walkover shall be allowed whose width is greater than six (6) feet.

(f) *Setback lines for the seaward most portion or decks and steps of beach front structures:*

(1) New construction and the reconstruction of decks and steps within this overlay district shall have a minimum rear setback which equals the greatest distance resulting from application of each of the following three (3) methodologies:

- a. Ten (10) feet from the South Carolina Office of Coastal Resource Management baseline;
- b. The average of the distance between most seaward portion of the steps and/or decks of the closest three (3) existing habitable structures to the lot containing the new or reconstructed structure and the South Carolina Office of Coastal Resource Management baseline; and
- c. The average of the distance of the seaward most portion of the steps and/or decks of the closest three (3) existing habitable structures to the lot containing the new or reconstructed structure and the edge of the adjacent highway right of way. The existing structure can be used when computing average distance.

(2) Should application of the rear setback provided for in subsection (e)(l) of this section not provide sufficient area to provide for construction or reconstruction, the Building Code Administrator is authorized to allow the twenty (20) foot front setback to be reduced to not less than ten (10) feet; if reduction to ten (10) feet will not enable construction which will not violate subsection (e)(l) of this section, a variance will be necessary to reduce the front setback under ten (10) feet.

(g) *Overlay district boundary lines.* The Town Council will designate the boundary lines in accordance with the procedures and intent set out in the Town beachfront retreat and storm hazard mitigation strategy. The lines are to be reviewed and revised, if necessary, every five (5) years in order to account for any movement of the baseline.

(h) *Relationship of overlay district to other zoning district.* This overlay zone will encompass all zoning districts that fall within the boundaries established in subsection (f) of this section as shown on an overlay which allows both the overlay zone and the underlying zoning district to be viewed. Since this chapter will include regulations that are in addition to the regulations already established for that zone, any structures, use of activity within an underlying zoning district must comply with both sets of regulations. Any conflict between the regulations for with the overlay district and the underlying district will be resolved by application of the more restrictive one.

(i) *Nonconforming buildings or uses.* As to this overlay district the nonconforming buildings or land uses declared by this chapter to be incompatible shall be covered by section 86-171 with the additional requirement that nonconforming parts of structures that fall within this established real' setback as provided for in subsection (d)(l) of this section shall not be expanded or enlarged.

(j) *Parking.* Parking for this overlay district will be the same as required for new construction or reconstruction of structures provided for in the underlying districts. Due to flood requirements which require elevated structures, parking is encouraged to go under these structures.

(Ord. of 5-14-92, § A; Ord. of 2-11-93, § 1; Ord. of 5-12-94; Ord. of 5-10-01(3), § 1; Ord. of 9-12-02(2), §§ 1,2; Ord. of 2-13-03(1), § 32; Ord. No. 2009-04, § 1, 2-12-09)

**Cross reference**-Beaches and waterways, ch. 10.

**Sec. 86-146. O-1 open space district.**

March 24, 2015 – Current ordinance in black with revisions shown in red.

(a) *Purpose.* The purpose of the O-1 Open Space District is to provide areas of open space where construction of all types of structures is prohibited, unless specified in (b) below. The district requirements are designed to prevent encroachment by all other districts as specified in this chapter.

(b) *Permitted uses.*

(1) Open space.

(2) Boat docks, private noncommercial, said docks to be as permitted by DHEC.

(3) Public utilities provided that service and storage yards are prohibited.

(4) Public Parks

(c) "Open space district" shall mean a parcel or parcels of land or an area of water and marsh or a combination of land and water and marsh within the site designated.

(d) This district shall be properties referred to in section 86-113.

(e) Open space shall be designated on the official zoning map within ninety (90) days after passage of this section.

(Ord. of 5-13-04(2), § 1; Ord. No. 2009-04, § 1,2-12-09)

**Secs. 86-147-86-165. Reserved.**

### DIVISION 3. SUPPLEMENTARY DISTRICT REGULATIONS

- ~~Sec. 86-166. Street access.~~
- ~~Sec. 86-167. Lots facing more than one street.~~
- ~~Sec. 86-168. Location of buildings on lots and residential limitations.~~
- ~~Sec. 86-169. Double and corner frontage lots.~~
- ~~Sec. 86-170. Measurement of front, side, and rear yards; determination of buildable area.~~
- ~~Sec. 86-171. Nonconforming buildings or uses.~~
- ~~Sec. 86-172. Nonconforming building or land use discontinuance~~
- ~~Sec. 86-173. Accessory uses generally~~
- ~~Sec. 86-174. Setback and other yard requirements for accessory uses.~~
- ~~Sec. 86-175. Off-street parking~~
- ~~Sec. 86-176. Parking space area and delineation requirements.~~
- ~~Sec. 86-177. Location on other property~~
- ~~Sec. 86-178. Common off-street parking areas.~~
- ~~Sec. 86-179. Off-street loading and unloading spaces.~~
- ~~Sec. 86-180. Visibility at street intersections~~
- ~~Sec. 86-181. Visibility at private drives and entrances intersecting with public streets~~
- ~~Sec. 86-182. Height limitations.~~
- ~~Sec. 86-183. Parking, storage or use of campers or other major recreational equipment.~~
- ~~Sec. 86-184. Parking and storage of certain vehicles~~
- ~~Sec. 86-185. Setbacks, minimum lot size and dwelling unit density requirements in relation to the critical line.~~
- ~~Sec. 86-186. Single-family dwellings; limitations.~~
- ~~Sec. 86-187. Landscape regulations.~~
- ~~Sec. 86-188. Limitations on adult bookstores, motion picture theaters and entertainment establishments.~~
- ~~Sec. 86-189. Limitations on body piercing establishments.~~
- ~~Sec. 86-190. Maintenance.~~
- ~~Sec. 86-191. Side-by-side two-family dwelling; division; requirements; non-conformity.~~

March 24, 2015 – Current ordinance in black with revisions shown in red.



Sec. 86-192. – 86-210. Reserved

**Sec. 86-166. Street access.**

Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot not located on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of at least fifty (50) feet.

(Ord. of 6-11-81, § 701)

**Sec. 86-167. Lots facing more than one street.**

For lots bounded on more than one street, the owner may choose the street on which he wishes his building to front. Unless the placement of the building must meet requirements of the beach shorefront management plan, the minimum front setback shall be twenty (20) feet with side and rear setback a minimum of ten (10) feet. (Ord. of 6-11-81, § 703; Ord. of 6-11-81, § 508; Ord. of 12-10-87, § 2)

**Sec. 86-168. Location of buildings on lots and residential limitations.**

Every building or use hereafter erected or established shall be located on a lot of record; and everyone-family, and two-family residential structure, except as herein provided, shall be located on an individual lot of record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines as outer boundaries and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located.

(Ord. of 6-11-81, § 704)

**Sec. 86-169. Double and corner frontage lots.**

(a) On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this chapter. On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this chapter on at least two (2) of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of section 86-167.

(b) On corner lots having frontage on two (2) streets, the minimum front yard shall be provided on each street in accordance with the provisions of this chapter. On corner lots having frontage on more than two (2) streets, the minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of section 86-167.

(Ord. of 6-11-81, § 705)

**Sec. 86-170. Measurement of front, side, and rear yards; determination of buildable area.**

The required front, side and rear yards for individual lots, as set forth for the particular district within which a given lot is located, shall be measured inward toward the center of the 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.

(Ord. of 6-11-81, § 707)

**Sec. 86-171. Nonconforming buildings or uses.**

(a) Nonconforming buildings or land uses are declared by this chapter to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this chapter may be continued even though such use does not conform with the provisions of this chapter except that the nonconforming building or land use or portions thereof shall not be:

- (1) Changed to another nonconforming use;
- (2) Re-established after discontinuance of use or occupancy for a period of ~~ninety~~ (90) days or more;
- (3) Repaired, rebuilt or altered after damage, unless reconstruction or repair has begun within six (6) months after the damage is incurred; however, nonconforming buildings repaired, rebuilt or reconstructed under the provisions of this subsection may only be used for the same business as the building was used prior to the damage and may not be reconstructed to a size larger than the destroyed facility.
- (4) Enlarged or altered in a way which increases its nonconformity;

~~(b) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such notification.~~

(Ord. of 6-11-81, § 708)

**Deleted:** (5) In addition, a manufactured home removed from a site established at the time of passing this chapter shall be permitted to return only if the site is zoned for a manufactured home district. ¶

**Sec. 86-172. Nonconforming building or land use discontinuance.**

(a) Notwithstanding other provisions of this chapter, certain nonconforming buildings or land uses, after this chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this chapter within the periods of time set forth below. Upon application to the Zoning Board of Appeals, the Board, either according to general rule or upon findings in the specific case, may permit not more than one extension for not more than the time indicated below.

**Deleted:** adjustment

(b) Notice shall be sent by the Town Administrator or his/her designee, upon learning of, or determining that a building or use is non-conforming to all nonconforming users stating wherein they do not conform to this chapter and stating the date by which they must either comply or cease to exist. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of this chapter and shall be observed regardless of whether notice of nonconformity is sent by the Building Code Administrator or received by the affected owner.

(c) Wrecking, junk, scrap, or salvage yards and other open uses of land, signs, automotive and storage and sales lots, outdoor storage yards for lumber, building materials, old appliances, contractors' equipment, and abandoned motor vehicles in a state of disrepair and incapable of moving under their own power are nonconformities to be discontinued within one year, however an extension may be permitted for six (6) months.

(d) Vehicles used for storage are considered nonconformities and use is to be discontinued within one year; however an extension may be permitted for six (6) months.

(e) Nonconforming fences and hedges impeding vision at intersections are to be discontinued within 180 days, however an extension may be granted for a period of thirty (30) days.

(f) Outdoor advertising structures in excess of the total square footage requirements established for the district in which they are located may remain until the present lease expires or three (3) years, whichever comes first, after which they shall be removed.

(Ord. of 6-11-81, § 709; Ord. of 2-13-03(1), § 33)

**Sec. 86-173. Accessory uses generally.**

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, shall be situated on the same lot with principal use of uses to which it serves as an accessory.

(1) *Uses customarily accessory to dwellings.*

a. Private garage not to exceed the following storage capacities:

- 1. One-family or two-family dwelling: Four (4) automobiles;
- 2. Multifamily dwelling: Two (2) automobiles per dwelling unit;
- 3. Group dwelling: One and a half (1.5) automobiles per sleeping room.

b. Open storage space or parking area for motor vehicles provided that:

- 1. The number of spaces do not exceed the required parking requirements of section 81-175; and
- 2. Such storage space or parking area shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.

c. Shed or tool room for the storage of equipment used on grounds or for building maintenance, as described in section 86-3, storage outbuilding.

d. Children's playhouse and play equipment.

e. Quarters for the keeping of pets owned by occupants for noncommercial purposes, provided that such use does not generate a nuisance to adjoining properties.

f. Private swimming pool ~~or cabana.~~

**Deleted:** and bath house

g. Private dock ~~,~~

**Deleted:** or boat house

h. Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

(2) *Uses customarily accessory to church buildings.*

a. Religious education buildings.

- b. Kindergartens.
- c. Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed under subsection (1) of this section.
- d. Off-street parking area for the use, without charge, of members and visitors to the church.

(3) *Uses customarily accessory to retail business, office uses and commercial recreational facilities.*

- a. Off-street parking or storage area for customers, clients or employee owned vehicles.
- b. Completely enclosed building for the storage of supplies, stock or merchandise.
- c. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which the principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- d. Sheds or tool rooms for the storage of equipment used in operations or maintenance.
- e. Private swimming pools, bath houses or cabanas.
- f. Bait house.

(4) *Uses customarily accessory to public uses, buildings, or activities.* There shall be no limitations regarding accessory use to any use, building, or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.  
(Ord. of 6-11-81, § 710; Ord. of 12-9-04(3), § 5; Ord. of 12-9-04(4), § 1)

**Sec. 86-174. Setback and other yard requirements for accessory uses.**

All accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the district within which they are located, except those water oriented facilities such as docks, marinas, boat houses, etc., which shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams and other waterways.  
(Ord. of 6-11-81, § 711)

**Sec. 86-175. Off-street parking.**

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all districts, except in the commercial core area at the time of the initial construction of any principal building; or when a structural alteration or other changes in a principal building produces an increase in dwelling units, guest rooms floor area, seating or bed capacity, or when a conversion in use occurs. Except for development on lots used for a single family or a two-family residential structures, off-street parking spaces shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements. For purposes of

this section, handicap parking spaces shall count towards fulfillment of the requirements set forth in this section.

<b>Residential Activities</b>	<b>Required Parking</b>
Any residential use consisting of one or more dwelling units.	One (1) space for each bedroom with a minimum of two (2) spaces per dwelling unit.
Home occupations.	Two (2) additional spaces for each residential dwelling used for such purposes.
Parking arrangements.	Parking spaces for every residential structure or dwelling unit shall be arranged in a manner that it will not be necessary to move any parked vehicle, or vehicles associated with any other development or dwelling unit to gain direct access to a street.
Group dwellings.	One (1) space for each two (2) bedrooms.

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<b>Public and Semipublic Uses</b>	<b>Required Parking</b>
Hospitals, clinics and nursing homes	One (1) space for each two (2) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses at maximum employment on a single shift.
Churches, spiritual institutions and places of public assembly	One (1) space for each two (2) staff members or employees plus one (1) space for each four (4) seats in the principal assembly room.
Places of assembly or indoor recreation without fixed seats	One (1) space for each two-hundred (200) square feet of gross floor space directed to patron use.
Schools, kindergartens, elementary and junior high	One (1) space for each classroom and administrative office.
Schools, senior high.	One (1) space for each classroom and administrative office plus one space for each twenty (20) seats or one (1) space for each four-hundred (400) square feet of area used for public assembly, whichever is greater.
Public buildings.	One (1) space for each two-hundred (200) square feet of gross floor space.

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<b>Business Uses</b>	<b>Required Parking</b>
Doctors' and dentists' offices.	Five (5) spaces per doctor or dentist.
Real estate rental or rental and sales offices.	Two (2) spaces for each three-hundred (300) square feet of gross floor space plus one (1) parking space for each two (2) employees on shift of greatest employment.
Real estate sales offices.	One (1) space for each three-hundred (300) square feet of gross floor space plus one (1) parking space for each two (2) employees on shift of greatest employment.
Professional and business offices not otherwise specifically mentioned.	Two (2) spaces for each three-hundred (300) square feet of gross floor space plus one (1) parking space for each two (2) employees on shift of greatest employment.
Banks.	One (1) space for each one hundred fifty (150) square feet of gross floor space plus one (1) parking space for each two (2) employees on shift or greatest employment.
Service and repair establishments not otherwise specifically mentioned.	One (1) space for each two hundred fifty (250) square feet of floor area not used for storage plus one (1) parking space for each two (2) employees on shift of greatest employment.

Retail businesses, not otherwise specifically mentioned.	One (1) space for each two-hundred (200) square feet of retail floor space plus one (1) parking space for each two (2) employees on shift of greatest employment.
Car sales, house and truck sales, outdoor equipment and machinery sales, commercial nurseries.	Four (4) spaces for each sales person plus one (1) for each two (2) other employees.
Commercial piers, ports, marinas and docking facilities.	One (1) space for each private trailerable boat or personal watercraft; one (1) space for each two (2) employees and one (1) space for each three (3) possible passengers of a commercial vessel embarking passengers either directly, or indirectly using shuttles, tenders or otherwise, from a public or commercial pier, port, marina or docking facility with the town.
Commercial recreational piers.	One (1) space for each two-hundred (200) square feet of gross deck space without seats plus one (1) space for each three (3) seating accommodations for deck areas where seating is provided; one (1) space for each two (2) employees on shift of greatest employment.
Commercial "fishing piers."	One (1) space for each five hundred fifty (550) square feet of gross deck space; one (1) space for each two (2) employees on shift of greatest employment. Total gross deck space as calculated herein shall be reduced by 7.5 percent for each one hundred (100) lineal feet, or portion thereof, of pier walkway from the beginning of the pier to the end of the pier head.
Restaurants, theaters, bars, nightclubs and other such places of public assembly.	One (1) space for each three (3) seating accommodations plus one (1) space for each two (2) employees on shift of greatest employment; in addition bars and night-clubs and establishments with actual physical bars, dance floors, big screen TV's, pool tables, or other areas conducive to attracting standing customers, one (1) space for every two-hundred (200) square feet of serving/dancing/congregating floor area.
Planned shopping center.	Five and one-half (5 ½) spaces for every one thousand (1,000) square feet of leasable floor area, plus one (1) parking space for each two (2) employees on shift of greatest employment.
Service stations.	Two (2) spaces for each gasoline pump plus three (3) spaces for each grease rack or wash rack.

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Wholesale and Industrial Uses	Permitted Parking
Wholesaling and industrial uses, including lumber, brick, coal, junk and supply yards.	One (1) space for each two (2) employees at maximum employment on a single shift, plus one (1) space for each company vehicle operating from the premises.

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Other Uses Not Otherwise Specified in this Ordinance	Permitted Parking
All other residential, public, semipublic, business, wholesale and industrial uses not otherwise specified in this ordinance.	One (1) space for each two hundred (200) square feet of gross floor space plus one (1) space for each three (3) seating accommodations plus one (1) space for each two (2) employees on shift of greatest employment.

(Ord. of 6-11-81, § 712; Ord. of 11-14-96(3), § 4; Ord. of 5-8-97; Ord. of 2-12-98, § 1; Ord. of 4-11-02, § 1; Ord. of 11-11-04(4), § 1; Ord. of 12-9-04(3), § 6; Ord. of 7-14-05, §§ 1, 2; Ord. of 11-08-07(4), §§ 1,2; Ord. No. 2008-09, 11-13-08)

**Cross reference**-Stopping, standing and parking, § 78-31 et seq.

March 24, 2015 – Current ordinance in black with revisions shown in red.

**Sec. 86-176. Parking space area and delineation requirements.**

Each required off-street parking space shall be of such a size that it includes a rectangular space measuring no smaller than nine (9) feet by twenty (20) feet. Notwithstanding the provisions of this section, the dimension of handicap parking spaces shall be of such size as is set forth in the Building Code adopted in section 14-31. All parking spaces in commercial zones must have the parking spaces delineated on the ground in such a way that they can be seen by the motoring public. Such delineation shall be approved by the Planning Commission and may be made with paint over concrete or asphalt surface, timbers, curbs, raised Boards or some other means approved by the Planning Commission. Additionally, there shall be adequate aisles, entrances and exits provided. (Ord. of 6-11-81, § 713; Ord. of 6-8-89, § 1; Ord. of 5-8-97)

**Sec. 86-177. Location on other property.**

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within 300 feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner. (Ord. of 6-11-81, § 714)

**Sec. 86-178. Common off-street parking areas.**

A single use encompassing more than one of the activities, as specified in section 86-175, or two (2) or more principal uses whether located on the same or separate lots, may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common areas is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of section 86-175, and provided that the owner of the lot relinquish his development rights over the portion of the lot that is necessary to provide sufficient individual parking spaces to meet off-street requirements for utilization of the common area for parking until such time as the common utilization for parking ceases.

(Ord. of 6-11-81, § 715; Ord. No. 2008-06, 8-14-08)

**Cross reference**-Stopping, standing and parking, § 78-31 et seq.

**Sec. 86-179. Off-street loading and unloading spaces.**

Every lot on which a business, trade or industry is hereafter established shall provide space as indicated in for the loading and unloading of vehicles off the street. Such space shall have access to an alley or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstructions at all times. These spaces shall be used for transient loading and unloading as temporary parking only. Required space shall be considered as follows:

(1) *Retail business*: one space for each retail business.

(2) *Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions*: one space for the first 25,000 square feet of total floor area. Two (2) loading spaces shall be provided for any use in excess of 25,000 square feet.

(3) *Multifamily residences with ten (10) or more dwelling units*: one (1) space.

(4) Adjacent to residential district or a residential property, an off-street loading and unloading area or an off-street parking area for five (5) or more automobiles shall be separated from the adjoining residential district or property by screening as defined in section 86-3 of article I of this chapter. Installation of the screening shall have been completed prior to the issuance of a certificate of occupancy.

(Ord. of 6-11-81, § 716; Ord. of 9-10-98(4), § 14)

**Sec. 86-180. Visibility at street intersections.**

In all districts established by this chapter, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound the lot.

(Ord. of 6-11-81, § 717)

**Cross reference**-Streets and sidewalks, ch. 70.

**Sec. 86-181. Visibility at private drives and entrances intersecting with public streets.**

At the intersection of any driveway, entrance, or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one-half (2 ½) feet shall be erected, planted, placed or maintained.

(Ord. of 10-9-03(2), § 5)

**Sec. 86-182. Height limitations.**

(a) Wherever the height of structures is limited by the provisions of this chapter, that height shall be measured from the highest of:

(1) The average grade of the four (4) most distant corners of a structure at the time of stake inspection; or

(2) One foot above the crown of the road immediately in front of the structure; or

(3) The average grade of each corner of the lot on which the structure is to be constructed; to the highest portion of such structure.

(b) The highest portion of a structure shall be deemed to include but shall not be limited to chimneys, widow's walks, air conditioning equipment, observation decks, and dish antennas.

(c) The height limitations of the chapter shall not apply to church spires, water towers, transmission towers, or radio and television antennas designed for home use other than those described in subsection (b) of this section.

(d) As used in this section average grade shall not include any increase in elevation attributable to fill.

(e) A height certificate showing the height of the structure on the lot measured by one of the methods described in subparagraph (a) must be filed with the Building Code Administrator before rough-in inspection. A height certificate must bear the seal of a surveyor authorized to do business as such in South Carolina.



(f) A structure which is legally non-conforming for height at the time it is destroyed by fire or Act of God may \_\_\_\_\_ be reconstructed or repaired upon meeting each of the following:

(1) The height of the reconstructed or repaired structure may not exceed the height of the destroyed \_\_\_\_\_ structure plus any increase or less any decrease in the base flood elevation (BFE) between that depicted \_\_\_\_\_ on the National Flood Insurance Program (NFIP) maps adopted as of September 30, 2007, and the base \_\_\_\_\_ flood elevation depicted on the NFIP maps as of the date of application for a building permit, if any.

(2) The replacement structure must meet any other requirements of law, including but not limited to the \_\_\_\_\_ Town flood, zoning and building ordinances.

(3) The application for a building permit must be complete and filed with the Town within twelve (12) \_\_\_\_\_ months of the time the damage is incurred.

(Ord. of 6-11-81, § 719; Ord. of 5-11-00(2), § 1; Ord. of 6-12-03, § 2; Ord. of 10-11-07(2), § 12)

**Sec. 86-183. Parking, storage or use of campers or other major recreational equipment.**

No major recreational equipment may be parked or stored on any lot which does not have affixed to it a building for which a valid certificate of occupancy has been issued, must not encroach into the street right of way or impede sight lines at intersections, and may not be used for rental purposes. An exception may be made for a carport or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on a lot for a period not to exceed 72 hours. Such equipment shall observe all setbacks, yard and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping or housekeeping purposes or connected to residential utility hookups when parked or stored on a lot. No more than one recreational vehicle may be parked on a single lot. No equipment may park on a lot without the permission of the property owner. This chapter does not provide for recreation vehicle parks. (Ord. of 6-11-81, § 7-20; Ord. of 8-7-97(2), § 1)

**Sec. 86-184. Parking and storage of certain vehicles.**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(Ord. of 6-11-81, § 721)

**Cross reference**-Traffic and vehicles, ch. 78.

**Sec. 86-185. Setbacks, minimum lot size and dwelling unit density requirements in relation to the critical line.**

(a) *Setbacks.* Notwithstanding any other provisions of this chapter relating to setbacks, all buildings being constructed on any lot in any zoning district in the Town shall observe a setback of five (5) feet from the critical line as determined by DHEC-OCRM. This provision applies to all new construction commenced after August 7, 1997.

(b) *Minimum lot sizes.* Notwithstanding any other provisions of this chapter regarding requirements for minimum lot size, all lots in the Town in any zoning district shall be such that at least 65 percent of the required minimum square footage be as set forth in this chapter above and beyond the critical line as determined by DHEC-OCRM. This provision does not apply to any lots which are shown on a duly recorded plat as of August 7, 1997.

(c) *Density*. Notwithstanding any other provisions of this chapter regarding requirements for maximum density of dwelling units, only the square footage of a parcel which lies above the critical line as determined by DHEC-OCRM and above the elevation of any dam, or outfall pipe or other structure which controls the maximum elevation of any water impoundment on such parcel shall be used to compute density for such parcel; provided, however, no lot meeting other requirements of this chapter shall be restricted to fewer than two (2) dwelling units. (Ord. of 8-7-97(1), § 1(722); Ord. of 2-8-01, § 6; Ord. of 7-11-02(5), § 1; Ord. of 1-13-05, § 1)

**Sec. 86-186. Single-family dwellings; limitations.**

(a) The following limitations on the footprint and size of single-family dwellings and uncovered decks and steps shall apply:

(1) *Footprint*.

a. Single story single-family dwellings shall have a total impervious surface footprint no greater than the larger of:

1. 3,250 square feet, or
2. The sum of the following: **Thirty percent (30%)** of the first 11,000 square feet of the lot plus **fifteen percent (15%)** of the remaining square footage of the lot (Example: for a lot of 12,000 square feet the calculation is:  $(11,000 \times 0.30) + (1,000 \times 0.15) = 3,450$  square feet);

b. All other single-family dwellings shall have a total impervious surface footprint no greater than the larger of:

1. 2,750 square feet, or
2. The sum of the following: **Thirty percent (30%)** percent of the first 11,000 square feet of the lot plus **fifteen percent (15%)** of the remaining square footage of the lot (Example: for a lot of 12,000 square feet the calculation is:  $(11,000 \times 0.30) + (1,000 \times 0.15) = 3,450$  square feet);

c. "*Footprint*" shall mean the entire area of the lot to be covered by improvements that create impervious surfaces including but not limited to roof overhangs, covered porches, and solid surface decks, but shall not include uncovered decks and exterior uncovered steps that are not solidly sheeted and do not create impervious surfaces; for purposes of this subsection, uncovered porches, decks and external steps are not considered impervious surfaces if they are constructed with boards not exceeding eight (8) inches in width, with gaps of a minimum of one-eighth (1/8) inch and the surface below the structure is pervious; and

d. The square footage for accessory structures and appurtenances may be taken from the allowance for impervious surface for the yard.

(2) *Size*. Single-family dwellings shall not exceed 3,800 feet of enclosed living area; and

(3) *Uncovered decks and steps*.

a. Single story single-family dwellings shall be limited to 650 square feet of uncovered decks and exterior uncovered steps not solidly sheeted as defined in subsection (a)(1)<sub>c</sub> above; and

b. All other single-family dwellings shall be limited to 550 square feet of uncovered decks and exterior uncovered steps not solidly sheeted as defined in subsection (a)(1)<sub>c</sub>.

c. Allowed foot print area not utilized for the structure may be used as additional uncovered deck and exterior uncovered steps that are not solidly sheeted and do not create impervious surfaces.

(4) *Impervious surface limitations.* No impervious surfaces may be applied to the ground of a lot containing a single-family residence, regardless of district, except as follows:

a. Impervious surfaces are allowed directly under the footprint of a residential structure; and

b. Impervious surfaces may be applied to 500 square feet of the yard of such lot.

(b) Single-family dwellings in existence prior to enactment of this ordinance, which exceed the footprint or the size requirements of this section, shall be deemed to be legally nonconforming structures, as to footprint, size, or both.

(c) A structure deemed legally nonconforming for footprint or for size under this section, which is destroyed by fire or Act of God, may be reconstructed or repaired only in compliance with each of the following:

(1) For structures legally nonconforming because of footprint, the footprint of a replacement structure shall be restricted to the footprint of the destroyed structure;

(2) For structures legally nonconforming because of size, the size of the replacement structure shall not exceed the size of the destroyed structure;

(3) Reconstruction or repair must begin no later than six (6) months after the damage is incurred; and

(4) The replacement structure must meet every other requirement of law, including but not limited to the Town Zoning Ordinance, flood ordinance, building ordinance and various business codes governing construction within the Town.

(d) After the effective date of the ordinance from which this subsection derives, no "time sharing unit" or a "vacation time sharing ownership plan" or a "vacation time sharing lease plan" as those terms are used in S.C. Code 1976 § 27-32-10, shall be established within the Town of Edisto Beach except in areas zoned "PUD" on the zoning map of the Town. This does not prohibit "Vacation Multiple Ownership Interest" as used in S.C. Code 1976, §27-32-250.

(Ord. of 8-8-82, §2; Ord. of 4-10-03; Ord. of 10-13-05(2), §1; Ord. of 3-20-08(3), §§1,2; Ord. No. 2010-41, 12-9-10; Ord. No. 2012-03, §1, 4-12-12)

**Sec. 86-187. Landscape regulations.**

(a) *Purpose.* The requirement and regulation of landscaping in the Town of Edisto Beach is a critical public concern. Requirements and regulations for landscaping are necessary in order to preserve and enhance the aesthetic beauty of the town, and promote the safety and general welfare of its residents. More specifically, the purpose of these landscape regulations is to:

- (1) Provide buffering between non-compatible land uses.
- (2) Protect, preserve and promote aesthetic appeal and scenic beauty.
- (3) Reduce noise pollution and air pollution.
- (4) Reduce stormwater run-off.
- (5) Filter and reduce glare from artificial light sources.
- (6) Provide shaded areas along streets and in parking areas.

(b) *Application.* In their interpretation and application, the provisions of this section shall be held to be the minimum requirements necessary for the promotion and protection of the public health, safety, and aesthetic appeal of the Town of Edisto Beach.

(c) *Existing agreements.* This section shall not abrogate any private agreement, provided that where the regulations of this section are more restrictive or impose higher standards than such private agreements, the provisions and requirements of this section shall govern.

(d) *Affected property.*

(1) This section shall apply to all property within the town except lots used for a single-family dwelling.

(2) *New developments:* All new development, buildings, structures and parking areas shall comply with minimum landscape requirements set forth herein.

(3) *Existing developments:* If the footprint of a building is to be enlarged, or if the total cost of all renovations to an existing building within a five-year period exceed twenty-five (25%) percent of the appraised value as indicated on the Colleton County Tax Records are to occur, or if the principle use in an existing building is to be changed to a different principle use, then the parking areas for such buildings shall meet one of the following requirements:

a. If any building footprint is being increased, or a change of the principle use occurs, then all landscape requirements set forth herein shall apply.

b. If proposed renovations do not include increasing the building footprint and the Building Code Administrator determines that there is sufficient land available to accommodate the addition of required landscaping, then all landscape requirements set forth herein shall apply.

c. If proposed renovations do not include increasing the building footprint and the Building Code Administrator determines that there is not sufficient land available to accommodate the addition of

required landscaping, the Building Code Administrator may exempt the parking area from complying with the requirements set forth herein.

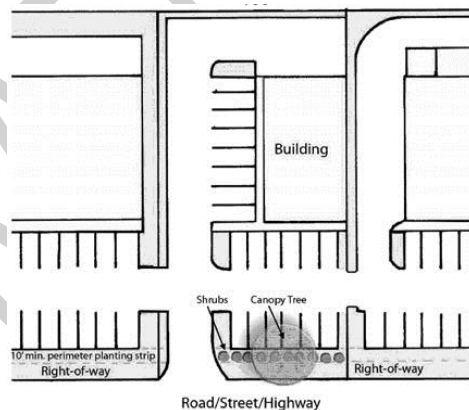
(e) *Percentage of property to be landscaped.* Each property shall devote a minimum of fifteen (15%) percent of its total area to landscaping which may include existing or transplanted trees, shrubs, hedges, and lawns. Paved areas, gravel areas, and retention/detention ponds shall not be calculated as part of the minimum fifteen percent (15%).

(f) *Preservation of existing trees and vegetation.* Existing trees and vegetation shall be incorporated into the landscape plans for all proposed developments and may be used to satisfy requirements stated herein. Site plans shall be designed to preserve existing vegetation. Random placement of landscape islands and irregular shaped parking lots are encouraged and shall be required in locations where such random placement and irregularities will preserve natural vegetation. The Building Code Administrator shall have the authority to require additional landscape islands of any shape or size that are necessary for the preservation of natural vegetation. Such additional landscaped islands may be exempt from the minimum requirements set forth in subsection (h)(4).

(g) *Landscape requirements for the perimeter of parking areas.* Parking areas that extend to within fifty (50) feet of a public right-of-way shall provide a landscape screen between the parking area and the right-of-way.

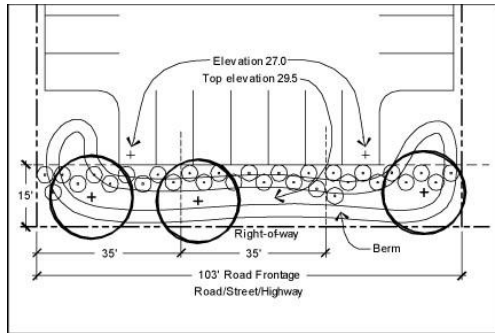
- (1) If the parking area does not exceed 30,000 square feet in area, then such landscape screen shall be a minimum of ten (10) feet in width and shall contain a minimum of one (1) tree of a species approved by the Building Code Administrator having at least a three (3) inch DBH and ten (10) shrubs per thirty-five (35) linear feet of street frontage. (See Figure 1)

Figure 1:



- (2) If the parking area exceeds 30,000 square feet in area, then such landscape screen shall be a minimum of fifteen (15) feet in width and shall contain a berm with a minimum height of two and one half (2 ½) feet above the finished elevation of the parking area. Such berm shall have a maximum slope of one (1) foot of rise to two (2) feet of run and a minimum crown of three (3) feet. In addition to the required berm, one (1) tree of a species approved by the Building Code Administrator having at least a three (3) inch DBH and ten (10) shrubs per thirty-five (35) linear feet of street frontage shall be required. (See Figure 2)

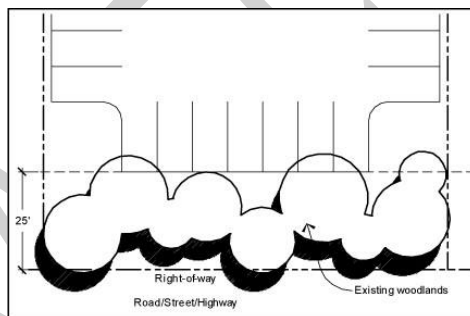
Figure 2:



(3) A twenty-five (25)-foot strip of undisturbed woodlands preserved between the parking area and right-of-way shall be permitted in lieu of the requirements set forth in subsections (g)(1) a. and b.

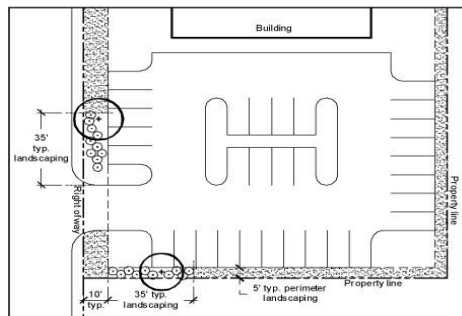
(See Figure 3)

Figure 3:



(4) Perimeters not adjacent to public rights-of-way: In addition to subsection (g)(1), the remaining perimeter of any parking areas shall be surrounded by a continuous five (5) foot landscape border. Such landscape border shall be required between any paved area and any property line, yard, required yard, or structures. The landscape border may be interrupted for ingress and egress to structures and adjoining lots. The landscaped border shall consist of one (1) tree of a species approved by the Building Code Administrator having at least a three (3) inch DBH and ten (10) shrubs for every thirty-five (35) linear feet of perimeter. (See Figure 4)

Figure 4:

(h) *Landscape requirements for the interior of parking areas.*

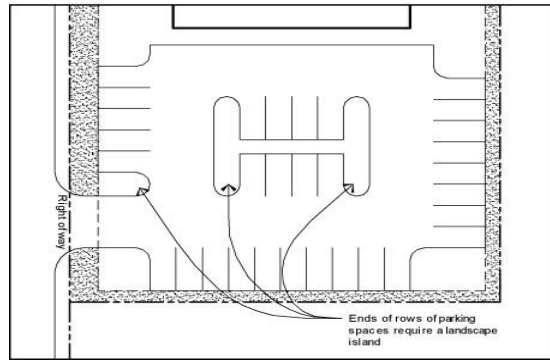
(1) The interior of parking areas shall contain landscape islands and peninsulas located in such a manner as to:

- a. Divide and break up large expanses of paving.
- b. Guide traffic flow and direction.
- c. Promote pedestrian and vehicular safety.
- d. Preserve existing trees and vegetation.

(2) A maximum of ten (10) consecutive parking spaces in a row shall be permitted without a landscape island or peninsula.

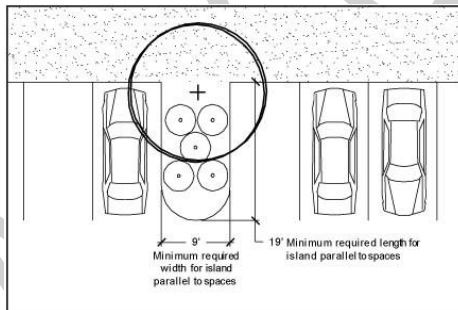
(3) Each end of each row of parking spaces shall require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape screen or border as required in subsection (g). (See Figure 5)

Figure 5:



(4) The minimum width for a landscape island or peninsula that is parallel to a parking space shall be nine (9) feet, and the minimum length for the same shall be nineteen (19) feet. Each landscape island or peninsula shall contain a minimum of one (1) tree of a species approved by the Building Code Administrator having at least a three (3) inch DBH and five (5) shrubs. (See Figure 6)

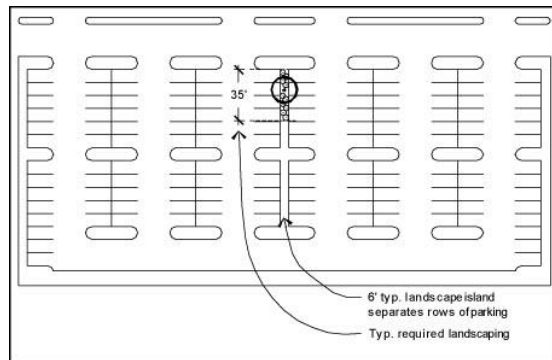
Figure 6:



(5) Every third group of rows of parking spaces shall be separated from one another by a six (6) foot landscape island that extends the entire length of the row of parking spaces. Such landscape island shall contain one (1) tree of a species approved by the Building Code Administrator having at least a three (3) inch DBH and ten (10) shrubs per thirty five (35) linear feet. (See Figure 7)

Figure 7:





(i) *Retention pond landscape requirements.* Developments that provide onsite retention ponds shall be required to plant wetland plant materials in and around such ponds. The plant species selected shall be those, which are commonly known to flourish in wetland areas and improve the quality of surface water run-off. A minimum of one (1) tree of a species approved by the Building Code Administrator having at least a three (3) inch DBH shall be required per 4,000 square feet of retention area. In addition, grasses, shrubs and other herbaceous materials shall be provided in and around the retention areas of an appropriate quantity and placement as to insure the propagation of such materials to approximately one-half (1/2) of the retention area within a three (3) year period. (Ord. of 8-12-04(1), § 7; Ord. No. 2010-33, 9-9-10)

**Sec. 86-188. Limitations on adult bookstores, motion picture theaters and entertainment establishments.**

Notwithstanding any other provision of this zoning ordinance, the following limitations are imposed on adult bookstores, adult motion picture theaters and adults only entertainment establishments:

(1) No such use may be established or operated in the following districts: R-1, R-2, R-4, R-7, C-1, C-2, PE, MH, or PUD zones.

2) Such uses shall not be permitted within 300 feet of a:

a. Church, school, park or playground, or any other such establishment; or

b. Any residential or PUD district.

(Ord. of 11-11-04(5), § 3)

**Editor's note**-An ordinance adopted Nov. 11, 2004, supplied provisions to added to the Code as § 86-187. In order to maintain the style of the Code, at the discretion of the editor, these provisions were renumbered as § 86-188 to read as set out herein.

**Sec. 86-189. Limitations on body piercing establishments.**

March 24, 2015 – Current ordinance in black with revisions shown in red.

Notwithstanding any other provision of this zoning ordinance, the following limitations are imposed on "body piercing" establishments as that term as used in Code of Laws of South Carolina § 44-32-10:

(1) No such use may be established or operated in the following districts: R-1, R-2, R-4, R-7, C-1, C-2, PB, MH, or PUD zones.

(2) Such uses shall not be permitted within 300 feet of a:

a. Church, school, park or playground, or any other such establishment; or

b. Any residential or PUD district.

(Ord. of 11-11-04(6), § 2)

**Editor's note**-An ordinance adopted Nov. 11, 2004, supplied provisions to added to the Code as § 86-188. In order to maintain the style of the Code, at the discretion of the editor, these provisions were renumbered as § 86-189 to read as set out herein.

**Sec. 86-190\_ Maintenance.**

Owners of parcels of land within the Town of Edisto Beach shall be responsible for the maintenance of their real property and structures located thereon. In order to determine compliance with this section, the Building Code Administrator shall be permitted to inspect any real property or structure erected thereon.

(Ord. of 12-9-04(5), § 1)

**Sec. 86-191. Side-by-side two-family dwelling; division; requirements; non-conformity.**

(a) *Division.* Notwithstanding the provisions of subsection 86-119(2), where a side-by-side two-family dwelling (duplex) was constructed as a legally permitted use for the district in which it lies, and the plat of the lot on which such dwelling is located is properly recorded, providing the dwelling has met all zoning regulations at the time it was constructed, inspected, and certificate of occupancy issued, the lot may thereafter be divided to permit individual ownership of the two-family dwelling units by the following procedure, provided that lots conveyed to and held in the name of a horizontal property regime pursuant to S.C. Code 1976, §§ 27-31-10 et seq., "Horizontal Property Act," shall be in compliance with the provisions of the Horizontal Property Act to be eligible for division as provided herein:

(1) A plat showing the as-built location of the two-family dwelling structure on the lot shall be filed with the Town.

(2) The plat of survey shall provide a reference to this section and indicate the purpose for which the plat is prepared.

(3) The plat shall locate the new ownership division line along the common wall of the structure and provide individual boundaries for each new parcel.

(4) The structure shall meet or be modified to meet all applicable building code requirements for a side-by-side two-family dwelling of the applicable Building Code adopted by the Town at the time of initial construction.

(5) Notwithstanding any other provisions of this Code relative to plats, if the proposed division is approved by the Town Council, following review by the Building Code Administrator or his/her designee, a deed may be recorded thereafter effecting the lot division and each lot may be held in separate ownership.

(6) A copy of the recorded deeds and plat of survey shall be filed with the Town.

(b) *Requirements.* The following requirements shall be met by each unit of the side-by-side two (2) family dwelling to be eligible to be divided as herein provided.

(1) Lots shall comply with the area and dimension requirements of this chapter with the following exceptions:

a. *Lot area:* The lot area shall not be less than one-half the square feet area of the originating lot for each unit of a side-by-side two-family dwelling. Notwithstanding this requirement, where a side-by-side two-family dwelling was constructed and existing at the time of adoption of this section, the lot area for each unit shall be determined by division along the existing party wall without regard to the minimum lot area requirements established herein.

b. *Lot width:* Requirements shall be calculated based on the originating lot, not the resulting divided lots.

c. *Side yard setback:* Internal side yard setback: Zero (0) feet.

(2) Water, sewer, electrical, and gas services shall be entirely separate for each unit of the side-by-side two-family dwelling, and each unit shall be separately metered.

(3) Notwithstanding any other provisions of this chapter, no more than thirty (30) percent of the ground of each half of lots divided pursuant to this section may be covered with impervious surfaces. All structures built prior to adoption of this ordinance are considered legally nonconforming.

(4) The owners of each unit of a two-family dwelling shall enter into a written "party wall" agreement on terms agreed to by the owners. The "party wall" agreement shall include the following language, the terms of which must be agreed to by the owners: "The Town of Edisto Beach is not a party to this agreement and shall not be liable to the owners or third parties for any claims that may arise from the terms or creation of this agreement.""

(c) *Nonconforming dwelling units.* Each unit, or portion thereof, of a side-by-side two-family dwelling existing as of September 9, 2010, which has been divided pursuant to this section and which does not meet one or more of the requirements of the zoning ordinance for individually owned dwellings is declared to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any individual unit of a duplex which has been divided may be continued even though such use does not conform with the provisions of this chapter, subject to the provisions of subsection 86-136(i) and section 86-171 as may be amended from time to time.

(d) *No single-family dwellings.* Nothing in this section shall be read to permit the construction of a single-family dwelling on a lot established through the division provisions of this section. The construction of a single-family dwelling on a lot established through the division provisions set forth herein is prohibited.  
(Ord. No. 2010-38, 9-9-10)

**Secs. 86-192-86-210. Reserved.**

#### ARTICLE V. SIGNS

Sec. 86-211.        Purpose, Administration, and Enforcement.  
 Sec. 86-212.        Prohibited Signs  
 Sec. 86-213.        Signs Allowed in Individual Zoning Districts Requiring a Permit  
 Sec. 86-214.        Signs For Which a Permit is Not Required  
 Sec. 86-215.        Nonconforming Signs  
 Sec. 86-216.        Severability  
 Sec. 86-217.        Height Limitations  
 Sec. 86-218.        Penalties for Noncompliance  
 Sec. 86-219 – 86.234.        Reserved

#### Sec. 86-211. Purpose, Administration, and Enforcement.

(a) *Purpose and Intent.* It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. It is not the purpose of this article to regulate or control the copy of content of signs. Notwithstanding anything to the contrary in this article, no sign shall be subject to any limitation based on the content of the message contained on such sign. It is not the intent of this article to afford greater protection to either commercial or noncommercial speech. Any sign, display or device under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for a profit, or to a commodity or service for sale, and that complies with all other requirements of this article. These sign regulations are intended to:

- (1) Enhance the attractiveness and economic well-being of the Town as a place to live, vacation and conduct business.
- (2) Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- (3) Protect the public from the dangers of unsafe signs.
- (4) Enable the identification of places of residents and business.
- (5) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- (6) Allow for communication of information necessary for the conduct of commerce.
- (7) Permit signs that compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

- (8) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- (10) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- (11) Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
- (12) Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
- (13) Preserve and enhance the natural and scenic characteristics of this community.
- (14) Provide increased flexibility in the number, size, location, design and operating characteristics of signs in areas approved by Town Council.
- (15) Promote the public safety, welfare, convenience and enjoyment of the Town.

**(b). Administration and Enforcement.**

- (1) *Building and Electrical Code Standards.* All permanent signs must meet the structural and installation standards of the International Building Code and electrical standards of the National Electric Code as enforced by the Town of Edisto Beach Building Code Administrator.
- (2) *Permit required.* No sign requiring a permit shall be erected unless a sign permit has been issued by the Building Code Administrator or designee in accordance with the procedures of this chapter. Action shall be taken on permit applications within ten (10) business days.
- (3) *Fees.* An applicant for a sign permit shall pay such fees as *determined* necessary for application processing. These fees are due upon submission of an application and shall be determined by Town Council from time to time by resolution.
- (4) *Documentation of Signs.* Upon request, the owner of any existing sign shall provide the Town of Edisto Beach Town Administrator with evidence that documents the size, location and date of construction of all existing signs on the premises.

**86-212. Prohibited Signs.**

**(a).** The following signs shall be prohibited:

- (1) Signs which utilize illumination from bare light bulbs which are not directed toward the face of the sign. This does not apply to signs which employ light bulbs which have individual power ratings of fifteen (15) watts or less.

- (2) Illuminated signs within 500 feet of the R-1, R-2, R-4 and R-7 districts which are not shielded in such a manner as to prevent light from being cast into such districts.
- (3) Illuminated signs located within R-1, R-2, R-4 and R-7 districts which are not shielded in such a manner as to prevent illumination from being cast onto any residence within one hundred (100) feet of such sign.
- (4) Internally illuminated exterior commercial signs are prohibited.
- (5) Fluttering ribbons, pennants, banners, and similar devices used for commercial advertising, except those banners permitted under sections 86-213 and 86-214(a)(15).
- (6) Signs imitating traffic devices (signals and warnings) and signs using such words as "stop" or "danger".
- (7) Signs in wetlands or tidelands/marshes.
- (8) Signs in rights-of-way, except for temporary signs erected by the Town.
- (9) Snipe signs, which is any sign attached in any way to a utility pole, tree, fence, post or any other object located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.
- (10) Signs mounted on vehicles or trailers, except for magnetic signs, lettering and vehicle wraps, which shall be allowed.
- (11) Roof mount signs.
- (12) Signs painted on or attached to trees, fence posts, telephone or utility poles, or natural features.
- (13) Changeable copy signs, except a sign may contain a changeable copy portion which is not more than fifty percent (50%) of the area of the sign on which the changeable copy portion is located.
- (14) Off-premise signs.

(b) Signs in Disrepair. Signs in disrepair shall be repaired, renovated or removed from the premises within thirty (30) days following a notice by the Building Code Administrator.

(c) Abandoned Signs. Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned, and shall be removed by the owner of the property within thirty (30) days from the time the activity ceases existence by removing the sign face, painting the sign face a neutral color or installing a blank face panel. This provision does not apply to seasonal activities during the regular periods in which they are closed. If the sign face is not reused and permitted within one (1) year, the remaining sign structure must be removed in its entirety, unless the Building Code Administrator grants an extension subject to the owner submitting statement of intent and stipulating a reasonable time for reuse and permitting of the sign structure. Remedial action shall be taken within

thirty (30) days after a sign becomes abandoned. If no remedial action is taken, the Building Code Administrator or designee shall give notice to the owner of record who shall have thirty (30) days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs.

(d) *Signs Interfering with Vehicular Vision.*

- (1) No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any intersection of any street or highway. Signs determined by the Building Code Administrator to be in violation shall be removed or relocated immediately upon notice.

(e) *Parking Lot Signage.* Signs that are located in parking lots other than traffic control signs (such as directional signs, private on-site directional signs, such as "Entrance", "Exit", "Drive-through", "Unit Number", "Street Name" and information signs).

**86-213. Signs Allowed in Individual Zoning Districts Requiring a Permit.**

(a) Except as otherwise provided in section 86-214 *Signs for which a permit is not required*, a permit must be obtained in accordance with this article when a sign is constructed, erected, moved, enlarged, illuminated or substantially altered.

(b) Routine maintenance does not require a permit. Such maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign plan, but does not include reconditioning a sign by removing it from its supports for the purpose of repair or alteration and reinstallation, replacing the plastic face or changing the structural or electrical components of any sign, except routine electrical maintenance. Painting or repainting the advertising message or sign area for of a sign for the same business is allowed without a permit.

(1) *R-1, R-2 and R-4 districts.* The following signs, together with the conditions attached thereto, are permitted in the R-1, R-2 and R-4 districts: All signs allowed in residential areas which are covered in section 86-214.

(2) *R-7 district.* The following signs, together with the conditions attached thereto, are permitted in the R-7 district:

- a. Any sign which is permitted within the R-1 district, together with the conditions attached thereto.  
b. A single residential identification sign is not permitted to exceed ten (10) square feet in area. Such sign shall be set back not less than ten feet from any street right-of-way line.

(3) *C-1 district.* The following signs, together with the conditions attached thereto, are permitted in the C-1 district:

- a. Any sign permitted in the R-1 district and the R-7 district together with the conditions attached thereto.

- i. One (1) business identification sign, provided a permit is secured from the office of the Building Code Administrator. The sign, if illuminated, shall be shielded so that it does not cast light rays directly toward or upon residential structures; the sign does not exceed forty (40) square feet in area, is placed no closer than five

(5) feet from any side yard line and, if projecting into the front yard, shall not extend beyond the front property line.

ii. All existing signs in the C-1 district upon effective date of this article shall be allowed. However, should an existing sign be destroyed for any reason it shall conform to the terms of this article.

b. Shopping center or unified business signs. Within a shopping center or unified business development, individual stores or business establishments shall be limited to one hundred (100) square feet of sign area on the building. In addition to signs permitted for individual stores or business establishments within a shopping center or unified business development, shopping center signs bearing the name of the unified business development or shopping center shall be permitted on the basis of one (1) sign for each shopping center or unified business development. This sign shall contain only the name of the shopping center or unified business development. Additionally, each individual business is permitted, as a part of that main sign, eight (8) square feet, so long as the total area of the main sign does not exceed sixty (60) square feet. On lots with a single store or business establishment, sign area shall not exceed one hundred fifty (150) square feet of sign.

(4). C-2 district. The following signs, together with the conditions attached thereto, are permitted in the C-2 district and shall require a permit:

a. Any sign permitted in the C-1 district together with the conditions attached thereto.

b. Freestanding signs. The sign area of all signs on the premises shall be charged against the maximum signage area allowed on the premises, except for the following type signs:

i. Menu reader boards for drive-in or drive-through restaurant service.

ii. Signs attached directly to petroleum products pumps at service stations, provided each such sign is no larger than the pump itself.

iii. Private, on-site directional signs, such as "Entrance", "Exit", or "Drive Through", "Unit Number", "Street Name" and information signs.

c. Exclusive to marina-based operations. One (1) sign not exceeding nine (9) square feet total area may be permitted for each marine based business, to be displayed on the dock at embarking and disembarking location provided individual business is approved by the Planning Commission and Town Council for that same location.

(5) C-3 district. The following signs are permitted within the C-3 district, together with conditions attached thereto:

a. Any sign permitted in the C-2 district, together with the restrictions attached thereto.

b. Portable "A-Frame" or sandwich signs that meet the following conditions:



- i. One (1) such sign per business establishment (excluding real estate signage), and such permit is not transferable. The total square footage of the sign shall not exceed twelve (12) square feet and shall be no more than six (6) square feet per side of sign, with the maximum height being forty-two (42) inches, and shall be in an established C-1, C-2, or C-3 zoning district;
- ii. The sign shall be positioned during normal business hours so as not to impede or disrupt foot traffic or cause an unsafe condition to pedestrians or motorized and non-motorized traffic;
- iii. The sign shall be removed during non-business hours;
- iv. The sign shall not be placed within ten (10) feet of any street right-of-way, highway right-of-way or within ten (10) feet of a property line, whichever is more restrictive;
- v. The sign shall only be permitted to be placed on the property where the business depicted by the sign is located;
- vi. The sign shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall it be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape;
- vii. The sign shall not be placed in an off-premise location;
- viii. A permit shall be required to locate a sign and a fee may be charged. Permits are valid for one (1) calendar year beginning January 1, and ending December 31. If a sign is displayed prior to obtaining a sandwich board sign permit, the permit fee will be doubled or application may be denied;
- ix. The sign must be weighted down or removed if winds gust to twenty (20) M.P.H. or more;
- x. The sign shall not be illuminated, nor shall it contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Attaching portable "A" frame signs to structures, poles, sidewalks, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited;
- xi. Acceptable primary portable "A" frame sign materials include the following: plastic, steel, iron, metal and wood. Synthetic materials such as chalkboard and whiteboard are acceptable accent materials but are limited to fifty percent (50%) of sign area on each side;
- xii. At least the top half, fifty percent (50%), of each side of the sign shall be permanent and contain the name and nature of the business. The sign lettering shall be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint stenciled letters is not acceptable. The written message of

the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business.

xiii. Violation of any one or more of the conditions set forth in this subsection may result in revocation of portable "A" frame sign permit and other penalties as provided in section 86-218.

(6) *PUD district.* The following signs are permitted within the PUD district, together Conditions attached thereto:

- a. Any sign permitted in the C-2 district, together with conditions attached thereto.
- b. Any sign permitted in the C-3 district, together with conditions attached thereto.

(c) *Application.* The property owner or agent, along with the lessee, if any, and the sign installer, must file an application for the sign permit on forms prescribed by the Town Administrator or designee. The application must be accompanied by all required documents and fees.

(1) *Required Application Documents.* (See sign permit application form)

- a. An application for a sign permit must be accompanied by:
  - i. A scale drawing of the site showing:
    - a) The proposed location of the sign, including setbacks;
    - b) The location and size of all other signs on the property;
    - c) The location, dimensions and distance from property lines of all buildings on the site;
    - d) The location and name of all streets which abut the property;
    - e) The frontage dimensions of the site along each street which abuts the property.
  - ii. Application must be made for an electrical permit, if the application is for an illuminated sign not utilizing a cord-and-plug.
  - iv. Application must be made for a building permit for a sign requiring a constructed support and/or a permanent or semi-permanent attached to the ground.
  - v. Payment of the sign permit fee.
  - vi. Other information that may be required by the Building Code Administrator or designee to insure compliance with this article or other sections of the code.

(d) Inspection, Approval, Permit Expiration.

(1) All signs for which a permit is required are subject to inspection by the Building Code Administrator or designee. All ground signs shall be subject to a footing inspection, and all signs to a final electrical inspection. Inspections must be made to the main frame prior to installation of decorative panels or skirting. Following an inspection, if corrections or defects are not made within thirty (30) days after notification, no permits for any sign work will be issued to a contractor delinquent of inspection items.

(2) Within ten (10) days after receipt of an application, Building Code Administrator or designee shall determine that the information is complete or incomplete and inform the applicant in writing of the deficiencies, if any. If the application is deemed:

a. Incomplete, the applicant may submit the required information within thirty (30) days without payment of an additional application fee, but if more than thirty (30) days elapse, the applicant must thereafter initiate a new application; or

b. Complete, the reviewing official shall determine if the sign meets all provisions of the Town's code of ordinances and shall issue the permit which states whether the application is approved, denied, or approved with conditions within ten (10) days of receiving the complete permit application. Any application not specifically approved within the applicable calendar day period shall be deemed granted.

(3) No permit shall be issued for any sign if a nonconforming billboard, roof, projecting, or pole sign exists at the business location.

(4) Every sign permit issued shall become null and void if the work is not commenced within six (6) months. If work is suspended or abandoned for one hundred twenty (120) days at any time after commencement, a new permit shall be required and the fee will be one-half (1/2) the amount required for a new application provided no changes have been made in the original plans.

(e) Sign Design and Construction. All signs shall meet the following minimum design and construction standards:

(1) All permanent signs shall comply with the minimum requirements provided in the adopted International Building Code relating to design, structural members, and connections. All signs requiring electrical connections and all ground signs shall require a building permit.

(2) Signs shall maintain a clearance of ten (10) feet from all overhead electrical conductors and three (3) feet from all secondary voltage service drops.

(3) No sign shall be attached to a wall which lacks sufficient strength to support it, or nailed or attached in any way to trees, telephone poles or other objects.

(f) Expiration or Invalidation of a Sign Permit. A sign permit becomes invalid when:

(1) The sign for which the permit was issued is not erected within six (6) months from the date of issuance;

- (2) The sign for which the permit was issued is moved or substantially altered;
- (3) The Town Administrator or designee revokes the permit for failure to comply with an order issued by the Town stipulating corrective action for improper maintenance;
- (4) The application for a sign permit contained inaccurate information;
- (5) The business ceases existence or changes; or
- (6) The terms of the permit have not been satisfied.

(g) Maintenance and Noncompliance

- (1) All signs including all supports, braces, guys and anchors shall be kept in good repair.
- (2) A sign which no longer correctly directs or exhorts any person, advertises and operating business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed shall be removed. The property owner is responsible for the removal of signs, including all brackets, poles, footings and structural elements.
- (3) If any sign is unsafe, insecure, or is a menace to the public health or safety, or has been displayed or is being maintained in violation of the requirements, in addition to being a violation of the Town of Edisto Beach code of ordinances and subject to summons outlined under section 1-6 of the Town of Edisto Beach code of ordinances, shall be removed. Written notice of such finding shall be provided to the contractor, owner, agent or lessee thereof, and a time, not more than thirty (30) days (dependent on the relevant health and safety factors), shall be accorded for removal. Any portable sign may be removed without notification if such sign is placed in public rights-of-way. If the contractor, agent, owner or lessee fails to timely remove or correct the violation, the sign may be removed at the expense of the contractor, applicant, owner, agent or lessee of the property. The Town may immediately remove any sign or advertising structure which is an immediate peril to persons or property, with such costs recoverable in like manner.

*(Ord. of 6-11-81, § 605; Ord. of 3-14-91, § 6; Ord. of 2-13-03(1), § 34; Ord. No 2010-19, 6-10-10; Ord. No 2010-35, 9-9-10)*

**86-214. Signs For Which a Permit is Not Required.**

(a) A permit is not required for the following types of signs in any zoning district:

- (1) Traffic, directional warning or information signs authorized by any public agency.
- (2) Official notices issued by any court, public agency, or officer of any court or public agency.
- (3) One (1) non-illuminated "For Sale" or "For Lease" sign not to exceed nine (9) square feet in areas of residential zoning districts or twenty (20) square feet in other zoning districts. All such signs are to be removed thirty (30) days after closing of sale or lease.

(4) One (1) non-illuminated "For Rent" sign not to exceed six (6) square feet in area attached upon a seasonal residential rental unit.

(5) One (1) sign for a home occupation or to identify a clubhouse provided it is not illuminated, not larger than four (4) square feet and mounted against a wall of the principal building.

(6) Church or public building bulletin boards and identification signs. There shall be a limit of one (1) such sign which shall not exceed fifteen (15) square feet in area.

(7) Directional signs not exceeding six (6) square feet in area referring to organizations which are non-profit in character and are not erected for more than ten (10) days.

(8) One (1) sign identifying by name only residential subdivisions or multifamily dwellings. Such signs are not to exceed ~~thirty-two (32)~~ square feet in area and must be located on premises.

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(9) Temporary political and campaign signs provided they do not exceed six (6) square feet in area and are not located within a street or highway right-of-way. All such signs are permitted to be displayed thirty (30) days prior to an election and are to be removed within two (2) days after the election.

(10) One (1) sign, not exceeding nine (9) square feet in total area, attached to the building or upon a rod or post not more than five (5) feet high and stating only the street number, cottage name and/or name of the occupants of the cottage. Any numbers or letters attached to the owner home shall not be included in calculating sign area.

(11) Portable signs, sandwich board signs, and banners identifying functions of a non-profit organization are not to be displayed for more than ten (10) days.

(12) Community service bulletin boards are not to exceed thirty-two (32) square feet. The business may utilize any wall or accessory surface or combination of not more than three (3) individual surfaces in a cumulative fashion to achieve the required thirty-two (32) square feet. Such combination shall be approved by the Building Code Administrator or designee.

(13) One (1) help wanted banner, not exceeding eight (8) square feet in total area attached to the building of the operating business and not displayed more than thirty (30) consecutive days.

(14) Temporary signs and banners associated with special events not to be displayed for more than fifteen (15) consecutive days.

(15) Fluttering ribbons, pennants, banners and similar devices may be displayed no more often than once per month on each lot and may not be displayed for more than forty-eight (48) hours on each occasion.

(16) The American flag, the state of South Carolina flag, college and civic organization flags are permitted but are not to exceed five (5) feet by eight (8) feet.

(b) House Numbers. All permanent, free-standing, on-premises signs shall contain house numbers containing number at least four (4) inches in height. The area devoted to required house numbers shall not be included in the calculation of maximum sign area.

(c) Special Signs.

(1) Temporary Signs

a. *Contractor/Subcontractor on Construction Sites.* One (1) building contractor's or developer's sign, not to exceed nine (9) square feet in total area on a lot where a building is actually under construction. Each subcontractor at such a building, or contractor or subcontractor where solely lot improvements, such as landscaping and irrigation, are being installed, may present one (1) sign not to exceed six (6) square feet in area. All such signs are to be removed from the site by building contractors within thirty (30) days after a certificate of occupancy has been issued on the project, and exterior lot contractors and subcontractors must remove their signs within thirty (30) days after completion of work.

(2) Electronic Changeable Copy Sign. Electronic changeable copy signs are permitted within the Office Commercial District (C-1), Marine Commercial District (C-2) and the Commercial District (C-3). Such signs are only permitted to be displayed from inside the building. Where permitted, signs shall be subject to the following regulations:

a. Display Area – Changeable copy signs area must be limited to fifteen (15) percent of the total allowed sign area.

(3) Way Finder Sign Program. Way finder signs are signs which are often referred to as "wayfinders" that give orientation, traffic control, or direction to businesses in a commercial district, approved by the authority of the Town Council. The Town will provide and maintain such signs in any zoning district. Such signs shall conform to DOT codes applicable where necessary. Town Council shall approve uniform design criteria in keeping with section 86-211.

**86-215. Nonconforming Signs.**

(a) Generally.

(1) A "Nonconforming Sign" is any sign that was legally established but which no longer complies with the sign regulations contained in article V of this ordinance.

(2) A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face.

(3) A nonconforming sign shall not be modified in any way which would increase the degree of nonconformity. No changes in the existing sign will be allowed except those repairs which are necessary to keep the sign in good working order.

(b) Nonconforming On-Premise Signs. Any sign in existence upon adoption of this article, which had up to date permitting and was in conformity with the sign ordinance provisions existing prior to that date, but were not in compliance with the provision of the Code of Ordinances as of the date of adoption of this article, and are not

made conforming by the provisions of this article shall be deemed nonconforming, but shall be allowed to continue to be displayed by virtue of their “grandfathered” status. Any existing off-premises signs are not allowed but only one (1) sign per lot per business; however, should an existing sign be destroyed for any reason, it shall not be re-erected except in conformance with other terms of this article. In addition, the copy of such sign may be changed only by permit and permission of the Building Department. This approval will be based upon guidelines in section 86-211.

#### **86-216. Severability.**

(a) *Generally.* In any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.

(b) *Severability Where Less Speech Results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A, above, or elsewhere in this article, this code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) *Severability of Provisions Relating to Certain Prohibited or Exempted Signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A, or elsewhere in this article, this code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article that pertains to prohibited signs, including specifically those signs and typed exempted or prohibited, and not allowed under any section of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 86-212, prohibited signs, is declared unconstitutional by the valid judgment or decree of any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of those sections, thereby insuring that as may prohibited sign types as may be constitutionally prohibited continue to be prohibited, and those exempted may continue to be exempted.

#### **86-217. Height Limitations.**

The maximum height for all signs within the Town shall be twenty (20) feet from finished grade at the base of the sign.

#### **86-218. Penalties for Noncompliance.**

Upon adoption of this article, the Town will notify in writing the owners of all nonconforming and prohibited signs. All nonconforming signs shall have ninety (90) days from the date of adoption of this article by the

Town to comply. Noncompliance shall be considered a misdemeanor and, upon conviction, shall be punished in accordance with section 1-6.

86-219 – 86-234. Reserved.

**ARTICLE VI. COMMUNICATIONS TOWER AND ANTENNA**

Sec. 86-235. Definitions.

Sec. 86-236. Communications tower and antenna permitted as conditional use.

Sec. 86-237. Special Exceptions.

Sec. 86-238. Non-conforming towers.

Sec. 86-239 – 86.249. Reserved.

**Sec. 86-235. Definitions.**

[The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Antenna* means a device, dish or array used to transmit or receive telecommunications signals.

*Communications tower* shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, or on a building.

*Height of a communication tower* is the distance from the ground level base of the structure to the highest point of the structure, measured in accordance with the provisions of section 86-182 of this Code.

*Telecommunications*, as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(Ord. of 6-12-03, § 1)

**Sec. 86-236. Communications tower and antenna permitted as conditional use.**

A communications tower and/or antenna may be permitted by the Building Code Administrator without further review upon determination that all of the applicable conditions in this article are met.

(1) *Districts in which conditional uses are permitted; height limitations.*

Districts	Permitted Height - Free-standing tower
Commercial C-1, C-2, C-3	Free-standing tower with height not exceeding sixty (60) feet is a permitted conditional use.
	Permitted height above structure
Public PB	Tower and/or antenna mounted on building, water tank or structure other than a free-standing communications tower must not extend more than <u>thirty</u> (30) feet above the highest part of the structure.
	Special exceptions and variances



Commercial C-1, C-2, C-3, Public PB	Variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general district regulations may be granted under standards in Section 62-41, et seq.
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(2) *Applicant requirements:* The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Building Code Administrator an application accompanied by a fee as specified in subsection 14-34(1)

a. One (1) copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

b. A site plan drawn to scale showing property boundaries, tower location, tower height, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property;

c. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city;

d. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.

e. Identification of the owners of all antennae and equipment to be located on the site;

f. Written authorization from the site owner for the application;

g. Evidence that a valid FCC license for the proposed activity has been issued;

h. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;

i. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;

j. Evidence that applicable conditions in subsection c. are met; and

k. Additional information required by the Building Code Administrator for determination that all applicable zoning regulations are met.

(3) *Conditions:* Applicant must show that all applicable conditions are met.

a. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

b. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant. It is the strong preference of the Town that existing structures be used to the greatest practical extent and that construction of new towers be the option of last resort.

c. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

d. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

e. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

f. A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.

g. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

h. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Building Code Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the Town attorney.

i. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

j. A tower must be a minimum distance equal to one-half (1/2) the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or twenty-five percent (25%) of the tower height, whichever is greater.

(4) *Appeals*: Applicant may appeal to the Zoning Board of Appeals as follows:

a. Failure of the Building Code Administrator to act on an application which is determined to be complete under this section within forty five (45) days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Zoning Board of Appeals.

b. Applicant may appeal to the Zoning Board of Appeals for a variance from general zoning district regulations and setback requirements in this section, but not from any other conditions in this section. (Ord. of 6-12-03, § 1)

**Sec. 86-237. Special exceptions.**

A tower, pole, or antenna may be permitted by special exception granted by the Zoning Board of Appeals after public hearing and findings of fact based on the following criteria:

The Zoning Board of Appeals must find and conclude:

- (1) All application requirements and conditions imposed by section 86-236 of this article for conditional uses are met except setbacks.
- (2) Setback requirements and such additional conditions are established by the Zoning Board of Appeals as it deems necessary to remove danger to health and safety, and to protect adjacent property.
- (3) Denial of a permit must be supported by substantial evidence.
- (4) The Zoning Board of Appeals may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception, except as permitted by subsection 86-236(d). (Ord. of 6-12-03, § 1)

**Sec. 86-238. Non-conforming towers.**

(a) Towers existing at the adoption of this article shall be considered non-conforming uses as defined by section 86-171 and shall be governed accordingly.

(b) Notwithstanding the provisions of section 86-171, nothing in this chapter shall be construed to limit the number of antennas that may be placed on legal non-conforming towers.

(c) Notwithstanding the provisions of Section 86-171, nothing in this Chapter shall be construed to limit one additional building required for antennas so long as the total footprint does not exceed the R-1 limit. Provided, however, the tower and auxiliary building shall to the greatest extent possible be architecturally consistent with the uses immediately surrounding the tower and buildings and shall to the greatest extent practical be beautified with the use of trees, shrubs, methods of concealment, or privacy fences aesthetically consistent with the neighborhood. The auxiliary building shall not be used for habitable space. This building may be subdivided in order for multiple antenna owners to have required support space. The building may be constructed in interconnected units or modules over a period of time as long as the total footprint conforms to the above limits and gives the appearance of a single building. Commercial review of proposed development is required in accordance with C-3 Zoning regulations. (Ord. of 6-12-03, § 1; Ord. of 1-8-04, § 1)

**Secs. 86-239-86-249. Reserved.**

**ARTICLE VII. TREES\***

\*Editor's note-Ord. No. 2010-13, adopted June 10, 2010, amended article VII in its entirety to read as herein set out. Formerly, article VII pertained to similar subject matter, and derived from an ordinance of June 21, 2001(2), § 1; an ordinance of February 13, 2003(1), §§ 35-42; an ordinance of November 11, 2004(2), §§ 2---4; an ordinance of December 8, 2005, § 2; an ordinance of March 8, 2007(1), §§ 2, 3, and Ord. No. 2009-25, adopted December 10, 2009.

<u>Sec. 86-250.</u>	<u>Building Code Administrator; powers.</u>
<u>Sec. 86-250A.</u>	<u>Responsibility of Ocean Ridge Architectural Review Board</u>
<u>Sec. 86-251.</u>	<u>Responsibility of Building Code Administrator.</u>
<u>Sec. 86-252.</u>	<u>Appeals.</u>
<u>Sec. 86-253.</u>	<u>Jurisdiction; exceptions.</u>
<u>Sec. 86-254.</u>	<u>Removal of certain trees prohibited.</u>
<u>Sec. 86-255.</u>	<u>Underbrush management permitted.</u>
<u>Sec. 86-256.</u>	<u>Permits required; criteria.</u>
<u>Sec. 86-257.</u>	<u>Encroachments.</u>
<u>Sec. 86-258.</u>	<u>Irreparable damage to protected trees.</u>
<u>Sec. 86-259.</u>	<u>Penalties.</u>
<u>Sec. 86-260.</u>	<u>Violations.</u>
<u>Sec. 86-261.</u>	<u>Approved tree replacement list.</u>
<u>Sec. 86-262 – 86-269.</u>	<u>Reserved.</u>

#### **Sec. 86-250. Building Code Administrator; powers.**

The Building Code Administrator shall have the following powers:

- (1) To make additions and deletions to the approved tree replacement list;
- (2) In all districts except the existing PUD district, to consider the issuance of, and to issue or deny land clearing permits and protected tree removal permits where removal of historic trees are proposed, to include designation of and location of replacement trees;
- (3) In all districts except the existing PUD district, to have to investigate violations of this article and to issue civil penalties pursuant to section 86-259 hereof; and
- (4) To recommend to the Planning Commission amendments to this article as from time to time may appear desirable.  
(Ord. No. 2010-13, 6-10-10)

#### **Sec. 86-250A. Responsibility of Ocean Ridge Architectural Review Board.**

The Ocean Ridge Architectural Review Board shall have the following responsibility:

- (1) In the existing PUD District, to consider the approval of land clearing and protected tree removal where removal of historic trees is proposed, to include designation of and location of replacement trees; and
- (2) In the existing PUD District, to have joint authority with the Building Code Administrator to investigate violations of this article and to issue civil penalties pursuant to section 86-259 hereof.  
(Ord. No. 2010-13, 6-10-10).

#### **Sec. 86-251. Responsibility of Building Code Administrator.**

The Building Code Administrator shall have responsibility for administering this article except to the extent specific authority is delegated to the Ocean Ridge Architectural Review Board. (Ord. No. 2010-13, 6-10-10)

**Sec. 86-252. Appeals.**

The Zoning Board of Appeals shall hear and decide appeals from decisions made by the Building Code Administrator pursuant to this article.  
(Ord. No. 2010-13, 6-10-10)

**Sec. 86-253. Jurisdiction; exceptions.**

The tree ordinance shall apply to all trees existing on land, public and private, within the Town, now and in the future, subject to the following:

(1) Utility companies, electric suppliers, and government agencies. These entities that are constructing or maintaining easements for water, sewer electricity, gas, drainage, telephone, or cable transmission or rights-of-way, shall be exempt from the provisions of this article, if the applicable entity has executed an agreement with the Town which, at a minimum:

- a. Recognizes the need to minimize the cutting or trimming of protected trees;
- b. Establishes to the extent feasible, design guidelines for construction and maintenance which identifies the saving of protected trees as a factor to be considered in the design process;
- c. Allows for consultation process with the Town prior to the commencement of major construction or maintenance or the removal of protected trees; and
- d. Provides that a breach of such agreement constitutes a violation of this article and a loss of exemption from its requirements.

(2) This article shall not restrict the ability of the Town or the South Carolina Department of Transportation from trimming trees on the road and street rights-of-way for the maintenance of safety. The trimming shall be completed with a minimum disruption to protected trees.  
(Ord. No. 2010-13, 6-10-10)

**Sec. 86-254. Removal of certain trees prohibited.**

(a) Except as otherwise provided herein, no individual or agent shall remove, destroy, cause to be destroyed, move or mortally prune, or use any other harmful treatment, such as application of toxic substances, fire or machinery, on or to any tree defined herein as historic without the prior approval of the Building Code Administrator or the Ocean Ridge Architectural Review Board, as the case may be.

(b) No individual or agent shall remove, destroy, cause to be destroyed, move or mortally prune, or use any other harmful treatment, such as application of toxic substances, fire, or machinery on or to any tree defined herein as significant without the prior approval of the Building Code Administrator, or the Ocean Ridge Architectural Review Board, as the case may be.

(c) In the event that the Building Code Administrator or the Ocean Ridge Architectural Review Board, as the case may be, shall determine that any tree shall be in a hazardous or dangerous condition so as to endanger the public health, safety, welfare, and that such tree requires immediate removal without delay, written authorization may be given by the Building Code Administrator and the tree removed.

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(d) During the period of an emergency, such as tornado, hurricane, ice storm, flood, or any other act of nature, the requirements of this article shall be waived from the time as such the mayor has declared a "state of emergency" In such case, the cutting and removal of felled trees shall be permitted until such time as the mayor has rescinded the "state of emergency."

(Ord. No. 2010-13, 6-10-10)

**Sec. 86-255. Underbrush management permitted.**

Land may be mowed and underbrush cleared, but no trees of any kind in excess of eight (8) inch DBH may be removed without a permit as described in section 86-256.

(Ord. No. 2010-13, 6-10-10)

**Sec. 86-256. Permits required; criteria.**

(a) A land clearing permit is required from the Town [through the Building Code Administrator](#) prior to removal of any tree in excess of eight (8) inch DBH on any undeveloped lot, tract, or existing PUD.

(b) A protected tree removal permit is required from the Town [through the Building Code Administrator](#) prior to any protected tree removal on any developed lot, tract, or existing [PUD. See section 86-4 \(b\)\(5\) for fees and waiver of fee provisions.](#)

(c) Tree replacement or relocation may be made a condition for issuance of a land clearing permit or protected tree removal permit for removal of an historic tree.

(1) Replacement trees must be the same kind of tree as that removed, or from the approved tree replacement list [found in section 86-261](#). Each replacement tree with a single trunk must have a minimum of three (3) inches caliper and be at least ten (10) feet tall. Multi-trunk [trees](#) must be at least ten (10) feet tall.

(2) The location of replacement trees shall be at the discretion of the property owner, with the concurrence of the Building Code Administrator or Ocean Ridge Architectural Review Board, as the case may be, which concurrence shall not be unreasonably withheld.

(3) All replacement trees must be of healthy, vibrant stock, in accordance with American Standards for Nursery Stock of the American Association of Nurserymen.

(4) Where the necessity for removal can be demonstrated, and there will remain adequate vegetative cover, the Building Code Administrator or Ocean Ridge Architectural Review Board, or as the case may be, may waive or limit replacement of trees.

(d) It is the intention of this article to give special treatment to the removal and replacement of those trees designated as Historic. The property owner, the Building Code Administrator and the Ocean Ridge Architectural Review Board should make every effort to save these historic trees when possible.

(Ord. No. 2010-13, 6-10-10)

**Sec. 86-257. Encroachments.**

(a) Construction of impervious surfaces shall not be permitted within five (5) feet of the base of a protected tree, unless special construction methods, including, but not limited to, tree feeders and porous paving materials are used and certified by the Building Code Administrator or as acceptable for the particular application. Fill shall not be permitted within five (5) feet of the base of a protected tree unless special methods to ensure proper drainage and ventilation are used and certified by the Building Code Administrator or as acceptable for the particular application.

(b) During construction, protective barriers at the tree drip line or one and one-half (1 ½) feet of distance for each inch of tree DBH shall be erected to prevent vehicular and foot traffic around the roots of protected trees or groups of protected trees. If this is not practical, other special methods to protect against soil compaction shall be used and certified by the Building Code Administrator as acceptable for the particular application.

(c) Every effort should be made to avoid cutting major roots of protected trees when trenching or excavating for utilities, driveways, and septic systems. Protection methods include but are not limited to alternative routing of pipes and cables, tunneling under major roots, and appropriately pruning foliage to reduce transpiration during recovery.

(Ord. No. 2010-13, 6-10-10)

**Sec. 86-258. Irreparable damage to protected trees.**

(a) Prior to the commencement of any land disturbance, development or construction activities on any lot, protective barriers shall be erected around protected trees to prevent irreparable damage to those that are not approved for removal. These protective barriers shall guard against direct physical damage, indirect root damage and trunk and crown disturbances. All tree protective barriers shall be approved by the applicable governing authority, the Building Code Administrator or the Ocean Ridge Architectural Review Board. To ensure protective measures are adequate, minimally the following criteria shall apply:

(1) A fence shall be placed at ground level at the outer perimeter/boundary of the tree or vegetation canopy/drip line. The fence shall be at least four (4) feet high, preferably orange polyethylene laminar safety fencing attached to metal posts. An acceptable alternative to this method is to place the fence at a distance away from the center of the tree trunk that equals a minimum, one and one-half (1 ½) feet of diameter for each inch of tree DBH.

(2) Installation of utilities, irrigation systems, etc. shall be installed by tunneling rather than trenching in the protective root area of any protected tree or protected vegetation wherever feasible. Protection methods include but are not limited to alternative routing of pipes and cables, tunneling under major roots, and appropriately pruning foliage to reduce transpiration during recovery.

(3) The protected area shall remain free of all equipment traffic, building materials, dirt, fill, and other adverse effects resulting from construction or development activities. If this is not practical, other special methods to protect against soil compaction shall be used and certified by the Building Code Administrator as acceptable for the particular application.

(4) Tree protective barriers shall be maintained throughout all land disturbances and construction.

(b) Where the Building Code Administrator, or the Ocean Ridge Architectural Review Board, as the case may be, has determined that irreparable damage has occurred to protected tree(s), the tree(s) must be removed and

replaced. Replacement trees shall be required as if the tree(s) had been removed without appropriate approval in accordance with section 86-259.  
(Ord. No. 2010-13, 6-10-10)

**Sec. 86-259. Civil penalties.**

(a) If the Building Code Administrator or the Ocean Ridge Architectural Review Board, as the case may be, shall find any of the provisions of this article are being violated, they shall in writing; notify the owner of the property. Written notification shall indicate the nature of the violation and/or the action necessary to correct the violation.

(b) Removal of each protected "significant" tree without approval from the Building Code Administrator or the Ocean Ridge Architectural Review Board, or as the case may be, is a violation of this article, and shall require replacement in caliper inches (American Nursery Stock Standard) equal to one-hundred percent (100%) of the number of inches of "DBH" removed from the site. Replacement trees must be the same kind of tree illegally removed or a type of tree included in the approved tree replacement list. Violations of this Code will be handled in accordance with the general provision of section 1-6.

(c) Removal of each protected "historic" tree without approval from the Building Code Administrator or the Ocean Ridge Architectural Review Board, or as the case may be, is a violation of this article. Replacement trees shall be planted in accordance with a replacement schedule approved by the Building Code Administrator who shall specify the number, species, DBH, and location of replacement trees, using the following criteria;

    (1) Replacement trees must be the same kind of tree as that removed or from the approved tree replacement list. Each replacement tree with single trunk must have a minimum of three (3) inches caliper and be at least ten (10) feet tall. Multi-trunk trees must be at least ten (10) feet tall.

    (2) The location of replacement trees shall be at the discretion of the property owner, with the concurrence of the Building Code Administrator or Ocean Ridge Architectural Review Board, as the case may be, which concurrence shall not be unreasonably withheld.

(d) Persons responsible for unauthorized removal of a protected tree or trees may be subjected to a civil penalty of \$100.00 per inch of diameter at breast height. Restitution funds will be credited to an account for trees to be installed within the Town as appropriate. Imposition of the civil penalty may be made by the Town Building Code Administrator after a hearing at which the person or persons believed to be responsible are given notice, and an opportunity to be heard and to confront witnesses. The issue of the diameter at breast height shall be a question of fact to be determined by the Building Code Administrator or his/her designee.

(e) Owners must certify that replacement trees survive two (2) years. Trees that do not survive must be replaced per the requirements of the tree ordinance.  
(Ord. No. 2010-13, 6-10-10)

**Sec. 86-260. Violations.**

Violations of any provision of this article shall be a misdemeanor punishable as provided in the Code of Ordinances of the Town.  
(Ord. No. 2010-13, 6-10-10)

**Sec. 86-261. Approved Tree Replacement List.**



1. Oak trees-Live Oak, Willow Oak, Myrtle Oak, Laurel Oak, Basket Oak, White Oak, and Southern Red Oak.
2. Cedar trees-Southern Red Cedar.
3. Magnolia trees-Southern Magnolia and Sweetbay Magnolia.
4. Other trees-Added from time to time by the Town Council, or its designee.  
(Ord. No. 2010-13, 6-10-10)

**Secs. 86-262 - 86-269. Reserved.**

#### **ARTICLE VIII. VESTING OF DEVELOPMENT/SUBDIVISION RIGHTS**

Sec. 86-270. – General limitations and conditions.

Sec. 86-271. – Definitions

Sec. 86-272 – Two-year vested right established on approval of site specific development plan; process for renewal.

Sec. 86-273. – Two-year vested right established on approval of conditionally approved site specific development plan; process for renewal.

Sec. 86-274. – Conditions and limitations.

Sec. 86-275. – Vested right attaches to real property; applicability of laws relating to public health, safety and welfare.

#### **Sec. 86-270. General limitations and conditions.**

Except as hereinafter set forth, a vested right established by this article is subject to the limitations and conditions as set out in S.C. Code, §§ 6-29-1540 and 6-29-1550, as enacted by Act 287 of 2004. (Ord. of 3-8-07(2), § 2)

#### **Sec. 86-271. Definitions.**

As used in this article:

*Approved or approval* means a final action by the Town's Building Code Administrator, Zoning Board of Appeals, Planning Commission or Town Council in those matters committed to their respective authority or discretion in accordance with the permitting procedures of the zoning ordinance, or an exhaustion of all administrative remedies/appeals that results in the authorization of a site specific development plan or a phased development plan.

*Building permit* means a written warrant or license issued by the Building Official or such other official as may be designated by the Town that authorizes the construction or renovation of a building or structure at a specified location.

*Conditionally approved or conditional approval* means an interim action taken by the Town or its designees in accordance with the zoning ordinance and the S.C. Local Government Comprehensive Planning Act (the "Enabling Act") that provides authorization for a site specific development plan or a phased development plan but is subject to approval. These authorizations include, but are not limited to final plan and report for a planned unit development district ("Final Plan PUD") pursuant to section 86-120.

*Landowner* means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this article.

*Person* means an individual, corporation, business or land trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

*Phased development plan* means a development plan submitted to the Town by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which does not satisfy the requirements for a site specific development plan. These include, but are not limited to, concept PUD plans as authorized by section 86-120 and plans for properties for which only a portion of the whole property is designed and submitted as a site specific development, with the remainder reserved for future development.

*Real property or property* means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

*Site specific development plan* means a development plan submitted to the Town or its authorized Boards, commissions or agents by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. These plans include planned unit development district (PUD) submissions pursuant to section 86-144(c) which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.

*Vested right* means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in the zoning ordinance. (Ord. of 3-8-07(2), § 2)

**Sec. 86-272. Two-year vested right established on approval of site specific development plan; process for renewal.**

(a) A vested right is triggered and established for two (2) years upon the payment of all applicable fees and final approval of a site specific development plan which authorizes the landowner to proceed with grading, installation of utilities, streets and other infrastructure, and to undertake other significant expenditures necessary to apply for a building permit or such other permit as may be required by the Town.

(b) A vested right for an approved site specific development plan expires two (2) years after the date of final approval by the final official or body authorized to approve a site specific development plan.

(c) No sooner than six (6) months, or no later than forty-five (45) days prior to the expiration of the vested rights for a site specific development plan, the landowner of real property with a site specific vested right may apply to the Town's Building Code Administrator for an annual extension of the vested right. The Building Code Administrator must approve applications for at least five (5) annual extensions of the vested right, unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval, such

as are-zoning, zoning or comprehensive plan text amendment, or implementation of a health, safety, environmental or other general welfare provision applicable to the development or subdivision.

(d) A vested site specific development plan may be amended if the amendment conforms to, or does not cause a greater nonconformity with, the then current provisions of the municipal zoning, planning, or land development ordinances, code sections, or regulations. Approval of an amendment does not re-set or re-start the expiration period of a vested right.

(e) Decisions of whether to grant the renewal or not by the Building Code Administrator are appealable to the Town Council by any interested party having standing as is generally applied in appeals in other zoning or planning matters. Within sixty (60) days of the filing of the appeal with the Municipal Clerk, the Town Council shall hear the appeal upon the materials submitted to the Building Code Administrator the arguments of the landowner and staff, any additional material as the council may deem relevant and material which was not available to the Building Code Administrator at the time the decision was made submitted by either the landowner or Town staff, and such public comment as may be allowed. The Town Council may grant or deny the renewal on appeal, or grant the renewal upon conditions. The Town Council may defer its decision on the appeal until a date certain, for up to two (2) meetings, and may re-open the hearing for additional fact finding in its sole discretion if such it deferral was made and either the landowner, the Town staff, or a Council member so requests. (Ord. of 3-8-07(2), § 2)

**Sec. 86-273. Two-year vested right established on approval of conditionally approved site specific development plan; process for renewal.**

(a) Vested rights may be terminated by the Town in accordance with [S.C. Code] § 6-291540(4), if after notice and public hearing, the Town determines the landowner has failed to meet the terms of the conditional approval.

(b) The Town may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of up to a five (5) year vested right in the ordinance creating a master plan PUD, or an approved or conditionally approved phased development plan. Such vested right may be terminated by the Town in accordance with [S.C. Code] § 6-29-1540(4), if after notice and public hearing, the Town determines the landowner has failed to meet the terms of the conditional approval. (Ord. of 3-8-07(2), § 2)

**Sec. 86-274. Conditions and limitations.**

In addition to the terms, conditions and requirements above:

(1) Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances or regulations;

(2) A vested site specific development plan or vested phased development plan may be amended if approved by the local governing body pursuant to the provisions of the land development ordinances or regulations.

(3) 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 provided, however, nothing herein shall be construed to extend the life of a building permit beyond the term established by the applicable building code;

(4) A vested right to a site specific development plan or phased development plan is subject to revocation by the Town upon its 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) 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;

(6) A vested site specific development plan or vested phased development plan is subject to later Town 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;

(7) 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;

(8) If real property having a vested site specific development plan or vested phased development plan is annexed, the Town must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation;

(9) The Town may not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.  
(Ord. of 3-8-07(2), § 2)

**Sec. 86-275. Vested right attaches to real property; applicability of laws relating to public health, safety and welfare.**

(a) A vested right pursuant to this article is not a personal right, but attaches to and runs with the applicable real property.

(b) The landowner and all successors to the landowner who secure a vested right pursuant to this article 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 nonconforming structure and use regulations which do not provide for the grandfathering of the vested right.

(c) This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions.

(d) This article 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.

(e) Notwithstanding the foregoing, vested right periods have been extended by Joint Resolution of the South Carolina Legislature pursuant to House Bill R 215 H4445; all building, development and other permits set forth in said resolution issued prior to May 19, 2010 shall not count against their vested right period the period of time

beginning May 19, 2010, and ending December 31, 2012; permits issued on or after May 19, 2010 shall begin their vested rights period on January 1, 2013.

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