

ZONING ORDINANCE

Barnwell County, South Carolina



**Prepared by Lower Savannah Council of Governments
on behalf of the
Barnwell County Planning Commission
June 2007 (w. 04/16 and 02/18 revisions)**

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**ZONING ORDINANCE
BARNWELL COUNTY, SOUTH CAROLINA
June 5, 2007 (w. 04/16 and 02/18 revisions)**

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**CHAPTER I
ADOPTION AND INTERPRETATION**

**Article I
Authority**

§ 1-100. Zoning ordinance published separately.

The zoning ordinance shall be published in a separate volume, a copy of which shall be filed with the County Administrator.

§ 1-101. Authority and title.

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code sections 6-29-310, et seq. (1994 Supp.). This ordinance may be cited as “Barnwell County Zoning Ordinance, June 5, 2007.”

§ 1-102. Jurisdiction and purposes.

The provisions of this ordinance shall apply to all land and improvements within the unincorporated areas of Barnwell County, South Carolina. The purposes of the zoning ordinance are to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code section 6-29-710.

Article II Definitions

§ 1-200. Interpretation.

(a) Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases defined in this ordinance.

(b) The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.

(c) The word “person” includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.

(d) The word “shall” is mandatory; the word “may” is permissive.

(e) References to SIC codes shall mean those codes assigned to businesses in the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget. SIC codes may be listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

§ 1-201. Definitions.

1. Accessory. A building or use subordinate to and serving a principal building or use which is subordinate in area, extent or purpose to the principal building or use served; designed for the comfort, convenience or necessity of occupants of the principal use served; located on the same lot as the principal building or use served, except for permitted off-site accessory uses; and which meets all setback requirements for the principal structure. Accessory uses shall include, but not be limited to: a single (non rental) guest house, barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

2. Alley. A minor right-of-way used or intended to be used primarily for service access to the rear or side of properties otherwise abutting a street. An alley is not considered to be a street for purposes of this ordinance.

3. Alteration of building. Any change in the supporting members of a building, such as bearing walls, columns, or girders; any addition or reduction to a building.

4. Antenna. Any device for radiating or receiving electromagnetic waves, including, but not limited to, radio, television, telephone, communication, microwave, and satellite dish antennas.

5. Apartment. A portion of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or family.
6. Automobile service station. [See SIC Code 5541.] Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs, and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles or parts.
7. Bed and breakfast. An owner occupied dwelling or portion thereof offering nine or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a Bed and Breakfast Inn shall not be considered as an accessory use or a customary home occupation.
8. Boarding house. [See SIC Code 7021 - rooming and boarding houses.] A dwelling other than a motel, hotel or bed and breakfast inn in which rooms are rented, with or without meals, on a fee basis. A structure in which five (5) or more rooms are rented shall be classified as a hotel or motel.
9. Buildable area. That portion of a lot which may be used or built upon in accordance with zoning district regulations.
10. Building. Any structure having a roof supported by columns or walls and which is designed for shelter, support or enclosure of persons, animals or property of any kind.
11. Camper. A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, self-propelled or towed, and not used for residential purposes in the County.
12. Community residential care facility. An institution providing for a period exceeding 24 consecutive hours room, board, some personal assistance in feeding, dressing or other living activities to two or more individuals not related to the operator, including chemical abuse residential treatment facility or half-way house providing inpatient or detoxification services.
13. Conditional use. A use permitted by the district regulations upon compliance with specified conditions without review by the Board of Zoning Appeals.
14. Day care. The care, supervision or guidance of an unrelated person, unaccompanied by the parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day in a place other than the operator's own home excluding occasional care typically referred to as babysitting.

15. Day care facility. A state licensed facility providing day care, for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, group day care homes and family day care homes. It does not include education facilities for grades one or above, shopping center or office building temporary care facilities, summer or day camps, or vacation Bible schools.

16. Density. The number of dwelling units per net acre of developed land, excluding land devoted to streets, alleys, parks, playgrounds, schools or other public uses.

17. District. A geographical area assigned a zoning district designation pursuant to the provisions of this ordinance.

18. Drinking place. [See SIC Code 5813.] Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.

19. Dwelling. A building or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming or boarding house or a community residential care facility.

20. Dwelling, group. A dwelling occupied by several unrelated persons or families, but in which separate cooking facilities are not provided for each group. Group dwellings include rooming houses, apartment hotels, and similar facilities such as a community residential care facility. Hotels, motels and tourist homes are not group dwellings.

21. Dwelling, multi-family. A dwelling containing three or more separate dwelling units in one building. Apartments, tenements, condominiums, cooperatives and similar structures are multi-family dwellings.

22. Dwelling, one-family. A detached dwelling, other than a mobile or manufactured home, designed, occupied or intended for occupancy by a single family unit.

23. Dwelling, two-family. A detached dwelling, other than a mobile or manufactured home, containing two (2) separate dwelling units in one building, commonly known as a duplex.

24. Dwelling unit. A dwelling for occupancy by a single family unit.

25. Family. One or more persons related by blood or marriage, or not more than five unrelated persons, occupying a single dwelling unit. Domestic employees may be housed on the premises.

26. Flag lot. See Lot, flag.

27. Gross floor area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the faces of the exterior walls.

28. Home occupation. A customary occupation, profession, or trade carried on by an occupant of a one-family dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the unit, and which does not involve more than 25% of the total floor area of the unit.

29. Hotel. [See SIC Code 7011.] A building in which lodging for pay is offered to the public, with or without meals, for transient or permanent guests, including motel or tourist court, containing five (5) or more guest rooms.

30. Junk, salvage, scrap, or wrecking yards. [See SIC Code 5093.] Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.

31. Lane. A narrow public way for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

32. Lot. An area, plot, parcel or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Barnwell County.

33. Lot, corner. A lot located at the intersection of two or more streets. See illustration on Page 1-8.

34. Lot depth. The mean horizontal distance between front and rear lot lines.

35. Lot, double frontage. A lot which has frontage on more than one street, other than an alley. A corner lot is not a double frontage lot unless it has frontage on three or more streets.

36. Lot, flag. A land parcel of less than three acres having the configuration of an extended flagpole. The "pole" portion being less than fifty feet in width represents access to the main building site that is generally located to the rear of another lot fronting the required access to a public street or road. See illustration on Page 1-8.

37. Lot, interior. A lot other than a corner lot, with only one street frontage. See illustration on Page 1-8.

38. Lot width. The distance between side lot lines measured at the front building line.

39. Manufactured home. A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to S.C. Code section 40-29-70, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

40. Manufactured home park. A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.

41. Miniwarehouse. [See SIC Code 4225.] A building or group of buildings which contain individual locked compartments for storage of personal property.

42. Mobile home. A structure manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to S.C. Code section 40-29-70, which is a movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, or travel trailer, camper, or similar recreational unit.

43. Modular building. A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to Southern Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular building.

44. Motel. [See SIC Code 7011.] A building or buildings in which lodging, with or without meals, is offered to the public for compensation, including a hotel, tourist court, or inn.

45. Nonconforming. A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this zoning ordinance, but which are prohibited by this ordinance or are not in compliance with the requirements of this ordinance.

46. Park. A public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.

47. Parking lot. A public or private open lot for parking motor vehicles as a principal use or as an accessory to a commercial or industrial use.

48. Parking space. An area on a lot designated for parking a motor vehicle.

49. Permanent building. A structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.

50. Permitted use. A use permitted outright by district regulations.

51. Principal structure or use. A structure or use which is significant or primary rather than accessory.

52. Residence. A dwelling.

53. Setback. The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences, flagpoles, clothes lines, bird houses or yard accessories.

54. Sexually Oriented Businesses. See definition in section 5-130 (b).

55. Sign. Any device designed to inform, advertise or attract attention such as a billboard, poster, painted surface, announcement, display, ribbon, pennant, flag, banner, illustration, or insignia, lighted or unlighted, stationary or moving.

56. Special exception. A use specifically permitted after review and approval by the Board of Zoning Appeals, subject to ordinance standards and additional conditions set by the Board of Zoning Appeals.

57. Street. A public thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

58. Structure. Anything constructed or erected, the use of which requires location of the ground, or attachment to something located on the ground, including buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding minor landscaping features such as ornamental pools, planters, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

59. Tourist (guest) home. A dwelling in which lodging is provided in not more than three (3) rooms for paid guests, with or without meals. A tourist home shall not be considered an accessory use or customary home occupation.

60. Variance. Relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

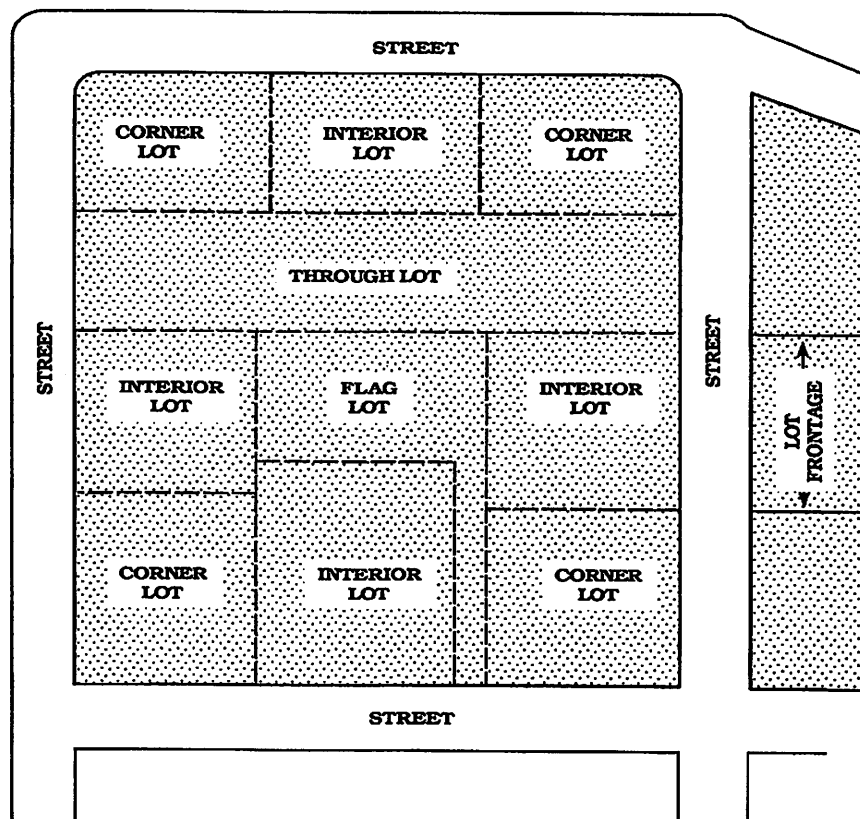
61. Yard. A required open space unoccupied and unobstructed by structures except those specifically permitted.

62. Yard, front. A yard situated between the front building line and the front lot line extending the full width of the lot.

63. Yard, rear. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

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

Illustration of Types of Lots



CHAPTER II DISTRICTS AND MAP

Article II Establishment of Districts and Official Map

§ 2-100. Establishment of districts.

The following districts are hereby established in the unincorporated portions of Barnwell County:

Map Symbols

Multiuse Districts

Urban

UD

Rural

RUD

Principle Use Districts

Single-family Residential

RC

Multiuse Residential

RD

Industrial

IND

Office-Residential

OR

Limited Development

LD

Planned Use Districts

Planned Use

PUD

Special Use Districts

Special Public Interest

SPI

Overlay Districts

Airport

Boundary reference

Flood Hazard

Boundary reference

River and Streamside

Boundary reference

Within each district, the regulations set forth herein shall apply uniformly to each class or kind of structure or land, except where such districts are overlapped by one (1) or more altered to accommodate the special needs of the overlay zone(s).

§ 2-101. Establishment of the official zoning and development district map.

Barnwell County is hereby divided into land use (zoning) and development districts, as shown on the official zoning and development districts map for Barnwell County, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter. Additional areas may be defined and added from time to time by adoption by County Council, as provided for by Chapter VIII, Amendments.

§ 2-102. Interpretation of district boundaries.

Unless otherwise shown on the official zoning and development district map of Barnwell County, South Carolina, the boundary lines of districts coexist at lot lines, centerlines of creeks and streams, or corporate limit lines.

District boundary lines not coinciding with the above shall be determined by use of the scale of the official map unless actual dimensions are noted.

Where uncertainty exists regarding the boundaries as shown by the map, the county planning commission shall act to resolve any question or controversy arising over such district boundary line.

**CHAPTER III
GENERAL REGULATIONS**

§ 3-100. Application of regulations.

(a) No structure or land shall hereafter be erected, constructed, reconstructed, moved, structurally altered, used or occupied unless in conformity with the regulations in this ordinance applicable to the district in which it is located, except permitted nonconforming uses.

(b) District regulations shall apply uniformly to each class of structure or land, and shall be interpreted as minimum requirements adopted for the purposes of zoning. When requirements of this ordinance are at variance with requirements of any other applicable rule, regulation, ordinance or statute, the most restrictive requirements, or those imposing the higher standards shall apply.

§ 3-101. Street access required.

Except as otherwise specifically provided, no building shall be located, used or occupied on a lot without direct vehicular and pedestrian access to a public street.

§ 3-102. Structures required to be on lots of record.

Any new structure, other than accessory use structures, erected after the effective date of this ordinance shall be on a lot as defined in this ordinance.

§ 3-103. Flag Lots Prohibited.

Lots with less than three acres within the primary lot area and an access corridor less than fifty feet in width shall be identified as Flag lots and shall not be permitted in the unincorporated areas of Barnwell County except under extenuating circumstances which would otherwise prohibit the use of such property.

§ 3-104. Reduction of lot or yard area prohibited.

No lot or yard existing on the effective date of this ordinance shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

§ 3-105. Nonconforming structures or uses.

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this ordinance. It is the intent of this ordinance to allow nonconformities to continue until they are removed, but not to encourage their continuance. The lawful use of any structure or land on the effective date of this ordinance may be continued subject to the following regulations:

1. A nonconforming structure or use shall not be changed to any other nonconforming structure or use.
2. A permitted use in a structure which is on a nonconforming lot or which does not meet minimum yard requirements may be converted to another permitted use without enlargement.
3. A nonconforming structure shall not be repaired, altered or rebuilt except in conformity with this ordinance after sustaining damage or deterioration exceeding fifty (50%) percent of the appraised market value of the structure for tax purposes at the time of application for a permit.
4. A nonconforming structure shall not be removed or demolished and replaced with a nonconforming structure.
5. A nonconforming structure or use shall not be extended, enlarged, or intensified except in conformity with this ordinance; provided, however, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but the use shall not be extended outside the building.
6. A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for a period of six (6) consecutive months.
7. Nothing in this section shall prevent work on a structure which is necessary to protect public safety upon the order of the Zoning Administrator.
8. Ordinary repairs to a nonconforming structure, such as repairs to interior non-bearing walls, fixtures, wiring or plumbing to meet building codes may be permitted, provided the cubic content of the structure is not increased.

§ 3-106. Mobile home declared nonconforming structure; removal required.

A mobile home (see section 1-201), manufactured prior to June 15, 1976, or manufactured after

June 15, 1976 and not in compliance with HUD and/or County Building Codes, is declared a nonconforming structure. All nonconforming mobile homes shall be removed from the unincorporated areas of the County when they have been vacant for a period of six (6) consecutive months. The Board of Zoning Appeals may grant an extension of not more than six (6) months in an individual case upon appeal for a variance and findings of fact that the occupant of the mobile home will suffer an unnecessary hardship by reason of strict application of this section.

§ 3-107. Temporary nonconforming uses.

A temporary use permit may be issued by the Zoning Administrator for appropriate periods of time not to exceed 12 month increments for a nonconforming structure or use incidental to building construction or land development upon the condition that the structure or use be removed upon expiration of the permit.

§ 3-108. Dwellings on nonconforming lots of record.

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this ordinance, provided setback requirements of the district are met.

CHAPTER IV DISTRICT REGULATIONS

Article III District Use and Dimensional Regulations

The purpose of the several districts established by Article II, the uses permitted therein, and the dimensional requirements of each follows.

§ 4-100. Purpose.

The two (2) multiuse districts are designed to maximize development options to land owners and developers while enhancing the outcome, minimizing land use problems and ameliorating differences between potentially incompatible uses.

§ 4-101. RUD, Rural District.

(a) *Purpose.* The RUD District is intended to facilitate (for the area) the adequate provision of transportation, water, sewage disposal, and other public improvements and services as may be necessary to accommodate permitted development without adversely impacting the rural and agricultural character of such areas.

(b) *Permitted uses.* Use regulations are not applicable to this district, except as made applicable by the provisions of Article V, section 5-126 and the provisions of section 4-121 of this chapter.

(c) *Dimensional requirements.* The setback requirements for industrial/warehouse buildings specified by Table I, section 4-102 of this chapter shall apply to all industrial/warehousing buildings and structures in the RUD District. The following setback requirements shall apply to all other buildings and structures in the RUD District:

1. *Setbacks from road right-of-way line.* Minimum setback from any road right-of-way line shall be thirty (30) feet. Minimum front setback from road right-of-way line may be modified where the majority of the frontage within two hundred (200) feet on each side of a lot is developed with less than the required setback. In such cases, the required setback shall be the average of existing setbacks, counting any undeveloped frontage as if it were developed at the required setback distance, but shall not be less than fifteen (15) feet. This modification shall not apply in cases where existing development is located within and scheduled for any acquisition along proposed road improvement.
2. *Side setbacks.* Minimum side setback from side property line shall be ten (10) feet.

3. *Rear setbacks.* Minimum rear setback from rear property line shall be twenty (20) feet.

4. *Sign setback requirement.* No sign shall be located within ten (10) feet of a public right-of-way.

5. *Setbacks at intersections.* On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty (20) feet from the front of the intersection.

(d) *Lot configuration.* The developer shall demonstrate, through design and use of private property restrictions and covenants, adequate attention to the following aspects of lot design:

1. Lot size, width, depth, shape, grade, and orientation to streets.

2. Relationship of residential lots to adjoining nonresidential development, existing or proposed.

3. Building setback lines.

4. Separation of residential lots from major thoroughfares, railroads and other possible incompatible land uses.

5. Separation and proper screening of nonresidential development from adjacent existing residential development. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.

§ 4-102. UD, Urban District.

(a) *Purpose.* This district is intended to accommodate much of the projected growth and development in the areas around the incorporated towns within Barnwell County. It encompasses areas where development logically should locate as a consequence of planned, public facilities and associated capital expenditures; i.e. schools, sewer, water, parks, etc. As such, these districts are designed to accommodate a variety of uses, providing for a full range of residential as well as commercial, institutional, and industrial uses. In so doing, emphasis is placed on requirements that are intended to lessen the impact of such uses and eliminate the negative aspects of adjacent varied and dissimilar uses.

(b) *Permitted uses.* Within the UD, Urban District, a building or premise may be used for any purpose, unless otherwise prohibited by Article V of this chapter; provided such use shall meet all applicable requirements contained in this chapter, and other applicable ordinances of Barnwell County.

Table 1. DIMENSIONAL REQUIREMENTS FOR USES IN THE UD, RD, IND, LD, AND OR DISTRICTS

	Nonresidential Uses			Residential Uses			
	Office/ Commercial	Industrial/ Warehousing	Institutional	Cluster Housing	Townhouses	Multifamily Housing	Single- family and Duplexes
Minimum site area (gross)	NA	NA	NA	2 acres	0.5 acres	1 acre	NA
Minimum lot area per unit (sq. ft.)	NA	NA	NA	3,000	2,000	NA	10,000 ⁸
Minimum yard and building setback, from street right-of-way line							
Local street	30	50	30	30	30	30	30
Collector street	30	75	30	30	30	30	30
Arterial street	50	100	50	50	50	50	50
Side property line	0/8 ¹	(Note 2)	10/10	0/5	(Note 3)	(Note 4)	10/10
Rear property line	(Note 5)	(Note 2)	(Note 5)	20	20	(Note 4)	20
Building on same lot	(Note 6)	(Note 6)	(Note 6)	NA	NA	(Note 6)	10
Maximum impervious surface ratio	88%	75%	12%	20%	20%	20%	NA
Open space/landscaping minimum lot ratio	12%	20%	12%	20%	20%	20%	NA
Maximum height of buildings*	(Note 7)	NA	(Note 7)	35'	45'	(Note 7)	35'
Signs	35'	35'	35'	15'	15'	15'	15'
Accessory uses	35'	35'	35'	15'	15'	25'	25'
* All districts subject to the requirements of the Airport Safety Ordinance of Barnwell County.							

Notes:

¹Side yard setbacks are required on one side only, except that commercial condominium projects and/or fee simple projects are allowed to share interior property lines; provided that a sixteen-foot setback shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in length, parallel to the street providing principal access. Where buildings are grouped on the same lot forming a shopping or business center, a sixteen-foot side yard setback shall be required on each end of the project. Where a commercial building is proposed adjacent to an existing residential use, the following minimum setbacks shall be observed:

<i>Existing Adjacent Land Use</i>	<i>Required Setback (Feet)</i>
Residential use in RC or RD Districts	30
Residential uses fronting on local streets	20
All other residential uses	10

²Minimum setbacks shall be thirty (30) feet from side and rear property lines, plus five (5) feet for each additional five thousand (5,000) square feet of gross cumulative plant (floor) area over twenty thousand (20,000) square feet. Maximum setback shall be two hundred (200) feet from side and rear property lines.

³Zero between units; fifteen (15) [feet] between end units of interior units with a minimum of five (5) feet from building to property line or common area and with a minimum setback from the exterior property line of twenty (20) feet.

⁴Setbacks shall be determined on the basis of project density and adjacent land use, as follows;

<i>Existing Adjacent Land Use</i>	<i>Proposed Density (Units Per Acre)</i>	<i>Required Setback (Feet)</i>
Residential, single-family on local street or in RC District	12 or more	30
	4-11	25
	1-3	20
All other uses	1-12	10

⁵Ten-foot minimum setback required, and where the proposed use abuts an existing single-family residential use on a locally classified street or in an RC or RD District, then a twenty-foot setback shall be provided, plus 3.5 feet for each additional floor over the second.

⁶Unattached buildings occupying the same lot shall be separated by a distance of twenty (20) feet, plus 3.5 feet for each additional floor over the first.

⁷No limit; however, required minimum side and rear yard setbacks shall be increased at the rate of 3.5 feet for each floor over the second and all districts are subject to the requirements of the Airport Safety Ordinance of Barnwell County.

⁸Single-family and duplexes are considered one (1) unit.

(c) *Dimensional requirements.* The dimensional requirements specified by Table I shall apply to all proposed new uses and expansions of existing uses, buildings or structures in the UD District. Uses not generally included in one of the use categories on Table I shall comply with the most applicable schedule of requirements as determined by the zoning administrator.

§ 4-103. Principal Use Districts - Purpose.

The purpose of these areas is to preserve and promote certain areas of the county for homogeneous use and development.

§ 4-104. RC, Single-Family Residential Districts.

(a) *Purpose.* The purposes of this district are to stabilize and protect existing single-family neighborhoods and subdivisions for continued residential use, and to reserve sufficient undeveloped land to meet future single-family housing demands. This district also is intended to encourage in-filling and expansion of “like development”, consistent with the character of existing neighborhoods at the time of adoption of this ordinance. Areas so designated, having a stable and fixed character, will be afforded maximum protection and insulation from potentially incompatible uses and assured of long term stability.

(b) *Permitted uses.* Within the RC District, a building or premise may be used only for the following purposes; provided such use shall meet all applicable regulations contained in this chapter.

1. Dwellings, single-family detached, excluding manufactured or mobile homes.
2. Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
3. Schools, either public or private, offering general education courses.
4. Public or private utilities, as necessary to serve district residents.
5. Neighborhood and community parks and centers, golf courses and similar open space uses.
6. Family day care homes.
7. Private or commercial horse stables, in accord with the requirements of Section 5-118.
8. Home occupations.
9. Uses accessory to the above.
10. Signs, as permitted by Article VII of Chapter V.

(c) *Dimensions requirements.* Permitted uses in the RC District shall meet the following minimum dimensional requirements:

Residential Uses

Minimum lot size

Minimum lot size requirements shall be no less than eighty (80) percent of the average size of the existing lots located in the subdivision or neighborhood within which the use is proposed, measured within one thousand (1,000) feet of the boundaries of the proposed site property. Such existing lots which are three (3) acres or smaller in size shall be included in the calculation of the average lot size. Lots not entirely contained within the 1,000-foot measurements shall not be included in the calculations. All lots included in the calculation must be depicted on the Barnwell County tax maps. Where such measurement is inconclusive, the following minimums shall apply: One (1) acre per unit without community water and sewer service; one-half (½) acre per unit without sewer service; ten thousand (10,890) square feet with community water and sewer service.

Minimum yard and building setbacks from front, side and rear

Front (right-of-way)

Arterials	50'
Collectors	30'
Locals	30'

For	Residential Uses	Nonresidential Uses
Side:	10'	20'
Rear:	20'	40'

Maximum impervious surface ratio	35%	50%
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Maximum height of:

Buildings	45'
Signs	10'
Accessory Buildings	25'

§ 4-105. RD, Multiuse Residential District.

(a) *Purpose.* The purpose of this district is to provide for areas in the county where various residential development may occur free of incompatible nonresidential uses. This district permits a wide range of residential types, designated to meet market demands. While residential stability and homogeneity are important, flexibility in meeting future housing needs and providing alternatives to traditional single-family housing also are important. This district is intended to apply principally to undeveloped areas where unit and density flexibility will not adversely impact existing single-family residential subdivisions, and where the housing market can be sufficiently broad and flexible to meet the various demands for housing. It also applies to existing multifamily and mixed use residential areas.

(b) *Permitted uses.*

1. All uses permitted in the RC District.
2. Dwellings, single-family attached townhouses.
3. Dwellings, duplexes.
4. Dwellings, multifamily, including multiplexes, apartments and condominium buildings, other multiunit structures, and rooming and boarding houses.
5. Manufactured homes in manufactured home parks (rental lots); provided they comply in full with the conditions set forth below and in the County's Land development Standards and Manufactured Home Ordinance.
 - a. A Manufactured Home park shall be no less than six (6) acres in size, and be located on a well-drained site and properly graded pursuant to the requirements of the State of South Carolina Storm Water Drainage Permit system.
 - b. A Manufactured Home park shall not exceed a gross density of three (3) dwelling units per acre.
 - c. Each Manufactured Home park space shall not be less than fourteen thousand (14,000) square feet; each space shall be at least seventy (70) feet wide and clearly defined.
 - d. Manufactured Homes shall be situated on each space so as to provide:
 - 1) A minimum of twenty (20) feet of side clearance between individual lot lines and/or any property line bounding the park.
 - 2) A minimum of fifteen (15) feet of clearance between units (including any other buildings) and lot lines only when Manufactured Homes are parked end to end within the park.

- e. All Manufactured Home spaces in a Manufactured Home park shall abut upon an approved interior private road of not less than thirty (30) feet in width within a right of way width constructed in compliance with the requirements of the Barnwell County Road Ordinance with the understanding that the road will not be maintained by Barnwell County. All such roadways shall be surfaced with clay base and crusher-run gravel or farm-to-market surfacing, with standards for such surfacing to be established by the Barnwell County Building Inspector and approved by County Council. All interior private roads shall have unobstructed access to a public road; no direct access to a Manufactured Home park space from a public street shall be permitted.
- f. The minimum front yard depth measured from the nearest street right-of-way line shall be twenty-five (25) feet.
- g. Maximum building height permitted: thirty-five (35) feet.
- h. Off-street parking, loading, and other requirements shall conform to standards set forth in Article VI.
- i. A Manufactured Home park must conform to State Board of Health requirements and the site plan must be reviewed by the County Board of Health and other appropriate health agencies, which shall advise the Planning Commission of its findings. The Planning Commission shall be restricted from making a favorable recommendation unless the Board of Health determines that the applicant has met all local and state codes pertaining to health and environmental sanitation in Manufactured Home parks.
- j. All Manufactured Homes located on a space in a Manufactured Home park must be appropriately anchored to a foundation pursuant to the Building Code requirements of Barnwell County.
- k. All Manufactured Homes, whether on temporary or permanent foundations, shall have adequate visual screening between the walls and the ground surface to conceal all utilities, foundations, wheels, and other items, and to protect children from possible harm under Manufactured Homes. Such screening shall be of attractive, durable material and construction as approved by the County Building Inspector.
- l. All Manufactured Home owners shall be encouraged to obtain adequate outdoor storage space for the purpose of storing furniture, tools, outdoor equipment, and other such items which cannot easily be accommodated inside. Where adequate, the enclosed foundation crawl space of the Manufactured Home may be used for this storage.

m. Manufactured Home parks in order to reduce or avoid conflicts with incompatible forms of existing development and to protect Manufactured Home residences from the potential undesirable effects of commercial or industrial areas shall provide adequate buffers in the form of screen fencing, walls and/or planting screens adjacent to such diverse and/or incompatible development. Such buffers shall be provided along all property lines adjacent to existing incompatible uses and shall consist of a strip approximately ten (10) feet wide with thickly planted evergreen shrubbery. Walls or screens of durable material may be combined with said planting subject to the approval of the County Building Inspector

***NOTE:**

All existing Manufactured Home parks which do not conform, shall be allowed to continue as a Manufactured Home park and treated accordingly.

6. Dwellings, single-family, semi-detached including Manufactured Homes used as sole residence on a single lot provided the following conditions are met:

- a. Minimum of 1,000 square feet of enclosed and heated floor space;
- b. Located on a foundation of brick or cement block per County Building Code requirements;
- c. Underpinning of good condition and of a type comparable to the structure installed and approved by the County Building Inspector as to safety and security;
- d. Anchored appropriately to foundation for wind resistance;
- e. All mobile features are removed;
- f. Owner must provide factory certification or have the unit inspected by the County Building Inspector to confirm that the unit meets all HUD standards and all applicable County Building Code requirements;
- g. A roof of slate, composition shingles or metal having a pitch of 1' in 4' with a minimum overhang at soffits and gable ends of eight (8) inches;
- h. Exterior wall covering of masonry veneer, wood, aluminum or vinyl siding assuring favorable comparison with neighboring site dwellings;
- i. A four (4) foot by four (4) foot front entry area (porch); the front and all other entry areas must have landings and steps with handrails approved by the County Building Inspector.

- j. Failure to bring a unit into compliance with these standards within 60 days after notice of deficiencies shall be a violation of these conditions subject to penalties provided by the County Code.
- 7. Nursing, rest or convalescent homes and intermediate care facilities.
- 8. Accessory uses and home occupations.
- 9. Child care centers.
- 10. Agricultural uses, including greenhouses and nurseries, equine hospitals, general farming operations, keeping and raising of animals and livestock and structures for housing products raised on the premises, except that the keeping of pigs, livestock feed lots, and commercial poultry houses shall not be permitted.
- 11. Signs, as permitted by Chapter V, Article VII.

(c) *Dimensional requirements.* Permitted uses in the RD District shall comply with all applicable dimensional requirements specified by Table I, section 4-102 (c).

§ 4-106. IND, Industrial District.

(a) *Purpose.* The purposes of this district are to better accommodate existing industrial uses and further the industrial development of the county by protecting both existing industry from encroachment of incompatible land uses and potential sites for future industrial development.

(b) *Permitted uses.* Within the IND, Industrial District, a building or premises may be used only for the following purposes unless otherwise prohibited by the provisions of Chapter V; provided such uses shall meet all applicable requirements contained in this chapter.

- 1. Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing and processing products raised on the premises.
- 2. Industrial, manufacturing, and mining uses.
- 3. Wholesale, warehousing and distribution uses.
- 4. Office buildings, laboratories and research facilities.
- 5. Private clubs, lodges, and armories.
- 6. Sanitary landfills in accordance with section 5-127 and inert landfills in accordance with section 5-135.

7. Veterinary establishments.
8. Business and vocational schools.
9. Bulk and outdoor storage lots.
10. Utilities, i.e. gas, electrical and telephone; production and distribution facilities.
11. One (1) residential, single-family dwelling or one (1) manufactured home on any existing lot-of-record as of the effective date of this ordinance and on any new lot ten (10) acres or greater in size, or any court ordered subdivision.
12. Water plants, sewage treatment facilities, and substations.
13. Assembly and processing plants.
14. Automotive wrecking, appliance, and construction material salvage and junkyards in accord with the requirements of section 5-132.
15. Resource recovery, solid waste and composting facilities in accordance with section 5-133.
16. Uses accessory to the above.
17. Signs, as permitted by Article VII of Chapter V.

(c) *Dimensional requirements.* Permitted uses in the IND District shall comply with all applicable dimensional requirements specified by Table I, section 4-102 (c).

§ 4-107. OR, Office-Residential District.

(a) *Purpose.* This district is intended to accommodate office, institutional, and residential uses in areas in transition. It is designed principally for use along major streets serving residential areas, where an alternative to residential use may be accommodated without adversely impacting surrounding residential environs.

(b) *Permitted uses.* Within the OR District, a building or premises may be used only for the following purposes; provided such use(s) shall meet all applicable regulations contained elsewhere in this ordinance.

1. Dwellings, single-family detached, excluding mobile or manufactured homes.
2. Dwellings, single-family, semi-detached.
3. Dwellings, patio homes.

4. Dwellings, single-family attached townhouses.
5. Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
6. Neighborhood and community parks and centers, golf courses and similar open space uses.
7. Utilities, as necessary to serve district residents.
8. Private or commercial horse stables, in accordance with the requirements of section 5-118.
9. Family day care homes.
10. Child and adult care centers.
11. Medical offices and clinics.
12. Nursing, rest or convalescent homes, and intermediate care facilities.
13. Schools, either public or private, offering general education courses.
14. Civic, social and fraternal associations.
15. Governmental buildings, services and facilities, but not facilities for collection or disposal of refuse or waste, prisons or rehabilitative facilities.
16. Funeral homes and mortuaries.
17. Financial institutions.
18. Legal, insurance, real estate, engineering, and other professional, business, or administrative offices and operations, but not retail stores or facilities for manufacture, assembly or storage of goods, or places of assembly and amusement, or restaurants.
19. US Postal Service.
20. Home occupations.
21. Uses accessory to the above.
22. Signs, as permitted by Article VII of Chapter V.

(c) *Dimensional requirements.* Permitted uses in the OR District shall comply with all applicable dimensional requirements specified by Table I, section 4-102 (c).

§ 4-108. LD, Limited Development District.

(a) *Purpose.* The purpose of this district is to accommodate multiple-use development on a limited basis and to minimize land use conflicts along major transportation corridors where use controls and limitations are needed to enhance aesthetic values, ensure compatibility and promote a viable growth and development situation.

The width of the LD District shall not exceed three hundred (300) feet on either side of a thoroughfare for a maximum total width of six hundred (600) feet, not including the area of the right-of-way of the thoroughfare at the time of adoption of the LD zoning classification for that parcel unless delineated otherwise on a zoning map adopted by the county council.

(b) *Permitted uses.* Within the LD District, a building or premises may be used only for the following purposes, provided such use(s) shall meet all applicable regulations contained in this chapter and other applicable county codes and regulations.

Residential:

1. Dwellings, single-family detached, excluding mobile or manufactured homes.
2. Dwellings, duplexes.
3. Dwellings, multifamily, including multiplexes, apartments, townhouses, condominium buildings, other multi-unit structures, rooming and boarding houses.
4. Dwellings, single family, semi-detached.
5. Dwellings, patio houses.

Social and Institutional:

6. Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
7. Neighborhood and community parks and centers, golf courses, and similar open space uses.
8. Family day care homes.
9. Medical offices, clinics and hospitals.
10. Nursing, rest, or convalescent homes, and intermediate care facilities.
11. Schools, either public or private, offering general education courses.
12. Child and adult care centers.

13. Civic, social and fraternal associations.
14. Governmental buildings, services and facilities.

Commercial:

15. Retail and service establishments.
16. Wholesale, warehousing, and distribution uses.
17. Financial institutions.
18. Legal, insurance, real estate, engineering, and other professional, business, or administrative offices and operations.

Industrial:

19. Industrial, manufacturing, processing and fabricating plants; provided all such uses shall meet the requirements of Article V of this ordinance.

Miscellaneous:

20. Utilities, i.e. gas, electric, and telephone; distribution facilities.
21. Wastewater plants and appurtenant facilities; provided such uses shall be reviewed for compatibility and approved by the planning commission in accord with the provisions of sections 5-111 and 5-129.
22. Agricultural uses, including greenhouses and nurseries, equine hospitals, general farming operations, keeping and raising of animals and livestock and structures for housing products raised on the premises, except that the keeping of pigs, poultry houses, feed lots, and stockyards shall not be permitted.
23. Funeral homes, mortuaries and cemeteries.
24. Transportation and communication uses.
25. Recycling deposit and convenience centers.
26. Home occupations.
27. Uses accessory to the above.
28. Signs, as permitted by Chapter V, Article VII.

29. Flea markets, provided they are completely enclosed, with no outside display areas or tables.

(c) *Prohibited uses.* In addition to the implied prohibition of uses not specifically permitted by subsection (b) above, the following list of uses is specifically prohibited from this district:

1. Mobile or manufactured homes used as dwellings.
2. Sanitary and inert landfills, incinerators and infectious waste facilities.
3. Hazardous waste and nuclear waste transfer, storage, treatment and/or disposal facilities.
4. Resource recovery facilities, solid waste storage and transfer facilities, waste tire disposal, processing, and treatment sites, composting facilities, and open yard storage of used appliances.
5. Vehicular race and testing tracks.
6. Mining and extraction operations.
7. Commercial and club outdoor pistol, rifle, or skeet range.
8. Stockyards, slaughter houses, poultry houses, and livestock auction houses.
9. Correctional facilities, jails, prisons, etc.
10. Automotive wrecking, salvage and junkyards.
11. Environmentally sensitive industrial and processing plants, as defined in section 1-201, Definitions.
12. Sexually oriented businesses, as defined in section 1-201, Definitions, and as described in section 5-130, Sexually Oriented Businesses.
13. Flea markets, unless in completely enclosed buildings, with no outside display areas or tables allowed.

(d) *Dimensional requirements.* Permitted uses in the LD District shall meet the minimum dimensional requirements set forth by Table I for uses permitted in the UD, RD, IND, and OR Districts.

(e) *Highway Design Standards.* Outside areas for display, parking, and storage for all social, institutional, commercial, industrial, and miscellaneous uses and developments in the LD District shall be reviewed and approved by the zoning administrator, who shall be guided by the following standards:

1. Where feasible, off-street parking should be located in the back yard area, or screened by vegetation or berms if located in the front or side yard area.
2. Outdoor sales lots and open storage areas shall not be permitted, unless removed from public view or adequately screened.
3. Curb cuts should not be, and in the case of major thoroughfares, shall not be, at less than three-hundred-foot intervals except where a tract of land would be rendered unusable by the strict application of this section of this chapter. The county planning commission shall determine whether strict application of this section of this chapter shall be enforced.
4. Overall design should be harmonious in terms of landscaping, relationships of buildings and structures, and traffic movement.

§ 4-109. PUD, Planned Use District - Purpose.

The purpose of the planned use district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals, and general welfare of the county.

Within PUD Zones, 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 development on individual lots, to promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and promote a better environment.

In view of the substantial public advantages of planned unit development, it is the intent of these regulations to promote, encourage or require development in this form where appropriate in location, character and timing.

§ 4-110. Permitted uses.

Any use or combination thereof meeting the objectives of section 4-109 may be established in this district upon review and approval by the planning commission and county council. Once approved, the purposed use(s) and no others shall be permitted in the district. Such uses shall be identified and listed on the basis of retail, office, wholesale, residential multifamily, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PUD zoning applies to the land, unless otherwise amended by ordinance.

§ 4-111. Establishment of PUD Districts.

PUD Districts shall be established by the same procedures as for amendments generally, in accord with Article VIII of this ordinance. Additionally, each PUD District shall be identified by the prefix PUD and a file number assigned by the planning commission together with whatever other identification may be determined necessary and appropriate.

§ 4-112. Site plan and site plan approval required.

A site plan showing the proposed development of the area (zone) shall be prerequisite to approval of a PUD zone. The site plan shall be prepared in accord with the requirements of the Land Development Regulations. In considering the plan, the planning commission shall endeavor to assure safety and convenience of traffic movement both within the site and in relation to access streets, and harmonious and beneficial relationship of structures and uses on the site as well as contiguous and offsite properties. To this end, the commission may control vehicular access by plan limitations.

§ 4-113. Minimum area required.

Minimum area requirements for establishing a PUD on the zoning district map shall be two (2) acres.

§ 4-114. General design, dimensional, and development standards.

(a) *Residential density.* Residential density shall not exceed fourteen (14) units per acre.

(b) *Overall site design.* Overall site design shall be harmonious in terms of landscaping, enclosure of principle and accessory uses, size of structures, street patterns, and use relations. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

(c) *Parking and loading.* Parking, loading and other requirements for each PUD zone shall comply with the requirements of offstreet parking and loading regulations of this chapter.

(d) *Bufferyards.* Bufferyards shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses. Bufferyards are not required for internal use, but common landscaping is encouraged.

(e) *Private streets.* Private streets are permitted in an approved PUD; provided such streets meet the design and construction standards of the county's land development regulations..

(f) *Common open space requirements.* Twenty-five (25) percent.

§ 4-115. Actions by planning commission and county council.

Action by the planning commission and county council may be to approve the application, to include specific modifications to the application, or to deny the application. If the application is approved, the applicant shall be required to proceed in accord with the approved PUD zone plan as supplemented or modified in the particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole or in specified stages. If the application is denied, the applicant shall be so notified in writing, stating the reasons for such denial.

§ 4-116. Administrative action.

After a PUD District has been established, no building permit shall be issued therein unless and until the zoning administrator has approved final plans and reports for the development as a whole or for stages or portions thereof deemed satisfactory in relation to total development. The form and content of such final plans and reports shall be as prescribed in this ordinance, the land development regulations, or related regulations, generally or for a particular PUD District shall be observed.

Approval of final plans and reports shall be based on compliance with regulations applying at the time the land was zoned PUD, including such specific modifications as were made by county council in its amending action.

Upon approval of final plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular PUD District shall be observed.

Except as provided below, final plans and reports shall be binding on the applicants and any successors in title, so long as PUD zoning applies to the land.

§ 4-117. Changes in approved site plans.

Minor changes in approved site plans may be accommodated by the zoning administrator, with review and concurrence by the county attorney, on application by the applicant, but only upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the amendment creating the PUD District, as modified in the amending section; or
2. In accord with all applicable regulations currently in effect, without modification.

In reaching his decision as to whether or not the change is major or substantial enough to require reference to county council, the zoning administrator shall use the following criteria:

1. Any increase in intensity of use shall constitute a modification requiring county council action. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in outside land area devoted to sales, displays or demonstrations.
2. Any change in parking areas resulting in an increase or reduction of five (5) percent or more in the number of spaces approved shall constitute a change requiring county council action.
3. Structural alterations significantly affecting the basic size, form and style of a building, as shown on the approved plan, shall be considered a change requiring county council consideration.
4. Any reduction in the amount of open space resulting in a decrease of more than five (5) percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring county council consideration.
5. Any change in use from one use group to another shall constitute a change requiring county council consideration.
6. Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring county council consideration.

Changes other than indicated above shall be made only by creating a new PUD or other map amendments.

§ 4-118. Final plan approval is an administrative action.

Final plan approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. The zoning administrator may hold meetings with such notice as he deems appropriate, in connection with such actions.

§ 4-119. Expiration of time limits on PUD amendments.

If actions required in any amendment establishing a PUD District are not taken within the time limit set, the zoning administrator shall review the circumstances and recommend to county council:

1. That PUD zoning for the entire area be continued with revised time limits; or
2. That PUD zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or
3. That the entire district be rezoned from PUD to an appropriate category. Such recommendations shall include proposals for appropriate action in respect to any legal instruments in that case.

§ 4-120. SPI, Special Public Interest Districts - Purpose.

The purpose of these regulations is to permit creation of Special Public Interest (SPI) Districts:

1. In general areas officially designated as having special and substantial public interest in the protection of existing natural resources or proposed character, or of principle views; or
2. Surrounding historical buildings or grounds where there is special and substantial public interest in protecting such buildings and their visual environment; or
3. In other cases where special and substantial public interest requires modification of otherwise applicable district regulations or the repeal and replacement of such regulations, for the accomplishment of the special public purposes for which these districts are established.

It is further intended that such districts and the regulations adopted for them shall be in accord with and promote the purposes set out in the adopted land use and development plan and other officially adopted plans of Barnwell County in accordance therewith, and shall encourage land use and development in substantial accord with the physical design set out therein.

§ 4-121. Effect of SPI District designation.

Such SPI Districts may either:

1. Supplant districts or portions of districts existing at the time of creation of a particular SPI District, or
2. Have the effect of modifying requirements, regulations and procedures applying in existing districts or districts hereafter created and remaining after SPI Districts are superimposed to the extent indicated in the particular SPI amendment.

§ 4-122. Establishment of SPI District.

SPI Districts shall be established by the same procedures as for amendments generally, in accord with Chapter VIII. Additionally, each SPI District shall be identified by the SPI prefix and a file number assigned by the planning commission, together with whatever other identification appears appropriate, and shall contain information and proposals as indicated below concerning the areas, buildings, and/or premises proposed for such regulation:

1. *Statement of intent.* The recommendation for an SPI District shall include a statement of intent, specifying the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations or procedures.
2. *Proposed district boundaries.* The proposed SPI Districts shall be presented on a map or maps, together with pertinent supplementary material indicating, as applicable:
 - (a) The boundaries of the SPI District.
 - (b) The designations of all portions of underlying districts, if any, which will remain after SPI zoning is superimposed and the general regulations which will be affected by the superimposed SPI zoning. Where it is proposed to change the established district boundaries, the map shall show the nature and location of such change.
 - (c) The location and designation of districts or portions of districts, if any, to be supplanted by SPI regulations.
3. *Proposed regulations.* Special regulations for the district shall be set out in the statement of intent. In particular such regulations may require submission of detailed site plans, building plans and elevations and maps indicating the relation of proposed development to surrounding or otherwise affected property in terms of location, amount, character, and continuity of open spaces; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets; separation of pedestrian and vehicular traffic; signs; lighting; mixtures of proposed uses; and other matters appropriate to required determinations of the relation to the special public interest of the district and the objectives to be promoted.

4. *Special approval requirements.* The regulations may require special review of development plans by the planning commission, the county council or other officials or agencies of Barnwell County.

§ 4-123. Provisions for alterations from applicable regulations generally.

Regulations for a particular SPI District or for specified classes of SPI Districts also may (1) authorize or (2) require alterations to regulations applying generally within such districts.

1. *Authorized alterations.* The body or bodies, officials or agencies charged with responsibility for review of SPI Districts only upon written application by those submitting plans in a particular case, and only upon making written findings that:

(a) The plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or

(b) In the particular circumstances, strict application of the regulation(s) is not necessary for the accomplishment of public purposes or the provision of public protection.

Where such special plan review involves more than one body, official or agency, no such alteration shall be allowed except upon complete concurrence of all bodies, agencies or officials charged with a role in the decision making process.

2. *Required alterations.* The body or bodies, officials or agencies charged with responsibility for such special plan review may require alterations from regulations generally applying in such districts only upon making written findings in a particular case that for reasons specifically set forth, such alterations are necessary for the public protection or the protection of the environs of particular buildings and premises.

Among other things, such alterations may require relocation of or increase in yards or other open spaces generally required; reduction in height generally permitted; additional limitation on uses, signs or illumination; and buffering and screening to a greater degree than generally required.

Where such special plan review involves more than one body, official or agency, no such alteration shall be required except upon complete concurrence of all bodies, agencies or officials charged with a role in the decision making process.

3. *Recording authorized or required alterations.* Where alterations are thus authorized or required, notation shall be made on the official district boundary map by appropriate identification of the property, the instrument involved and the date of the action.

§ 4-124. Overlay Districts - Purpose.

The purpose of the three (3) overlay districts is to accommodate the unique functional characteristics of certain areas and uses in the county.

§ 4-125. Flood Hazard District.

(a) *Purpose.* The purpose of the Flood Hazard District is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protection barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(b) *Permitted uses.* The Flood Hazard District is an “overlay” district. As such, permitted uses are determined by the “underlying” or primary zone. These regulations temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of subsection (a) above.

(c) *Boundaries.* The boundaries of the Flood Hazard District have been determined by scientific and engineering studies prepared by the Federal Insurance Administration and the results thereof plotted on flood maps for Barnwell County. Boundaries for construction or use restrictions set forth within this chapter shall be determined by scaling distances on the flood maps. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district, as shown on the flood maps, the building official shall initially make the necessary interpretation, based on flood profile information pursuant to the provisions of applicable County Ordinances. However, where there is uncertainty involving his decision, the developer may appeal to the board of appeals. The areas within the FHD are further divided into: (1) Floodway Districts (FWD) and (2) Flood Fringe Districts (FFD). The boundaries of these districts are established on the official flood boundary maps for Barnwell County, South Carolina.

(d) *Development regulations.* All applicable development regulations pertaining to this district are contained in the Land Development Regulations of Barnwell County.

§ 4-126. Airport Safety Areas.

- (a) *Purpose.* To insure that the safety of air travel in and out of the Barnwell County Airport is not jeopardized, the County has adopted the Airport Safety Ordinance which requires the review of and limits the height of structures and objects of natural growth in the vicinity of the Airport and encourages compatible activity surrounding the Airport, in Barnwell County. Said Airport Safety Ordinance is incorporated by reference herewith in this Zoning Ordinance.
- (b) *Permitted uses.* The Airport Safety Area is an “overlay” district and as such, permitted uses are determined by the “underlying” or primary zone. The regulations of the Airport Safety Ordinance temper and modify the zoning regulations and development standards of the primary district to the extent necessary to achieve the objectives of the Airport Safety Ordinance.
- (c) *Boundaries.* The boundaries of the Airport Safety Area shall be as those established under the provisions of the Barnwell County Airport Safety Ordinance.
- (d) *Development regulations.* All development regulations pertaining to this district are contained in the Land Development Regulations of Barnwell County.
- (e)

§ 4-127. River and Streamside Management Areas.

- (f) *Purpose.* The Barnwell County River and Streamside Management Overlay Zoning has been established to:
 - 1. Regulate the density and distribution of population, location of buildings, structures and land for industry, residence, recreation, commercial, agriculture, forestry, conservation, and open space;
 - 2. Prevent the overcrowding of land and facilitate the creation of a convenient, attractive and harmonious community;
 - 3. Protect groundwater, fisheries and wildlife habitat;
 - 4. Preserve scenic, historic or ecologically sensitive areas;
 - 5. Support flood control, reduce storm damage and point and nonpoint source pollution;

6. Facilitate the adequate provision of water supply and sanitation, and recreational facilities and opportunities;
7. Guide development in accordance with existing and future needs;
8. Maintain and improve water quality in the County's rivers, streams and creeks;
9. Promote the public health, safety, order, appearance, prosperity and general welfare and a healthy vegetative buffer for a stable land surface which absorbs rainfall, reduces heat reflection and noise, and absorbs pollutants which otherwise wash across land.

(b) *Permitted Uses.* The River and Streamside Management District is an "overlay" district and as such permitted uses are determined primarily by the "underlying" or primary zone. These regulations may, however, temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of subsection (a) above. All wetland areas must get additional permitting through the US Army Corps of Engineers.

(c) *Boundaries.* The minimum horizontal width of the primary streamside management area along the Edisto, Salkehatchie and Savannah Rivers shall be one hundred (100) feet and shall apply to the banks of these rivers within the jurisdiction of Barnwell County. Areas in Barnwell County that otherwise conform to these regulations but that are within the jurisdiction of the Department of Energy's Savannah River Site are not subject to the requirements of Section 4-127. A primary buffer is defined as the area between the average top edge of the stream channel of the river and a parallel line located 100 feet away. In addition to the primary streamside management areas along these

rivers, a secondary fifty (50) foot streamside management area is established along the main channel of each bank of the perennial streams which flow directly into the Edisto, Salkehatchie, or Savannah Rivers. The streamside management areas along the main channels of the Edisto, Salkehatchie, and Savannah Rivers and the secondary streamside management areas along perennial streams shall each be considered contiguous streamside management areas referred to as the Edisto River Streamside Management Area, the Salkehatchie River Streamside Management Area, and the Savannah River Streamside Management Area. Shoreline areas contiguous with the spillway elevation of any impoundment existing at the effective date of this ordinance are not subject to the requirements of Section 4-127. Areas along perennial streams both above and below such impoundments are subject to the requirements of Section 4-127.

(d) *Development Regulations.* Land use within these streamside management areas for purposes other than buffering, or existing land use that causes trees and other natural vegetation to be removed, are considered non-conforming but may continue, provided that such land use does not become more non-conforming. Within the Streamside Management areas it is prohibited to remove the natural vegetation for the purposes of

subdivision, land development, timber harvest, or the clearing of land for structures, uses or activities other than those specifically exempt. The streamside management areas shall be left in a natural state and no clearing or grading shall be allowed. Natural leaf litter, humus and soil should remain.

(e) *Exceptions.* The following uses are specifically exempt from the requirement of this section:

1. Utility lines, provided no vegetation that is removed shall cause erosion or the width of the buffer is increased by the same amount cleared for the placement of the utility lines or the removed vegetation is reestablished;
2. The harvest of timber on land currently managed for silviculture and which uses Best Management Practices (BMP's) as described in "South Carolina's Best Management Practices for Forestry" published August 1995, when the area harvested is associated with the implementation of a forest regeneration plan or program recommended by the South Carolina Forestry Commission. Land not currently meeting the above stipulations is not exempt. Timber harvests other than those associated with a bona fide silviculture operation are not exempt and are subject to the provisions of this Section;
3. Removal of diseased trees is a permitted activity;
4. Hiking and biking pathways and related facilities so long as such have a maximum width of six (6) feet. Pervious materials shall be used as base materials or elevated boardwalks may be used. Elevated boardwalks shall have a maximum width of four (4) feet and a minimum height of three (3) feet and constructed so as not to impede the flow of surface water. Only

the minimum amount of vegetation to accommodate the pathway may be cleared and such paths shall be constructed so as to effectively control runoff and erosion. Proper drainage shall be provided along all pathways.
5. Agricultural activities which do not disturb any existing buffer along a river or stream. Any such agricultural use abandoned for three years or more may be resumed only in complete compliance with the provisions of this Section.
6. The minimal removal of trees and other vegetation may be allowed for the following:
 - a. Emergency measures to contain industrial spills;
 - b. To install fences along property lines;
 - c. To provide for the establishments of Best Management Practices;

- d. To enhance river and stream view for single family homes provided that the cutting of trees and other vegetation within the Streamside Management Areas is limited to a maximum linear width of fifty (50) feet and removal of trees less than five (5) inches in diameter at breast height.

(f) *Prohibited Uses.* The following uses are specifically not allowed in the Barnwell County Streamside Management Areas:

1. Lawn and turf grass as a permanent landscape feature;
2. Septic tanks, drain fields and repair areas;
3. No sediment basins, open channels or piped stormwater is allowed through the buffer. Drainage areas should be designed to allow water sheet flow across the buffer.

(g) *Special Provisions.* When municipal or county water and sewer utilities are installed and used in the development of property impacted by these regulations, lot size requirements may be reduced for all lots within the development in proportion to the acreage reserved within the required streamside management areas. The final plat of the subdivision and individual lots within said development shall indicate the boundaries of the required streamside management area.

CHAPTER V SUPPLEMENTAL REGULATIONS AND STANDARDS

Article IV Supplemental Regulations

§ 5-100. Purpose.

These supplemental regulations are intended to address the development process in Barnwell County as it relates to:

1. Landscaping and open space;
2. Roadway and street intensity and service levels;
3. Buffering and screening between uses;
4. Infrastructure and utility service;
5. Drainage, sediment control and grading;
6. Available public facility service;
7. Access to major thoroughfares.
8. Communication Towers and Antennas

§ 5-101. Landscaping and common open space standards.

(a) Definitions.

1. *Common open space.* Common open space is land and/or water bodies used for recreation, amenity or buffer. Where required for residential development, it shall be freely accessible to all residents of a development or project. It shall not be occupied by buildings or structures, except as defined in section 5-101 (e)(1), drives, parking or street right-of-way; nor shall it include individual yards or lots of residential dwelling units. Underground utilities shall be allowed if they are not part of a septic tank system.
2. *Landscaping.* Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants, and decorative features to the land.

(b) *Purpose.* The purposes of landscaping and open space standards are to improve the appearance of vehicular use areas and property abutting public rights-of-ways; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of land in the county; to promote public health and safety through reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare; and to provide as part of all high density residential projects sufficient open space and recreational areas for the inhabitants of such projects.

(c) *Where required.* Where required elsewhere by this chapter, no new development, building, structure or vehicular use area shall hereafter be created or used unless open space and/or landscaping is provided in accord with the provisions of this section.

No existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping and/or open space required by the provisions of this section are provided to the extent of the alteration or expansion; not required for the existing use. The provisions of this section shall not apply to existing or new mobile home parks.

(d) *Common open space/landscaping plan.* An open space or landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved as open space and/or for landscaping. The specific design or open space and/or landscaping shall be sensitive to the physical and design characteristics of the site.
2. Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
3. Specify the manner in which common open space shall be perpetuated, maintained and administered.

(e) *Types of common open space and/or landscaping.* The types of common open space which may be provided to satisfy the requirements of this chapter, together with the maintenance required for each are as follows:

1. *For residential uses.*

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

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

c. *Greenways* are linear greenbelts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to insuring that there exists no hazards, nuisances, or unhealthy conditions.

d. *Landscaped areas and lawns* including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two (2) percent of the required open space. Lawns, with or without trees and shrubs shall be mowed regularly to insure neatness and landscaped areas shall be trimmed, cleaned and weeded regularly.

2. *For nonresidential commercial uses (excluding employee parking in manufacturing facilities).* Required landscaping shall be provided as follows:

a. Along the outer perimeter of a use, where required by the bufferyard provisions of this chapter, to separate incompatible land uses.

b. Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing more than twenty (20) parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designated to soften and compliment the building site.

c. Along the exterior walls of all structures exclusive of paved pedestrian ways or loading areas, a landscaped strip of at least five (5) feet wide shall be required.

(f) *Preservation of common open space.* Land designated as “common open space” may not be separately sold, subdivided or developed. Excess land designated as common open space may be developed in the future. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Common ownership of the open space by a homeowner’s association which assumes full responsibility for its maintenance.

2. Dedication to and acceptance by the county.
3. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility.

In the event that any private owner of common open space fails to maintain same, the county may in accordance with the open space plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Open space not in common ownership shall be perpetually maintained by the owner(s) having title to such open space.

§ 5-102. Roadway and street intensity and service level standards.

(a) *Purpose.* The purposes of this section are:

1. To relate land use and development to the design function and carrying capacity of the county road network,
2. To reduce the cost of road repairs and maintenance by controlling development which would “overload” and accelerate the deterioration of existing streets, and
3. To promote safety and convenience.

(b) *Exceptions.* The requirements of this section shall apply to all land uses and structures except:

1. Single-family dwellings and subdivisions with one hundred (100) or more feet of street frontage, on average.
2. Any use, building or structure in the RUD District.

(c) *Road classification.* In order to carry out the purposes of subsection (a) above, all streets and roads in Barnwell County are hereby classified on the basis of their traffic carrying capacities, and their design function in the circulation system.

The classification system is based on concepts and criteria contained in the “Highway Functional Classification Manual, Concepts, Criteria, and Procedures”, U.S. Department of Transportation, Federal Highway Administration. The manual classifies streets and roads into one of these functional categories: (1) local, (2) collector, and (3) arterial. Local streets are separated from other types because they carry significant volumes of foot and bicycle traffic and are used by children.

For purposes of this chapter, these functional categories are refined to form a four street classification system, characterized as follows:

Minor local (residential) street: A minor local street is one designed primarily to access abutting residential properties. This street normally terminates in a cul-de-sac, loop or other turnabout, with no more than two (2) access points.

Major local (residential) street: A major local street is one designated primarily to access abutting residential properties. This street is characterized as one having two (2) or more access points, and receiving traffic from minor local streets.

Collector street: A collector street is one that carries primarily residential traffic, but which provides no or only limited residential frontage and/or access.

Arterials street: A street designated (1) to carry traffic from collector streets to the major arterial system, (2) to carry through traffic and (3) to carry intercounty traffic. Arterials are characterized as having access control, channelized intersections, restricted parking and signalization. The concept of service to abutting land is subordinate to the provision of travel service.

(d) *Service level classification.* The level of service for streets and roads is defined (according to the 1985 Highway Capacity Manual) in terms of vehicular delay. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Varied and complex factors contributing to delay include intersection geometry, frequency of curb cuts, traffic volumes, signalization and cycle length, etc.

The various levels of service are classified A through F, depending on the delay factor and traffic flow conditions, as follows:

Level of Service A
Free flow conditions
Low volumes
Little or no delays
Uninterrupted flow
No restriction on maneuverability
Drivers maintain desired speed

Level of Service B

Stable flow conditions

Operating speeds beginning to be restricted

Level of Service C

Stable flow but speed and maneuverability restricted by higher traffic volume

Satisfactory operating speed for urban conditions

Some delays at signals

Level of Service D

High density, but stable flow

Restricted speeds

Noticeable delays at signals

Little freedom to maneuver

Level of service E

Low, but relatively uniform operating speeds

Volumes at or near capacity

Approaching unacceptable delays at signals

Level of Service F

Force flow conditions

Stop and go operation

Volumes below capacity may be zero

Average vehicle delay at signals is greater than one minute

(e) *Standards.* The following design capacity standards and service level designations shall govern the intensity of development along streets and roads in Barnwell County.

<i>Road Classification</i>	<i>Maximum ADT*</i>	<i>Service Level Designations</i>
Minor local street (1 access point)	500	A
Major local street (2 access points)	1,600	C
Collector Street	3,000	C
Arterial Street	Not Applicable	C

*ADT = Average Daily Traffic (trips)

(f) *Calculations.*

(g) *To determine impact on ADT standards, section 5-102 (e).* The following table of “Traffic Generation Standards” shall be used in computing the number of trips to be generated by a given use. Also, traffic generated by existing uses on the impacted street shall be calculated by the table to determine aggregate daily traffic volumes and the capacity of the street to accommodate the proposed new use.

TRAFFIC GENERATION STANDARDS

<i>Land Use</i>	<i>Average Vehicle Trips Per Day (AVT)</i>
Residential	Per Dwelling Unit (DU)
Single-family	10.0
Duplex	7.0
Townhouses, patio homes	7.0
Multifamily (apartments)	6.0
Retirement Homes	3.5
Mobile Home Park	5.5
<i>Land Use</i>	<i>Average Vehicle Trips Per Day (AVT)</i>
Nonresidential	Per 1,000' gross floor area (GFA)
<i>Retail, freestanding</i>	
Supermarket	135.3
Discount store	50.2
Department store	36.1
Auto supply	88.8
Auto dealership	44.3
Convenience store	577.0
<i>Retail, shopping center</i>	
Regional	33.5
Community	45.9
Neighborhood	97.0
Industrial	5.5
<i>Offices</i>	
General	11.7
Medical	63.5
Governmental	21.0
Research center	9.3
<i>Restaurants</i>	
Quality	56.3
Other sit-down	198.5
Fast food	533.0
Banks	388.0
Hospitals (per staff member)	6.1

Educational (per student):

College	2.5
Secondary	1.4
Primary	0.6
Commercial	0.8
Libraries	41.8
Other	To be established by the land use commission, from "Quick Response Urban Travel Estimation Techniques," Transportation Research Board, Report No. 187.

(h) *To determine impact on service level designations, section 5-102 (e).* Where required by section 5-131 (c), the calculation to determine the impact on service level designations shall be made by a qualified traffic engineer representing the applicant. All data,

including the recommendations of the engineer, shall be made available to the zoning administrator, who in turn may request review, comments and verification from the South Carolina Department of Highways and Public Transportation, regional transportation officials and county traffic engineers. Their suggestions and recommendations shall be reviewed with the applicant by the zoning administrator for possible incorporation in the final plan, or shall be referred to the planning commission for review.

(i) *Application of standards, project review.* All proposed nonexempt projects and land uses shall be evaluated by the zoning administrator on the basis of their traffic generating capacity and their impact on designated street service levels. Where the administrator determines that a proposed use will generate ADT (average daily traffic) in excess of the limits established by section 5-102 (e) or create a lower level of service than designated by section 5-102 (e) for streets and roads in the county, such use(s) shall be referred to the planning commission for review.

In their review of the project application, the planning commission may consult the South Carolina Department of Highways and Public Transportation, other county and regional agencies involved in matters of transportation.

The review may result in (1) required modifications to the proposed use, (2) required modifications to the internal and/or external road net serving and impacted by the proposed use, (3) a variance to the standards contained in 5-102 (e), (4) mitigation, (5) required offsite improvements, (6) limiting frontage and access, or (7) denial, stating the reasons for denial.

If denied by the commission, the applicant may appeal the decision to county council, who, in turn shall call for a public hearing, having given fifteen (15) days notice of time and place in a newspaper of general circulation in the county. The council may overturn, modify or affirm the decision of the commission.

Planning commission or county council approval on appeal shall be prerequisite to the issuance of a building permit for those projects referred by the administrator to the commission. Projects determined not to exceed the standards of section 5-102 (e) may be approved by the zoning administrator.

§ 5 -103. Bufferyard and screening standards.

(a) *Purpose.* The purposes of the bufferyard are to ameliorate nuisances between adjacent land uses, and to promote land use compatibility. Additionally, the bufferyard offers the developer several options, each of which is calculated to “buffer” to an equivalent degree through distance (setbacks) and/or density (mass).

The unique feature of the bufferyard is that it is flexible. It may vary in distance and density based on (1) what is proposed, (2) what is existing on the adjacent property, and (3) the type of bufferyard selected from one of the four prescribed by the bufferyard illustrations.

(b) *Definition.* A bufferyard is a unit of yard, together with plantings, fences, berms, walls, and other screening devices required thereon.

(c) *Exceptions.* The requirements of this section will apply to all land uses and structures except:

1. Single-family dwellings, mobile homes, and mobile home parks.

(d) *Location of bufferyards.* Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where required, bufferyards and/or bufferyard structures shall be developed as an integral part of the proposed use.

(e) *Determination of bufferyard requirements.* To determine the bufferyard required between two (2) adjacent parcels, the following procedure shall be followed:

1. Identify the proposed land use.
2. Identify the use of land adjacent to the proposed use.
3. Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to the table of bufferyard requirements and illustrations contained in this section which specify the bufferyard options between a proposed use and the existing adjacent use.

Where an existing use includes undeveloped land, the bufferyard requirements of this section shall apply only to that segment of the property line separating the two (2) uses, a distance of one hundred (100) feet from the existing use.

Note: The number designation contained in the table refers to the type of bufferyard specified by the illustrations herein.

(f) *Bufferyard specifications.* The illustrations in this section specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per one hundred (100) feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the options illustrated. The “plant unit multiplier” is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. Each illustration along with its respective specifications is shown. The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening.

All bufferyard areas not devoted to plants shall be seeded with lawn grass or suitable ground cover.

(g) *Minimum plant size.* Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the bufferyard.

The following table shall serve as a guide for determining minimum plant size.

<i>Plant Materials Types</i>	<i>Planting in Bufferyards Abutting Structures, Fences, Berms</i>	<i>All Other Plantings</i>
Canopy tree:		
Single stem	1 ½ inch caliper	2 ½ inch caliper
Multistem clump	6 feet (height)	10 ft. (height)
Understory tree	4 feet (height)	1 ½ inch caliper
Evergreen tree shrub	3 feet (height)	5 ft. (height)
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

(h) *Bufferyard substitutions.*

1. Evergreen canopy or evergreen understory trees may be substituted up to fifty (50) percent for deciduous understory and canopy trees.

2. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

3. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

4. Structures, where required, may be substituted with approval of the zoning administrator.

5. Where, owing to existing land use, lot sizes, configurations, topography, or circumstances peculiar to a given piece of property the bufferyard requirements of this section cannot reasonably be met, the developer(s) may request and the zoning administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure, illustrated by this section, along the property line of the proposed use.

6. Where required by the bufferyard illustrations, berms may be substituted for more intense plantings, by increasing the plant unit multiplier by 0.25.

(i) *Outside storage.* Any proposed commercial, industrial or other nonresidential use with over five hundred (500) square feet of outside storage area for materials to be sold, salvaged, stored and the like shall meet bufferyard requirements for light industry around the outside storage unit. Other uses on the site, if any, shall carry the appropriate bufferyard classification specified by the Table of Bufferyard Requirements.

(j) *Containers and dumpsters.* All exterior dumpsters or exterior garbage containers (excluding containers or groups containers with a combined capacity of less than six (6) cubic yards) shall be screened on all but one side by an F3 or F4 fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall be obscured from street visibility to the extent possible.

(k) *Fences and walls, appearance.* All fences and walls used as a part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable bufferyard requirements, they shall be established along the inside line of the bufferyard, toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, with approval of the zoning administrator.

(l) *Berms.* Where required, berms may be located anywhere within the bufferyard, provided they parallel the property line.

(m) *Use of bufferyards.* A bufferyard may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.

(n) *Require maintenance.* The maintenance of required bufferyards shall be the responsibility of the property owner. And all such yards shall be properly maintained so as to assure continued buffering. Failure to do so is a violation of this chapter and may be remedied in the manner prescribed for other violations.

§ 5-104. Infrastructure and utility service requirements.

All development shall be provided with no less than minimum services in conformance with the provisions of this section. The property owner or developer, his agents or his assignees shall assume responsibility for the provision of basic services as a prerequisite to development does not in any way obligate the county council or its departments or agents to furnish such services.

(a) *Utilities and services.* No development shall be undertaken if adequate provision has not been made for the following basic services:

1. Adequate power supply, normally electricity.
2. Potable water supply of sufficient quantity and quality to satisfy domestic needs.
3. Water supply of acceptable quantity and quality to satisfy commercial or industrial demand.
4. Adequate means for treatment and disposal of domestic sewage and other liquid wastes.
5. Adequate means for collection and disposal of solid wastes, except for single family residential developments.

(b) *Easements.* No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities. The developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.

§ 5-105. Drainage, sediment control and grading standards.

(a) *Runoff to adjoining property restricted.* No development shall be undertaken that appreciably increases the rate of surface water runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention/detention on the development parcel, percolation into the soil, evaporation, or in transport by natural drainage way or conduit to an appropriate point of discharge. The discharge rate shall not exceed a two-year frequency.

All rainfall runoff shall be estimated by use of the rationale formula, $Q=CIA$, in which Q = quantity of runoff, c.f.s; C =average runoff coefficient, depending on slope, soil, land area and time of concentration; I =intensity of rainfall (in. per hr.); and A = area under consideration (acres). The runoff coefficient must be selected from knowledge of the area and experience and must be appropriate to the types of development contemplated. For areas where the exact land use is known a precise runoff coefficient can be applied; however, as the drainage structures in the lower reaches of the area are considered, with variable land uses contributing to the runoff, calculated composite coefficient can be used.

Rainfall runoff for development areas of varying sizes shall be calculated using the following standards at a minimum:

<i>Size of area</i>	<i>Minimum rainfall intensities</i>
1-300 acres	25 year frequency
300 or more acres	50 year frequency

Rainfall intensities in excess of the above minimum standards may be required.

All drainage calculations and designs shall be approved by the county engineer. Estimates of both predevelopment and postdevelopment runoff must be provided. The county engineer may waive the requirements for the provision of such drainage calculations and design, at his discretion, for development utilizing ten (10) acres of land or less.

All drainage structures, easements, and retention/detention facilities which are part of the drainage systems of traditional owner-occupied residential subdivisions and which are required and approved by Barnwell County shall be conveyed to the county in a format acceptable to the county for perpetual maintenance. Such facilities shall be fenced as specified by the county engineer.

All retention/detention ponds accepted by the county for perpetual maintenance shall be assessed an impact fee, as established by county council resolution.

The fees shall be paid prior to acceptance of such retention/detention facilities and related structures by the county council, shall be deposited in an escrow fund established by the county treasurer, and shall be designated and used solely for the required maintenance of retention/detention facilities and related drainage structures and easements.

The county engineer is authorized to establish and to enforce construction standards for such retention/detention facilities and related drainage structures and easements. No such retention/detention facilities designed to hold water permanently shall be conveyed to the county. Such facilities shall be maintained in a manner acceptable to Barnwell County such as by means of a homeowners association or some other format approved by the county attorney.

However, all drainage structures, easements, and retention/detention facilities which are part of the drainage systems of commercial developments, industrial developments, multifamily apartment/rental developments and residential developments such as condominiums which involve common ownership of property and facilities shall be maintained perpetually by the owners of such development. In the case of such condominium residential development involving common ownership of property, evidence of the provision for perpetual maintenance of such drainage systems, structures, easements, and retention/detention facilities must be provided and approved by the county attorney prior to the issuance of certificates of occupancy for such structures. Such facilities should be fenced as specified by the county engineer. Should the owner not fence as suggested, the owner shall provide documentation necessary to hold the county harmless for damages resulting from stormwater runoff. Such documentation must be approved by the county attorney.

(b) *Reserved.*

§ 5-106. Available public facility service.

Except for buildings, structures and development in the RUD District, which are exempt from the requirements of this section, a developer must tie into existing public or private community water and/or sewer systems located within one thousand (1,000) feet of a proposed development, unless the public or private system has determined such connection is not feasible and provided further that the public and/or private system does not require extra consideration as provided for below: annexation.

In the event that public or private system has been determined not feasible or in the event such public and/or private system requires such extra consideration as specified herein, then and in either such event, the developer may provide independent alternative water and/or sewer services provided such alternative services meet applicable regulations of the South Carolina Department of Health and Environmental Control.

§ 5-107. Access to major thoroughfares.

No street or driveway shall enter a major thoroughfare as designated on the official major thoroughfares map at a point nearer than three hundred (300) feet from an existing thoroughfare, street, alley or driveway except where a tract of land would be rendered unusable by the strict application of this chapter. The county planning commission shall determine whether strict application of this section of this chapter shall be enforced.

§ 5-108. Communications Towers and Antennas.

(a) Definitions.

1. Communications Tower as used in this ordinance 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, guyed, or on a building or other structure.
2. 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.
3. Antenna means a device, dish or array used to transmit or receive telecommunications signals.
4. Height of communication tower is distance from base structure to top of tower.

§ 5-108.1 Communications Tower and Antenna Permitted as Conditional Use.

A Communications tower and/or antenna may be permitted by the Zoning Administrator without further review upon determination that all of the applicable conditions in this ordinance and the Airport Safety Ordinance are met.

Article V
Supplemental Standards For Certain
Land Uses and Large Scale Projects

§ 5-109. Purpose.

The purpose of this article is to ameliorate the impact and improve the siting of certain land uses, whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards over and above those set forth elsewhere by this chapter are imposed by this article.

§ 5-110. Uses affected by this article.

The additional requirements of this article shall apply to the following uses:

Sanitary landfills

Hazardous waste and nuclear waste disposal sites

Vehicular race and testing tracks

Certain public service uses

Sexually oriented businesses

Stockyards and any type of livestock holding or raising facility, slaughterhouses, poultry houses, commercial kennels, and animal auction houses

Large scale projects

Automotive wrecking, appliance, and building materials salvage, and junkyards

Miniwarehouses

Solar projects or farms of more than one megawatt (AC)

Resource recovery facilities, solid waste storage and transfer facilities, waste tire and treatment sites, and composting facilities

Inert landfills

Used Appliances, salvaged building materials or any open area storage of such materials.

§ 5-111. Hearing, review required.

Owing to the nature and potential impact of certain uses listed by this article, the planning commission shall call for and conduct a public hearing on any application to establish such use in Barnwell County, having given at least fifteen (15) days notice of time and place in a newspaper of general circulation in the county. The Administrator's Office will be responsible for the placement of the ad at the expense of the applicant.

The commission shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this chapter. At the conclusion of its review, the commission may approve the proposal as presented, approve it with specified modifications, or disapprove it.

If approved, the applicant shall be issued the appropriate permit(s), or if conditionally approved, instructed on any contingencies or modifications imposed by the commission. If disapproved, the applicant shall be notified in writing with the reasons therefore. Upon receipt of "notice of disapproval", the applicant may appeal the decision to county council, who, in turn shall call for a public hearing, having given fifteen (15) days notice of time and place in a newspaper of general circulation in the county. The council may overturn, modify or affirm the decision of the commission.

§§ 5-112-5-115. Reserved.

§ 5-116. Applicability of requirements; exception.

The following requirements of this division shall apply to all districts.

§ 5-117. Stockyards and any type of livestock holding or raising facility, slaughterhouses, poultry houses, commercial kennels and livestock auction houses.

The above-referenced uses shall comply with South Carolina Department of Health and environmental Control's Standards for the Permitting of Agricultural Animal Facilities (South Carolina Code of Regulations Chapter 61-43). No incineration of animals or animals refuse shall be permitted. Such uses shall meet the bufferyard requirements for separating light industry from residential uses in the RUD District, on all sides.

§ 5-118. Private or commercial horse stables.

Owing to environmental consequences of keeping horses in residential areas, and elsewhere in the community, horse stables, pens and areas for keeping horses shall meet the following requirements:

1. The lot or parcel shall have a minimum width of one hundred (100) feet and a minimum area of one (1) acre for the first three (3) horses or horse stalls, plus an additional twenty thousand (20,000) square feet for each additional horse or horse stall.
2. The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.
3. The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.
4. The premises must be maintained in a sanitary condition through the proper use of lime and pesticides.
5. The premises must be maintained by keeping manure piles in covered containers at least fifty (50) feet from any dwelling or any pool, patio or other recreational structure on an adjoining lot and at least twenty-five (25) feet from any property line. This requirement shall apply to residential uses in the RC and RD areas only.
6. All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.
7. All grain on the lot must be stored in rodent proof containers.
8. All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.
9. The exercise and training areas on the lot must be dampened so as to prevent dust; and
10. Prompt veterinary care and services must be provided for sick horses and sick horses shall be removed promptly when deemed necessary by a licensed veterinarian selected by the county.

§ 5-119. Miniwarehouses.

Due to the need to integrate miniwarehouses into the urban fabric of the community, the following standards shall be observed:

1. *Size.* Miniwarehousing sites shall not exceed two (2) acres.

2. *Lot cover.* Lot coverage of all structures shall be limited to fifty (50) percent of the total area.

3. *In/Out.* Vehicular ingress-egress shall be limited to one (1) point for each side of property abutting any street lot line.

4. *Storage only.* No business activities other than rental of storage units shall be conducted on the premises.

5. *Bufferyards and screening.* Miniwarehouses shall meet the bufferyard requirements for office and commercial uses with less than 0.25 floor area ratio.

§ 5-120. Solar Projects or Farms of More than One Megawatt (AC)

This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare. All regulations in the zoning ordinance shall apply unless expressly allowed or modified in the below standards and requirements:

All Solar Projects or Farms, including any device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the sole purpose of the collection, inversion, storage, and distribution of solar energy shall comply with the following:

1. They shall comply with all building and electrical codes.
2. They shall not create a visual safety hazard for passing motorists or aircrafts.
3. An applicant must include a decommissioning plan that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the decommissioning plan. Prior to issuance of a Building Permit, the applicant must provide the County with a performance guarantee (surety or performance bond, certified check or irrevocable letter of credit) in the amount of \$50,000 or 125% of the estimated decommission cost minus the salvageable value, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina. If the salvage value is determined to be greater than the cost of decommissioning then the performance guarantee will be deemed unnecessary. If the developer can provide proof in the form of a notarized statement or like document that a performance guarantee for decommissioning is part of the land lease or purchase agreement, then the performance guarantee will be unnecessary.

Allowed In RUD or Industrial Zoning Districts provided:

1. That a series of ground mounted solar collectors (minimum of three) are placed in an area for the purpose of generating photovoltaic power for resale purposes.
2. The use is setback a minimum of 100 feet from abutting residential properties and 50 feet from roadways.
3. That where property abuts residential property, solar collectors must be screened so as to not be seen from the adjoining property line by means of a vegetative buffer. This buffer shall be 36"-48" in height at planting and must reach a height of 10' within 3 years of planting. The vegetation must be planted at a spacing interval between 8'-10' on center.
4. Panels are to be located and situated so glare is not offensive to traffic or residences; A manufacturer spec sheet or letter denoting that the panels use anti-reflective glass must be submitted with the application.
5. No structure shall achieve a height of greater than 20 feet.
6. Access to the site must be controlled by a fence of at least six feet in height.
7. The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout the operation of the site.

§§ 5-121-5-125. Reserved.

§ 5-126. Uses affected by this division.

Certain activities inherently have characteristics adversely affecting surrounding property and environmental conditions. As such, the requirements of this article shall apply to the following uses:

Sanitary landfills

Hazardous waste and nuclear waste disposal sites

Certain public service uses

Sexually oriented businesses

Large scale projects

Automotive wrecking, appliance, building materials salvage, and junkyards

Resources recovery facilities, solid waste storage and transfer facilities, waste tires and treatment sites, and composting facilities

Inert landfills

Vehicular race and testing tracks.

The requirements of this article shall apply to all districts.

§ 5-127. Sanitary landfills.

Due to consideration for the public health and safety and potential pollution to the environment resulting from sanitary landfills, any such uses proposed for Barnwell County shall comply with the following supplemental development standards:

1. No such use shall be located within three thousand (3,000) feet of any existing residential, recreational, religious, educational, medical or public use (measured in a straight line).
2. A geotechnical engineering firm shall render a written opinion that, to their best professional judgement, the rock formations being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated.
3. A drainage and sedimentation plan shall accompany the request, showing all offsite runoff.
4. The facility shall be enclosed by bufferyard landscaping on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
5. The site shall be restored and vegetated on completion of use as a landfill.
6. All such uses shall be licensed to operate in the county by the South Carolina Department of Health and Environmental Control.

§ 5-128. Hazardous waste and nuclear waste disposal sites.

All hazardous and nuclear waste disposal sites are declared by this chapter to be incompatible with prevailing environmental conditions, and existing and planned development in Barnwell County. All such uses are therefore prohibited, and no such sites shall be permitted in the future without a comprehensive environmental impact statement, and approval by the planning commission and county council.

§ 5-129. Certain public service uses.

Due to the need for and potential negative impact of the following uses, their location shall be guided by the additional requirements of this section.

1. Incinerators.
2. Sewage treatment plants.
3. Electrical substations.
4. Prisons.

A proposed siting of any of the above uses shall be subject to the following requirements, as well as any special conditions imposed by the planning commission to secure public health, safety and acceptance.

1. Full disclosure of all emergency procedures and an analysis of the adequacy of those procedures, where applicable.
2. Special bufferyard and screening requirements.
3. Environmental impact analysis, where necessary to adequately evaluate the impact of such uses.

§ 5-130. Sexually oriented businesses.

(a) *Purpose.* It is the purpose of these requirements to promote the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) *Classification.* Sexually oriented businesses are classified as follows:

1. Adult arcades.
2. Adult bookstores or adult video stores.
3. Adult cabarets.

4. Adult motels.
5. Adult motion picture theaters.
6. Adult theaters.
7. Escort agencies.
8. Nude model studios.
9. Sexual encounter centers.

(c) *Permit and/or license required.* A person commits a misdemeanor if he operates a sexually oriented business without a valid permit and/or license issued by the county for the particular type of business.

An application for a permit and/or license must be made on a form provided by the appropriate county department.

The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.

If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.

The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

(d) *Issuance of permit and/or license.* The county zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he finds one (1) or more of the following to be true:

1. An applicant is under eighteen (18) years of age.
2. An applicant or an applicant's spouse is overdue in his payment to the county of taxes, fees, fines and penalties assessed against him or imposed upon him in relation to a sexually oriented business.
3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.
4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department and/or the building official as being in compliance with applicable laws and ordinances. If any of the required inspections have not been completed in the forty-five-day period after application submittal, the zoning administrator shall, upon written request of the applicant, issue a sexually oriented business permit contingent upon successful completion of the required inspection, provided that, along with the written request for the contingent permit, the applicant submits written documentation that it requested the inspections in a timely manner and that all other requirements for issuance of the permit have been satisfied. For purposes of this subsection, a request for an inspection shall be deemed to be "timely" if requested between sixty (60) and thirty (30) days prior to expiration of the permit. An inspection is not timely if done prior to sixty (60) days before expiration. The contingent permit shall be immediately deemed null and void if the applicant fails any inspection.
6. The permit and/or license fee required by this ordinance has not been paid.
7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it may be easily read at any time.

(e) *Fees.* The annual fee for a sexually oriented business permit and/or license is one thousand five hundred dollars (\$1,500.00).

(f) *Inspection.* An applicant, or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning and development department, or other county or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(g) *Expiration of permit and/or license.* Each permit and/or license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided by subsection (c) above. Application for renewal should be made at least thirty (30) days before the expiration date, but not more than sixty (60) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected. It is the responsibility of the applicant to ensure that he meets these deadlines.

When the county zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for (1) year from the date of denial. If subsequent to denial, the county zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

(h) *Suspension.* The county zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

1. Violated or is not in compliance with any section of this ordinance.
2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.
4. Knowingly permitted gambling by any person on the sexually oriented business premises.

(i) *Revocation.* The county zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection (h) above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

The county zoning administrator shall revoke a permit and/or license if he determines that:

1. A permittee and/or licensee gave false or misleading information in the material submitted to the zoning administrator during the application process.
2. A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
3. A permittee and/or licensee or an employee knowingly allowed prostitution on the premises.
4. A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
5. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
6. A permittee and/or licensee is delinquent in payment to the county or State for any taxes or fees past due.

When the county zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If subsequent to revocation the county zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

(j) *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of permit and/or license at any place other than the address designated in the application.

(k) *Location of sexually oriented businesses.* Owing to the seriously objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be limited to the UD District, and shall be subject to the supplemental siting criteria of this section.

No such use shall be located within three thousand (3,000) feet (measured in a straight line) of:

1. A residential use.
2. A church or religious institution.

3. Public or private schools and educational facilities.
4. Public parks and recreational facilities.
5. Any other sexually oriented businesses.

Such use shall have direct access off collector or arterial streets only.

For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of church or public or private elementary or secondary school, or to the nearest portion of a residential lot, or the nearest exterior wall of another sexually oriented business.

Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of this subsection shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within three thousand (3,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

(l) *Additional regulations for adult motels.* Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined by this chapter.

A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or subrents the same sleeping room again.

(m) *Regulations pertaining to exhibition of sexually explicit films or videos.* A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specific sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all of the interior of the premises to an accuracy of plus or minus six (6) inches. The county zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.
4. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (m)(1) of this section.
7. No viewing room may be occupied by more than one (1) person at any time.

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) footcandle as measured at the floor level.

9. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(n) *Exemptions.* Exempt from these requirements is any person appearing in a state of nudity who do so in modeling class operated:

1. By a proprietary school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation;

2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

3. In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

§ 5-131. Large scale projects.

(a) *Purpose.* Large scale projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities. The purposes of this section, therefore, are to assure the proper siting of such projects in relation to their surroundings, and to avoid any negative fall out from improper planning and design.

(b) *Large scale projects defined.* For purposes of this section, a large scale project is defined as follows:

1. Any project that generates a need for one hundred (100) or more offstreet parking spaces, as determined by Article VI, Offstreet Parking Standards, excluding single-family subdivisions.

2. A truck or bus terminal, including service facilities designed principally for such uses.

3. Any project with two (2) or more principal uses or buildings.

(c) *External relationship.* External relationships shall be measured against and shall comply with the land use intensity standards of section 5-102.

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Such projects shall not be permitted access to a minor local street, but may border or front on a major local street. Where a major local street intersects with a collector or arterial street, access drives shall be restricted to major local street, where feasible.

Pedestrian access, where provided, shall be safe and convenient routes. Where there are crossings or pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossings except at designated points.

(d) *Internal relationships.* Streets, drives, parking, and service areas shall provide safe and convenient access for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development, or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project.

Vehicular access to collector and arterial streets or portions of streets from offstreet parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimizes traffic function and promotes free flow of traffic on streets without excessive interruption.

§ 5-132. Automotive wrecking, appliances, building materials salvage and junkyards.

Owing to the environmental consequences and potential impact of automotive wrecking, salvage, open yard storage of used appliances and junkyards, such uses shall not be permitted in the UD District; but may be located in the IND District under the following conditions:

1. Such uses shall be located no closer than five hundred (500) feet to any adjacent use but no closer than three thousand (3,000) feet to a residential use, church, school, historical place or public park.
2. No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
3. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.

4. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.

5. All materials and activities not within fully enclosed buildings shall be enclosed by appropriate screening on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

6. No such use shall front on or be visible from a major thoroughfare as designated on the official major thoroughfares map.

7. Any salvage or junkyard existing on the effective date of this chapter shall have twelve (12) months within which to comply fully with subsections (2) through (5) above. Failure to do so is a misdemeanor punishable by a fine in the amount of \$200.00, for each day the property remains in violation of the ordinance without any appreciable action to bring the property into compliance.

§ 5-133. Resource recovery facilities, solid waste storage and transfer facilities, waste tire and treatment sites, and composting facilities.

In keeping with the goals of the state's Solid Waste Policy and Management Act of 1991: to reduce the amount of solid waste being received at public landfills and incinerators and to promote recycling of waste resources; and to promote land use compatibility in the process, the above referenced facilities, where proposed for the county, shall meet the following siting and location criteria:

1. No use, required to be located in the IND District, shall be located closer than three thousand (3,000) feet to any RC or RD District, church, school, historical place or public park or within fifteen-hundred (1,500) feet of an existing residential use not in an RC or RD District.

2. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.

3. All materials and activities shall be screened in such fashion as not to be visible from offsite. Screening may be accomplished by any combination of fences, walls, berms or landscaping in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.

4. Any resource recovery facility engaged in the production, processing, or disposal of materials defined as "hazardous waste", as defined by section 44-56-20 of the South Carolina Code of Laws, shall only be located in the IND District and shall be subject to the same locational restrictions of section 5-133 (1) above.

§ 5-134. Reserved.

§ 5-135. Inert landfills.

Due to consideration for the public health and safety and potential pollution of the environment, any such uses proposed for Barnwell County shall comply with the following supplemental development standards:

1. All such uses shall be licensed to operate in the county by the South Carolina Department of Health and Environmental Control.
2. Such uses may be located up to but no closer than one hundred (100) feet from any property line, except such landfills shall not be located closer than three thousand (3000) feet from any dwelling, school building, day care center, religious, recreational or medical facility.
3. No materials shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
4. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the commission where such facility will be utilized for a period not to exceed ninety (90) days.
5. The site shall be restored and revegetated on completion of use as a landfill.

§ 5-136. Vehicular race and testing tracks.

Vehicular race and testing tracks are declared by this chapter to be incompatible with residential development. Additionally, such use(s) has the potential of negatively impacting many nonresidential uses. As a result, any such proposed use shall comply with the following development standards:

1. No such use shall be located within three thousand (3,000) feet of any dwelling, church, school building, day care center, religious, recreational or medical facility (measured in a straight line).
2. Dirt race tracks shall be located no closer than one (1) mile from any residential use.
3. Bufferyards specified between heavy industrial and residential uses in the RC District shall be provided along all property lines.
4. Proposed facilities shall have direct access off collector or arterial streets only.

§§ 5-137-5-139. Reserved.

Article VI.
Standards for Offstreet Parking and Loading

§ 5-140. Definition.

An offstreet parking space is an area, not in a street or alley, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a driveway which affords ingress and egress.

§ 5-141. Purpose.

The purpose of this chapter is to ensure the provision of offstreet parking in sufficient quantity to satisfy the demand generated by any given land use, and subsequently reduce the impact of development (requiring parking) on the public transportation system.

§ 5-142. Offstreet parking requirements.

Offstreet automobile storage and parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). When application of said provision results in a fractional space requirement the next larger requirement shall prevail.

<i>Principal Use</i>	<i>Spaces Per Unit of Measure</i>
Auditorium, theater places of public assembly	0.3 per seat in main auditorium
Auto service station, full service	1.0 per four pumps
Boarding and rooming house	1.0 per bedroom
Bowling alley	5.0 per lane
Church/synagogue	0.3 per seat in main seating area
Child care center	1.0 per 200 sq. ft. GFA
Congregate housing	3.0 per every 5 beds
Cultural facilities, i.e., art galleries, museums, libraries, etc.	1.2 per 1,000 sq. ft. GFA
Dwelling unit	1.5 per one bedroom unit; 2.0 per unit for all others
Financial institutions	1.0 per 300 sq. ft. GFA
Automatic tellers	2.0 per machine
Fraternity and sororities	3.3 per 1,000 sq. ft. GFA
Funeral home	5.0, plus 1.0 per 4 seats in main assembly room
Grocery or supermarket	3.5 per 1,000 sq. ft. GFA
Grocery convenient (7-11 type) (w/or without gas pumps)	1.0 per 200 sq. ft. GFA

Hospitals and nursing homes	1.0 per bed, plus 1.0 per 300 sq. ft. office and administrative space
Hotel, motel or motor court	1.1 per rental unit, plus requirement for associated use
Industrial, manufacturing, and processing uses	1.0 per 800 sq. ft. GFA, or as determined by review on a case-by-case basis to be sufficient for the largest number of employees on any shift, including any additional spaces required for overlapping shifts.
Membership organizations	3.3 per 1,000 sq. ft. GFA
Miniwarehouses	1.0 per 10 storage units
Office and professional building	1.0 per 250 sq. ft. GFA
Office, medical or dental, clinics	2.0 spaces per bed or 1.0 space per 150 sq. ft. GFA, whichever is greater
Public service buildings	1.0 per 250 sq. ft. GFA
Radio and TV stations	1.0 per 1,000 sq. ft. GFA
Restaurants and other establishments dispensing drinks and food	1.5 per 150 sq. ft. GFA
Retail store and personal service shops	1.0 per 200 sq. ft. GFA
Sales and service not listed elsewhere	1.0 per 300 sq. ft. GFA
Schools	
Elementary and Junior High	2.0 per classroom, plus 2.0 office
Senior high, business, vocational, and colleges	5.0 per classroom
Shopping center	1.0 per 250 sq. ft. GFA
Taverns, discos, night clubs, clubs engaged principally in dispensing alcoholic beverages	1.0 per 100 sq. ft. GFA
Veterinary clinic	1.0 per 200 sq. ft. GFA
Wholesaling, warehousing and distribution operations	1.0 per 5,000 sq. ft. GFA

GFA = Gross Floor Area

The parking space requirements for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation.

Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by

more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

§ 5-143. Parking space for physically handicapped.

When offstreet parking is required for any nonresidential use, except for industrial and warehousing uses, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

<i>Number of Required Spaces</i>	<i>Number of Spaces Reserved For Handicapped Persons</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of total required

Parking spaces for the physically handicapped shall measure twelve (12) feet by twenty (20) feet and shall be located as close as practical to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps or walkways.

§ 5-144. Reduction of offstreet parking space.

Offstreet parking facilities at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or new use. Offstreet parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter, except that by reason of reduced floor area or capacity or change in requirements that a reduction in offstreet parking is reasonable and consistent with the public welfare.

§ 5-145. Land to provide parking.

The land to provide parking must be on the same site as the use it is intended to serve; however, street separation is permissible.

§ 5-146. Design and construction standards.

(a) *Applicability.* The requirements of this section shall not apply to patio homes, duplexes, mobile homes, semidetached dwellings, or outdoor recreational uses or any uses in the RD District.

(b) *Drainage and maintenance.* Offstreet parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Offstreet parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

(c) *Separation from walkways and streets.* Landscaping, curbing, fencing or other approved barriers to vehicular movement shall be provided along property boundaries to control entrance and exit of vehicles or pedestrians, and separate off-street parking spaces from sidewalks and streets. All parking spaces shall be designed so that vehicular movement onto a public street is in a forward motion.

(d) *Surfacing and marking.* Parking lots twenty (20) or more spaces shall be surfaced with asphalt or concrete, and shall be marked by painted lines, curbs or other means to indicate individual spaces. However, such requirements may be waived on an individual basis by the planning commission for rural churches, certain industrial uses, and uses not catering to the public.

(e) *Lighting.* Adequate lighting shall be provided if offstreet parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential uses.

(f) *Parking and isle dimensions.* Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of twenty percent (20) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum drive lane widths shall be as follows:

90 degree parking.....	24 feet
60 degree parking.....	20 feet
45 degree parking.....	15 feet

(g) *Joint use of offstreet parking lots.* Up to fifty (50) percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or

operated during the same hours as those listed in (1); provided however, that written agreement assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the county attorney, and shall be filed with the application for a building permit.

§ 5-147. Offstreet loading.

All uses shall provide offstreet loading areas sufficient for their requirements. Such space shall insure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk.

Offstreet loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.

§ 5-147-5-150. Reserved.

Article VII.
Standards for Location, Construction and Maintenance of Signs

§ 5-151. Purpose.

The purpose of these regulations is to protect the dual interest of the public and the advertiser. They are designed to promote public safety and welfare and insure the maintenance of landscape quality and environmental preservation, while satisfying the needs of sign users for efficient and adequate identification, communication and advertising.

§ 5-152. Applicability and conformance.

This chapter regulates the number, size, placement and physical characteristics of signs, exempts certain signs, prohibits certain signs, and requires permits for certain signs.

From and after the adoption of this chapter, no sign except those proposed for the RUD District, may be erected in the unincorporated area of the county unless it conforms with the requirements of this article. The only requirement in the RUD district is that no permanent or temporary sign except traffic and information signs shall be erected within any road right-of-way.

§ 5-153. Exempt signs.

The following signs are exempt from the provisions of this article, and require no permit:

1. One (1) sign or plate attached to the wall of each building, not more than one (1) square foot in area.
2. Signs of duly constituted governing bodies, including traffic regulatory devices, legal notices and warnings at railroad crossings.
3. Signs on the interior side of window glass.
4. One (1) freestanding sign per lot, not to exceed six (6) square feet in area.

§ 5-154. Prohibited signs.

The following signs are prohibited:

1. Any sign which displays intermittent or flashing illumination or lights of changing degrees of intensity, except a sign indicating time and/or temperature with changes alternating on not less than a five-second cycle.
2. Any sign or advertising device painted on a fence, power or telephone pole, tree, stone or any natural object.
3. Signs placed with the primary purpose of providing a sign not otherwise allowed for by this chapter.
4. Abandoned signs.

§ 5-155. Permitted signs.

The following signs are allowed, subject to the issuance of a sign permit by the county and compliance with the applicable development standards of this section.

1. *Signs permitted in the RC and RD Districts.* The following signs and no others shall be established or erected in the RC and RD Districts. One (1) freestanding sign for each nonresidential use permitted by such districts and one (1) freestanding sign for each subdivision, multifamily, group housing or mobile home park project or entrance thereto, provided the sign area does not exceed forty (40) square feet in area nor fifteen (15) feet in height, and if illuminated is done so by indirect or muted lighting.
2. *Signs permitted in the UD, OR, LD, and IND Districts.* The following signs and no others shall be permitted in the above referenced districts:
 - (a) All signs permitted by subsection (1) of this section, together with the conditions attached thereto.
 - (b) Freestanding signs for nonresidential uses, under the following conditions:
 - (1) *Allowable area.* Freestanding signs are allowed one (1) square foot of sign face per lineal foot of street frontage for the first one hundred (100) feet; and one-half (½) square foot of sign face for each lineal foot of street frontage in excess of one hundred (100) feet, up to a maximum of three hundred (300) square feet.
 - (2) *Number of signs.* One (1) freestanding sign is allowed for each developed or undeveloped site, lot or parcel. Where a site or parcel fronts on more than one street, one (1) additional freestanding sign is permitted for each additional street upon which it fronts. Where two (2) or more detached buildings occupy the same lot or parcel, each may have one (1) freestanding sign, provided the total sign area does not exceed the allowable limits specified by (2)a. of this section, based on the total lineal street frontage of the site or parcel on which they are to be located. Where two (2) or more

attached businesses or buildings occupy the same site or parcel, ie. shopping center, only one (1) freestanding sign for the aggregate businesses shall be permitted per street frontage.

(3) *Height of signs.* No freestanding sign shall exceed thirty-five (35) feet in height, except for an area paralleling and extending six hundred sixty (660) feet from the right-of-way of US Highways 78 and 278 where signs may be erected to a height of not more than fifty (50) feet.

(c) Permanent signs attached to buildings, under the following conditions:

(1) *Allowable area.* If there is no freestanding sign on the site, one and one-half (1 ½) square feet of sign area shall be permitted for each lineal front foot of the principal building.

(2) *Types of signs.* Flat, projecting, marquee, roof and awning signs are allowed.

(3) *Number of signs.* There is no limit on the number of signs if within the total allowable area limit. However, only one (1) projecting sign is allowed per building frontage, and shall be allowed only if there is no freestanding sign on the same site frontage; except for shopping centers, which may have one (1) projecting sign for each business use, plus allowable freestanding signs.

(d) Temporary signs, under the following conditions:

(1) Pennants, flags, and fluttering devices and similar exhibits to announce grand openings and mark special occasions; provided such exhibits are removed within thirty (30) days of the day they are permitted; further provided that no exhibit shall be permitted within six (6) months of the time it or a similar display is removed from the premises.

(2) Portable signs, provided such signs are removed within three (3) months of the day they are permitted; no more than one (1) such is permitted for each nonresidential use; and no such sign shall be permitted within six (6) months of the time it is removed from the premises. Portable signs are not permitted on residential or undeveloped lots or parcel.

(3) Political signs not mounted on permanent or permitted signs; provided such signs are placed or posted no earlier than sixty (60) days prior to an announced election and are removed within two (2) weeks thereafter.

§ 5-156. Development standards.

All signs allowed by this chapter shall comply with the development standards of this section.

1. *Visual area clearance.* No sign shall be located so as to obstruct travel vision at street or driveway intersections.

2. *Vehicle area clearance.* When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure shall be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

3. *Pedestrian area clearance.* When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight and one-half (8 ½) feet above ground.

4. *Sign materials.* Signs must be constructed of durable materials, maintained in good condition and not permitted to fall in disrepair.

5. *Sign illumination.* Signs when illuminated by direct lighting shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of public using the streets or sidewalks.

6. *Location of sign.* No signs including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be located within any road right-of-way.

No part of a sign, while permitted in required yards, shall be located closer than five (5) feet to any property line or within ten (10) feet of a public right-of-way.

§ 5-157. Sign measurement.

(a) *Sign face area.*

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

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

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

(4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one (1) sign face.

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

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

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

(c) *Building frontage.* Building frontage is derived for each ground floor occupant's qualifying exterior walls.

§ 5-158. Removal of signs.

(a) The lawful use of any permanently mounted sign existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter, except that those declared abandoned shall be removed within ninety (90) days of the effective date of this chapter.

(b) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area, and which is subsequently destroyed or damaged to the extent of fifty (50) percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.

(c) Any nonconforming sign which is not permanently mounted shall be removed or brought into conformity no later than six (6) months following the effective date of this chapter.

(d) An order under this section shall be issued in writing to the owner of any abandoned or nonconforming sign, or of the building or the premises on which such sign is located, to comply within a stated period of time. Upon failure to comply with such notice, the county may remove the sign and any costs of removal incurred in the process may be collected in a manner prescribed by law.

CHAPTER VI ADMINISTRATION

§ 6-100. Zoning Administrator.

This ordinance shall be administered and enforced by the designated Zoning Administrator who shall have all powers and duties authorized by statute or ordinance. The duties of the Zoning Administrator shall include:

1. Interpretation of the terms and provisions of this ordinance;
2. Administration of this ordinance by the issuance of permits and certificates, including the collection of authorized fees;
3. Processing applications for appeals to the Board of Zoning Appeals from decisions of the Zoning Administrator, variances and special exceptions;
4. Preparation of the record for appeal to circuit court from decisions of the Board of Zoning Appeals;
5. Maintenance of a current zoning map, amendments to the zoning ordinance, and all public records related to zoning and planning;
6. Enforcement of the zoning ordinance, investigation and resolution of zoning complaints;
7. Administrative assistance to the Board of Zoning Appeals and Historic Preservation Commission when authorized; and
8. Such other duties as may be authorized.

§ 6-101. Zoning Permits.

(a) Permits required. No building, sign or structure shall be erected, moved, enlarged, or altered without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provisions of this ordinance or for a use authorized by order of the Board of Zoning Appeals.

(b) Fees for permits. A fee established by regulation of County Council shall be paid for each zoning permit or certificate of zoning compliance issued by the Zoning Administrator.

(c) Applications for permits. Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of a

proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.

(d) Expiration of permits. If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

§ 6-102. Certificates of Zoning Compliance.

(a) Certificates required. It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property hereafter created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the proposed use conforms to the requirements of this ordinance.

(b) Nonconforming uses or structures. Uses or structures made nonconforming by this ordinance may not continue without a certificate of zoning compliance issued by the Zoning Administrator which shall state that the use or structure was in existence at the time of adoption or amendment of this ordinance. The certificate of zoning compliance shall specify the features which are nonconforming, and may be used to establish a vested interest in continuation of the nonconformity.

(c) Temporary uses. Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by zoning district regulations.

§ 6-103. Violations.

(a) Misdemeanor; penalties. It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the County Ordinance.

(b) Withholding permits. The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this ordinance. The Zoning Administrator or other appropriate official shall withhold all other County permits for work which violates this ordinance.

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(c) Complaints. A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this ordinance.

(d) Stop work orders. The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code section 6-29-950 (A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable by a fine in the amount of \$200.00. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.

(e) Ordinance summons. The Zoning Administrator is authorized to issue an ordinance summons pursuant to County Ordinance provisions for violations of this ordinance.

(f) Arrest warrant. The Zoning Administrator, with concurrence of the County Attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.

(g) Injunction. The Zoning Administrator shall submit a request to the County Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

CHAPTER VII APPEALS

§ 7-100. Board of Zoning Appeals.

(a) Board established. A Board of Zoning Appeals is hereby established which shall consist of five (5) members appointed by County Council for staggered terms of three (3) years. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the board may be removed by Council for cause.

(b) Officers. The board shall elect or reelect one of its members as chairperson for a term of one year. The board may elect other officers as provided by its rules of procedure. The board shall appoint a secretary who may be an officer of the County approved by the County Administrator or a member of the board.

(c) Rules of procedure. The board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the board shall constitute a quorum. Meetings of the board shall be held in the Council Chambers at the call of the chairperson or at such times as the board may determine. Public notice of all hearings shall be published in a newspaper of general circulation in the county and shall be posted on the bulletin board in the Council Chambers. Notice of hearings on appeals for variances or special exceptions shall also be posted on or adjacent to property affected, with at least one notice visible from each public street abutting the property. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the board as public records.

§ 7-101. Powers and Duties of Board of Zoning Appeals.

The Board of Zoning Appeals has the following powers:

1. Appeal from Zoning Administrator. Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Board of Zoning Appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he certifies to the board that a stay would cause imminent peril to life or property. The board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

2. Variances. An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a variance from the requirements of the zoning ordinance when the strict application of regulations would result in unnecessary hardship. A variance may be granted if the board makes all of the following findings and conclusions in a written order:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b) these conditions do not generally apply to other property in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- (d) the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance;
- (e) the effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; and would not change the zoning district boundaries shown on the official zoning map.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

3. Special exceptions. An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian safety; (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; (4) adverse impact of proposed use on aesthetic character of the area; and (5) orientation and spacing of improvements or structures. The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

§ 7-102. Fees for appeals to Board.

A fee of \$150.00 shall be paid for each appeal to the Board of Zoning Appeals from a decision of the Zoning Administrator, for a variance or special exception.

§ 7-103. Appeal to Circuit Court.

A person having a substantial interest in a decision of the Board of Zoning Appeals, or an officer of the County authorized by County Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the board within thirty (30) days after the decision of the board is mailed. Within thirty (30) days after receipt of notice of filing a petition, the Zoning Administrator or secretary of the board, with assistance of the County Attorney, shall file with the clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

CHAPTER VIII AMENDMENT

§ 8-100. Initiation of Amendment.

(a) An amendment to the zoning ordinance text or zoning map may be initiated by adopted motion of County Council, adopted motion of the planning commission, or the Zoning Administrator. An amendment to the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing.

(b) An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve (12) month period after denial unless the planning commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in previous deliberations which might substantially alter the basis for the planning commission recommendation.

(c) A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee of \$150 as established by resolution of County Council.

(d) A complete application for amendment must be received at least two (2) weeks prior to a planning commission meeting in order to be considered at the meeting.

§ 8-101. Minimum district size.

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres; provided, the minimum area for a PD (Planned Development) district shall be three (3) acres. The minimum requirement does not apply to extension of an existing residential district, or addition of NC or HC to the CC district.

§ 8-102. Amendment Procedure.

The following procedural steps are required for adoption of a text or map amendment:

1. Amendment shall be initiated pursuant to section 8-100 above.
2. Amendment ordinance shall be prepared in written form required by County Code.

3. Proposed amendment shall be referred to planning commission for review and recommendation. The planning commission shall not conduct a public hearing, but the property owner may be allowed to present oral or written comments. If oral or written comments are taken, the commission shall give other interested members of the public ten days' notice and allow them to comment in the same fashion. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. Planning Commission shall file with County Council its report and recommendation on the proposed amendment within thirty (30) days after receipt.

4. Newspaper notice of public hearing before County Council shall be published at least fifteen (15) days prior to hearing. The public hearing shall be scheduled for a date after the planning commission recommendation is due.

5. Notices of public hearing shall be posted on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height.

6. Notices of public hearing shall be mailed to all adjacent landowners and to groups which have filed a written request for notices.

7. County Council may introduce an ordinance amendment for first reading and hold the required public hearing on the same date. Planning commission recommendations shall be reviewed and considered, but shall not be binding on County Council.

8. County Council may adopt or reject the ordinance amendment on second reading at least six days after first reading. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by County Council. A withdrawn amendment is not subject to the twelve (12) month limitation in section 8-100.

9. All amendments shall be noted and placed in the copy of the zoning ordinance maintained by the Zoning Administrator and in the official copy of the County Code maintained by the Clerk to Council. Map amendments shall be reflected on the official zoning map.