



ZONING AND LAND DEVELOPMENT REGULATIONS



CHAPTER 6 | USE REGULATIONS

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(Ord. No. 2177, 10/26/2021)

ARTICLE 6.1 USE TYPES AND USE TABLE

This Article explains how to interpret Table 6.1-1, *Use Table*. The top of Table 6.1-1, *Use Table*, contains the Zoning Districts and left side of the table contains the use types. Under the hierarchy established by this Ordinance, the NR district is the least intensive base Zoning District, while the IN Zoning District is the most intensive base Zoning District. The uses listed in Table 6.1-1, *Use Table*, are permitted or not permitted in each Zoning District according to the letter coding described in Sections 6.1.1 through 6.1.5 below.

Sec. 6.1.1 A Uses Allowed by Right

An "A" indicates that a use type is allowed by right in the respective Zoning District, subject to compliance with all other applicable regulations of this Ordinance. A Use Allowed by Right is defined in CHAPTER 12, *Definitions*, of this Ordinance as a Principal Use allowed without the requirement of a Special Exception.

Sec. 6.1.2 C Uses Subject to Conditions

A "C" indicates that a use type is allowed in the respective Zoning District only if it complies with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1, *Use Table*. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

Sec. 6.1.3 S Special Exception Uses

An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1, *Use Table*. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

Any use that was legally established before April 21, 1999 without Special Exception approval and which after April 21, 1999 is located in a Zoning District that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in CHAPTER 12, *Definitions*, of this Ordinance.

Any use that was legally established before April 21, 1999 with a Conditional Use Permit and which after April 21, 1999 is located in a Zoning District that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in CHAPTER 12, *Definitions*, of this Ordinance.



Sec. 6.1.4 Uses Not Allowed

A blank cell indicates that a use type is not allowed in the respective Zoning District, unless it is otherwise expressly allowed by other regulations of this Ordinance.

Sec. 6.1.5 New or Unlisted Uses and Use Interpretation

The Zoning and Planning Director shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in [CHAPTER 12, Definitions](#), of this Ordinance or may require that the use be processed in accordance with the Planned Development (PD) procedures of this Ordinance.

Sec. 6.1.6 Table 6.1-1, Use Table

Principal uses shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1-1, Use Table.

Table 6.1-1 Use Table																						
A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses																						
Land Uses		ZONING DISTRICTS																				Condition
	NR	OS	RM	AG -15	AG -10	AG -8	AGR	RR	S-3	R -4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
AGRICULTURAL																						
AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING, AND SUPPORT																						
Aquaculture			A	A	A	A	C	C														Sec. 6.4.1
Mariculture			C	C	C	C	C	C														Sec. 6.4.1
Apiculture (Bee Keeping)			A	A	A	A	A	A														
Animal and Insect Production			A	A	A	A	C	C	C													Sec. 6.4.1
Concentrated Animal Feeding Operation			S	S	S	S																
Horticultural Production			A	A	A	A	A	A	A	C				A			C	A	A	A	A	Sec. 6.4.1
Hemp Crop Production and/or Processing			S	S	S	S	S															Sec. 6.4.1
Winery			C	C	C	C	C	C										C	A	C	A	Sec. 6.4.21
Agricultural Processing			C	C	C	C	C	C	S									A	A	A	A	Sec. 6.4.1
Agricultural Sales or Service			A	A	A	A	C											A	A	A	A	Sec. 6.4.44
Roadside Stand; Sweetgrass Basket Stand		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.8
Community Garden		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Farmers Market			A	A	A	A	A	C	C	C	C	C		A	A	A	A	A	A	A	A	Sec. 6.4.47
FORESTRY AND LOGGING																						
Bona Fide Forestry Operation		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.23
Lumber Mill, Planing, or Saw Mill			A	A	A	A	S													A	A	
RESIDENTIAL																						
ASSISTED LIVING																						
Assisted Living			S	S	S	S	S	S	S	S	A	S		S	S	A	A	S	A	S	A	
MANUFACTURED HOUSING																						



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses			ZONING DISTRICTS																			Condition		
			NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
Manufactured Housing Unit			A	A	A	A	A	C	C	C	C	A	A											Sec. 6.4.24
	Manufactured Housing Park													A										
MULTI-FAMILY DWELLING																								
Dwelling, Multi-Family												A								C		C		Sec. 6.4.31
Triplex and Fourplex										S	S	C	C		C	C	C	C		C		C		Sec. 6.4.35
Duplex										S	S	C	C		C	C	C	C		C		C		Sec. 6.4.35
Dwelling Group			C	C	C	C	C	C	C	C	C	C	C											Sec. 6.4.7
Dwelling, Single-Family Attached										S	S	C	C		C	C	C	C		C		C		Sec. 6.4.2 Sec. 6.4.31
SHORT-TERM RENTAL																								
Short-Term Rental Property: Limited Home Rental (LHR)			C	C	C	C	C	C	C	C	C	C	C											Art. 6.8
Short-Term Rental Property: Extended Home Rental (EHR)						S	S		S	S		S												Art. 6.8
SINGLE-FAMILY DWELLING																								
Dwelling Unit, Single-Family Detached	C	A	A	A	A	A	A	A	A	A	A	A	A	C		C	C	C	C	C	C	C	C	Sec. 6.4.25
OTHER RESIDENTIAL USES																								
Transitional Housing												S			A	S	S	S		A				
Child Caring Institution			S	S	S	S	S	S	S	S	S	S	S											
Emergency Shelter											C	A	C			C	A	A		A	C	A		Sec. 6.4.38
Affordable and Workforce Dwelling Unit					C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		C		Sec. 6.4.19
Group Residential			S	S	S	S	S	S		S	S													
Farm Labor Housing			S	S	S	S	S																	Sec. 6.4.9
CIVIC/INSTITUTIONAL																								
COURTS AND PUBLIC SAFETY																								
Courts of Law			A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A		
Correctional Institution																						A		
Parole Office or Probation Office															A							A		
Safety Service			A	A	A	A	A	A	A	A	A	A	S	A	A	A	A	A	A	A	A	A		
DAY CARE SERVICES																								
Adult Day Care Services				S	S	S	S	S	S	S	S	S	S		A	S	S	A	A	A	A	A		
Family Home				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		Sec. 6.4.29



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses			ZONING DISTRICTS																			Condition		
			NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
	Group Home					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Child Care Center										S	S	S	S		A	A	A	A	A	A	A	A	
	Day Camp															A		A	A	A	A		A	
DEATH CARE SERVICES																								
	Cemetery			A	A	A	A	A	C	C	C	C	C	S		A	A	A	A	A	A	A	A	Sec. 6.4.53
	Funeral Services															A	A	A	A	A	A	A	A	
EDUCATIONAL SERVICES																								
	Pre-school or Educational Nursery					S	S	S	S	S	S	S	S	S		A	A	A	A	A	A	A	A	
	School, Primary					S	S	S	A	A	A	A	A	S		A	A	A	A	A	A	A	A	
	School, Secondary					S	S	S	A	A	A	A	A	S		A	A	A	A	A	A	A	A	
	Higher Education Facility					S	S	S	S	S	S	S	S	S		A	S	S	S	S	A	A	A	
	Personal Improvement Education					S	S	S	S	S						A	C	A	A	C	A	A	A	Sec. 6.4.26
HEALTH CARE SERVICES																								
	Medical Office								S	S	S					A	A	A	A	A	A	A	A	
	Community Residential Care Facility								S	S		S	S	S		C	S	S	S	S	C	S	C	Sec. 6.4.42
	Counseling Services								S	S						A	A	A	A	A	A	A	A	
	Intermediate Care Facility for Individuals with Intellectual Disabilities								S	S		S	S	S		A	S	S	S	S	A	S	A	
	Health Care Laboratory															A	A	A	A	A	A	A	A	
	Home Health Agency								S	S						A	A	A	A	A	A	A	A	
	Hospital; Hospice Facility															A		S	S	S	A	S	A	
	Outpatient Facility for Chemically Dependent or Addicted Persons															A	S	S	S	S	A	S	A	
	Rehabilitation Facility															A	A	A	A	A	A	A	A	
	Residential Treatment Facility for Children or Adolescents (mental health treatment)								S	S			S			A	S	S	S	S	A	S	A	
MUSEUM, HISTORIC SITE, AND SIMILAR INSTITUTIONS																								
	Historic Site			C	C	C	C	C	C	C	C	A	A	A		A	A	A	A	A	A	A	A	Sec. 6.4.27
	Library or Archive					A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	
	Museum			C	C	C	C	C	A	A	A	A	A	A		A	A	A	A	A	A	A	A	Sec. 6.4.27
	Nature Exhibition			C	C	C	C	C								A					A	A	A	Sec. 6.4.10
	Botanical Garden			A	A	A	A	A	A							A					A	A	A	
	Zoo			S	S	S	S	S	S							S				S	S	S	S	



Table 6.1-1 Use Table

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Land Uses			ZONING DISTRICTS																			Condition		
			NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
POSTAL SERVICE																								
Postal Service, United States					C	C	C	C	C	C	C	C	C	C		A	A	A	A	A	A	A	A	Sec. 6.4.26
RECREATION AND ENTERTAINMENT																								
Community Recreation				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Fishing, Hunting, or Recreational Guide Service				C	A	C	C	A	A								A	A	A	C	C	C	C	Sec. 6.4.55
Golf Course or Country Club				C			C	C	C	C	C				C									Sec. 6.4.50
Parks and Recreation				C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	C	C	Sec. 6.4.11
Recreation and Entertainment, Indoor																			C	A	A	A	A	Sec. 6.4.30
Recreation and Entertainment, Outdoor							C	C												C	C	C	C	Sec. 6.4.11
Drive-In Theater																				C	C	C	C	Sec. 6.4.6 Sec. 6.4.11
Golf Driving Range							S	S	S	S	S										C		C	Sec. 6.4.11
Outdoor Shooting Range				S	S	S	S	S													S		S	Sec. 6.4.11
Special Events																			C	C	C		C	Art. 6.7
RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS																								
Business, Professional, Labor, Political Organization; Social or Civic Organization; Social Club or Lodge							S	S	S	S	S	S	S			A	A	A	A	A	A	A	A	Sec. 6.4.4
Religious Assembly				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
UTILITIES AND WASTE-RELATED USES																								
Utility Service, Major					S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.17
Utility Service, Minor			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Solar Farm				S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 6.4.46
Waste-Related Uses																							S	
Septic Tank Installation, Cleaning, or Related Service																					S	S	S	
Solid Waste Disposal Facility (Public or Private)					C																		C	Sec. 6.4.51
COMMERCIAL																								
ACCOMMODATIONS																								



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses		ZONING DISTRICTS																				Condition	
		NR	OS	RM	AG -15	AG -10	AG -8	AGR	RR	S- 3	R -4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
Short-Term Rental Property: Commercial Guest House (CGH)																C	C	C	C	C			Art. 6.8
	Hotel or Motel																S	S		C		C	Sec. 6.4.31
	RV (Recreational Vehicle) Park			S	S	S	S	S															Sec. 6.4.12
	Campground			S	S	S	S	S															
ANIMAL SERVICES																							
Stable, Commercial			C	C	C	C	C												C	A	A	A	Sec. 6.4.20
	Stable, Private			A	A	A	A	C	C	S									C	A	A	A	Sec. 6.4.20
	Kennel			C	C	C	C	S	S										S	A	A	A	Sec. 6.4.54
	Pet Store or Grooming Salon																	C	C	A	A	A	Sec. 6.4.32
	Small Animal Boarding			A	A	A	A	C	C	S									C	A	A	A	Sec. 6.4.32
	Veterinary Service			A	A	A	A	S	S									C	C	C	A	A	A
FINANCIAL SERVICES																							
Banks and Financial Services															C	C	C	C	C	A	A	A	Sec. 6.4.26
	Short-Term Lender																			C		C	Sec. 6.4.28 Sec. 6.4.31
FOOD SERVICES AND DRINKING PLACES																							
Bar or Lounge																		S	S	S	S	S	Sec. 6.4.15
	Catering Service				S	S	S	S	S	S	S	S	S			C	C	C	C	A	A	A	Sec. 6.4.34
	Restaurant, Fast Food																	C	C	C		C	Sec. 6.4.15 Sec. 6.4.31
	Restaurant, General																C	C	C	C	C	C	Sec. 6.4.15
	Sexually Oriented Business																					C	Sec. 6.4.18 Sec. 6.4.31
INFORMATION INDUSTRIES																							
Communication Services; Data Processing Services; Publishing Industries																	A	A	A	A	A	A	



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Land Uses	ZONING DISTRICTS																				Condition	
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
Communications Tower			C	C	C	C								C		C	C	C	C	C	C	Sec. 6.4.5
OFFICES																						
Administrative or Business Office; Government Office; Professional Office														C	C	C	C	C	A	A	A	Sec. 6.4.26
OTHER NONRESIDENTIAL DEVELOPMENT																						
Convention Center or Visitors Bureau														S		S	S	A	C		C	Sec. 6.4.31
Heavy Construction Services or General Contractor																			A	A	A	
Billboard																					C	Sec. 9.8.6
Special Trade Contractor																		C	A	A	A	Sec. 6.4.36
PARKING, COMMERCIAL																						
Parking Lot														C		A	C	A	A	A	A	Sec. 6.4.37
Parking Garage														A		A			C		C	Sec. 6.4.31
RENTAL AND LEASING SERVICES																						
Charter Boat or other Recreational Watercraft Rental Service					C	C	C											A	A	A	A	Art. 5.2 Sec. 6.4.39
Commercial or Industrial Machinery or Equipment, Construction Tools or Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing																		A	A	A	A	
Consumer Goods Rental Center																	C	C	A	A	A	Sec. 6.4.26
Self-Service Storage																		S	C	C	C	Sec. 6.4.16
Vehicle Rental or Leasing																		A	A	A	A	
REPAIR AND MAINTENANCE SERVICES																						
Boat Yard				C	C	C	C	S										C	C	C	C	Sec. 6.4.39 Art. 5.2
Repair Service, Consumer																	C	C	A		A	Sec. 6.4.40
Repair Service, Commercial																	S	S	A	A	A	
Vehicle and Boat Repair or Service																	C	S	A	A	A	Sec. 6.4.22



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Land Uses	ZONING DISTRICTS																					Condition
	NR	OS	RM	AG -15	AG -10	AG -8	AGR	RR	S- 3	R -4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
RETAIL SALES																						
Nonstore Retailer																			A		A	
Fuel Heating Oil Dealer; Liquefied Petroleum Gas (Bottled Gas) Dealer																		C	C	C	C	Sec. 6.4.41
Home Improvement Center																			A		A	
Food Sales																	C	C	A		A	Sec. 6.4.26
Food Truck																A	A	A	A	A	A	
Liquor, Beer, or Wine Sales																	S	S	S		S	
Retail Sales or Services, General; Building Materials or Garden Equipment and Supplies Retailer																	C	C	A	S	A	Sec. 6.4.26
Convenience Store																	S	S	A	A	A	
Duplicating or Quick Printing Service; Private Postal or Mailing Service																C	C	C	A	A	A	Sec. 6.4.26
Pawn Shop																			A		A	
Warehouse Club or Superstore																			C		C	Sec. 6.4.31
Service Station, Gasoline																	C	C	A	S	A	Sec. 6.4.45
Truck Stop																			A	A	A	
Vehicle Sales																			A		A	
Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer																		S	A	S	A	
Vehicle Parts, Accessories, or Tire Store																		S	A	A	A	
RETAIL OR PERSONAL SERVICES																						
Consumer Convenience Services																	C	C	A		A	Sec. 6.4.26
Hair, Nail, or Skin Care Services			C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	Sec. 6.4.3
Job Training or Placement Services														A	A	A	A	A	A	A	A	
Personal Improvement Services															C	C	C	C	A		A	Sec. 6.4.26
Physical Fitness or Health Club																A	A	A	A		A	
Tattoo Facility																			S		C	Sec.



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A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

Land Uses		ZONING DISTRICTS																				Condition	
		NR	OS	RM	AG -15	AG -10	AG -8	AGR	RR	S- 3	R -4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
																							6.4.13
	Services to Buildings or Dwellings															C	C	C	C	A	A	A	Sec. 6.4.48
	Landscaping and Horticultural Services			C	C	C	C											S	C	A	A	A	Sec. 6.4.48
VEHICLE AND WATERCRAFT STORAGE																							
	Vehicle Storage																		S	A	A	A	
	Impound Yard																					A	
	Towing Facility																					A	
	Boat Ramp			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S	C	Art. 5.2 Sec. 5.2.4
	Community Dock			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	Art. 5.2 Sec. 5.2.3
	Commercial Dock					S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Art. 5.2 Sec. 5.2.6
	Marina						S	S	S	S	S	S				S	S	S	S	S	S	S	Art. 5.2 Sec. 5.2.5
WHOLESALE SALES																							
	Wholesale Sales																			A	A	A	
	Clay or Related Products and Construction Material Wholesaler																		S	A	A	A	
	Flower, Nursery Stock, or Florists' Supplies Wholesaler			A	A	A	A												S	A	A	A	
	Petroleum Wholesaler																		S	A	A	A	
INDUSTRIAL																							
INDUSTRIAL SERVICES																							
	Laundry, Dry Cleaning, or Carpet Cleaning Plant																				A	A	
	Photo Finishing Laboratory																				A	A	
	Research and Development Laboratory																				A	A	
	Scrap and Salvage Service																				S	S	
MANUFACTURING AND PRODUCTION, GENERAL																							
	Artisan and Craftsman					C	C	C	C								C	C	C	A	A	A	Sec. 6.4.43
	Manufacturing and Production																			C	A	A	Sec. 6.4.57
	Aircraft Manufacturing and Production, including Related Parts																					A	
	Chemical Manufacturing																				S	S	



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Land Uses		ZONING DISTRICTS																				Condition	
		NR	OS	RM	AG -15	AG -10	AG -8	AGR	RR	S- 3	R -4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
and Production																							
Clay or Related Products, Furniture, Cabinets, or Related Products, Toy or Artwork, or Wood Products Manufacturing and Production																			C	C	A	A	Sec. 6.4.57
Microbrewery and Distillery																				C	C	C	Sec. 6.4.33
Pulp Mill or Paper Mill; Rendering Plant																						S	
Slaughter House and Meat Packing																					S	S	
Stone or Shell Products Manufacturing and Production																				C	S	S	Sec. 6.4.57
WAREHOUSE AND FREIGHT MOVEMENT																							
Warehouse and Distribution Facility																					A	A	
Container Storage Facility																					C	C	Sec. 6.4.52
Freight Forwarding Facility																				C	C	C	Sec. 6.4.49
Fuel Storage Facility																					A	A	
Grain Terminals and Elevators																					A	A	
Stockpiling of Sand, Gravel, or other Aggregate Materials																					A	A	
Storage or Manufacturing of Weapons or Ammunition																					S	S	
OTHER USES																							
RECYCLING USES																							
Recycling Center																					A	A	
Recycling Collection, Drop-Off			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 6.4.58
RESOURCE EXTRACTION/MINING																							
Resource Extraction/Mining			S	S	S	S	S	S													S	S	Sec. 6.4.14
TRANSPORTATION																							
Aviation			C	C	C	C															C	C	Sec. 6.4.56
Private Air Strip			C	C	C	C																	Sec. 6.4.56
Railroad Facility																					A	A	



Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses																						
Land Uses		ZONING DISTRICTS																				Condition
	NR	OS	RM	AG -15	AG -10	AG -8	AGR	RR	S- 3	R -4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	IN	
Sightseeing Transportation, Land or Water			S	S	S	S												A	A	A	A	Art. 5.2
Taxi or Limousine Service																		S	A	A	A	
Urban Transit System														A		A	A		C	A	C	Sec. 6.4.31
Water Transportation					S	S	S	S										A	A	A	A	Art. 5.2

Effective on: 10/26/2021, as amended

ARTICLE 6.2 DEFINITIONS

All of the types of uses listed in the Table 6.1-1, *Use Table*, are defined in Chapter 12, *Definitions*.

ARTICLE 6.3 RESERVED

ARTICLE 6.4 USE CONDITIONS

The following use conditions shall apply to Principal Uses in any Zoning District where these uses are allowed as "Conditional Uses" or "Special Exceptions" as shown in Table 6.1-1, *Use Table*.

Sec. 6.4.1 Aquaculture, Mariculture, Animal and Insect Production, Horticultural Production, Hemp Production and Processing, and Agricultural Processing Uses

- A. Aquaculture, Mariculture, Animal and Insect Production, Horticultural Production, Hemp Production and Processing, and Agricultural Processing uses shall be subject to the following standards.
 1. Such uses must be located on a Lot with a minimum area of five highland acres. On Lots with an area of less than five highland acres, such uses are allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance.
 2. If the subject Lot is less than five acres in size, a 25-foot vegetated buffer is required to adjoining Parcels. In lieu of a planted 25-foot vegetated buffer, a 75-foot Setback to the operation, from the side and rear property boundaries shall be provided.
 3. If the subject Lot is five acres or large in size, a 50-foot vegetated buffer is required to adjoining Parcels. In lieu of a 50-foot vegetated buffer, a 150-foot Setback to the operation, from the side and rear property boundaries shall be provided.
 4. Mariculture uses shall comply with the Commercial Dock requirements of this Ordinance in addition to the requirements of this Section.
 5. Onsite sales are permitted as an Accessory Use, subject to the provisions of this Ordinance.
- B. **Hemp Production and Processing.**
 1. Evidence of the appropriate South Carolina Department of Agriculture Industrial Hemp License (Grower or Processor) shall be submitted with any Site Plan Review Application.
 2. Evidence of the appropriate South Carolina Department of Agriculture Hemp Grower or Processor application approval shall be submitted with any Site Plan Review Application.



Sec. 6.4.2 Single-Family Attached Dwelling

Single-Family Attached Dwellings shall be subject to the following standards.

- A. **Number of Attached Units in a Single Structure.** No single Structure may contain more than eight Single-Family Attached Dwellings.
- B. **Lot Area and Dimensional Standards.**
 - 1. In the S-3 Zoning District, the dimensional standards of the UR Zoning District shall apply provided:
 - a. The Density shall not exceed three Principal Dwelling Units per acre;
 - b. The Waterfront Development Standards of the S-3 Zoning District shall apply to Development abutting the OCRM Critical Line;
 - c. The Building Height requirements of the S-3 Zoning District shall apply; and
 - d. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
 - 2. In the RO and R-4 Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
 - a. The density shall not exceed four Principal Dwelling Units per acre;
 - b. The Waterfront Development Standards of the R-4 Zoning District shall apply to Development abutting the OCRM Critical Line;
 - c. The Building Height requirements of the R-4 Zoning District shall apply; and
 - d. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
 - 3. In the GO, CI, and NC Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
 - a. The Density shall not exceed four Principal Dwelling Units per acre.
 - b. The Waterfront Development Standards of the R-4 Zoning District shall apply to Development abutting the OCRM Critical Line; and
 - c. The Building Height requirements of the R-4 Zoning District shall apply.
 - 4. In the MHS Zoning District, the dimensional standards of the UR Zoning District shall apply provided:
 - a. The Density shall not exceed six Principal Dwelling Units per acre;
 - b. The Waterfront Development Standards of the MHS Zoning District shall apply to Development abutting the OCRM Critical Line; and
 - c. The Building Height requirements of the MHS Zoning District shall apply.
 - 5. In the UR Zoning District, the Density, Intensity, and Dimensional Standards of the UR Zoning District shall apply.
 - 6. In the CC and IN Zoning Districts located in the Urban/Suburban Area as defined in the Charleston County Comprehensive Plan, the density, intensity, and dimensional standards of the UR Zoning District shall apply.
 - 7. Single-Family Attached Dwellings shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.
- C. **Accessory Structures.** All Accessory Structures shall be located on the same Lot as the Principal Structure (Single-Family Attached Dwelling) and shall be for the private use of the property occupant(s). A minimum Interior Setback of three feet is required between an Accessory Structure and the Interior Lot Lines, provided that an Accessory Structure may be located on one of the zero Lot Lines when constructed of a material finish matching the Principal Dwelling Unit exterior or when the Accessory Structure is the same height and materially a part of a Fence or Wall.
- D. **Design Standards.**
 - 1. The front Facade of a Single-Family Attached Dwelling may not include more than 40 percent Garage Wall area.
 - 2. The roof of each Single-Family Attached Dwelling must be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.



3. At least 10 percent of the area of each Facade that faces a Street must be comprised of windows.

Sec. 6.4.3 Hair, Nail or Skin Care Services

Hair, Nail or Skin Care Services shall be subject to the following standards:

- A. Hair, Nail or Skin Care Services shall be limited to a maximum of one chair in those Zoning Districts in which they are allowed as a use subject to conditions, otherwise this use shall comply with the Special Exception procedures of this Ordinance.
- B. Where Hair, Nail, or Skin Care Services are allowed as a use subject to conditions, this use shall have a maximum Floor Area of 5,000 square feet, otherwise this use shall comply with the Special Exception procedures of this Ordinance.
- C. Hair, Nail, or Skin Care Services are allowed as Home Occupations in all residential and agricultural Zoning Districts with a maximum of one chair.

Sec. 6.4.4 Business, Professional, Labor, Political Organization, Social or Civic Organization, Social Club or Lodge

If accommodations are offered in conjunction with this use, the requirements of Article 6.8, *Short-Term Rentals*, of this Ordinance for the Zoning District in which the Parcel is located shall apply; otherwise, a Planned Development Zoning District application must be processed pursuant to the requirements of this Ordinance.

Effective on: 10/10/2017, as amended

Sec. 6.4.5 Communications Towers

- A. **Purpose and Legislative Intent.** The Federal Telecommunications Act of 1996 affirmed Charleston County's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The regulations of this Section are designed to site Communications Towers in Charleston County. It is the intent of these regulations to allow for the harmonious coexistence of Communications Towers and other land uses. It is also the intent of these regulations to reduce the overall negative impact of Communications Towers by:
 1. Reducing the number of towers needed through a policy of encouraging co-location; and
 2. If co-location is not feasible, encouraging the following:
 - a. The use of Antennae Concealment Tower Design, as defined in Sec. 6.4.5.C.1;
 - b. The clustering of towers ("tower farms");
 - c. The placement of towers away from Roadways;
 - d. The provision of effective screening; and
 - e. The location of communications equipment on existing Structures or within existing Utility substations or uses.
- B. **Co-Location Exemption.** Proposed communications equipment co-locating on existing towers and Structures without adding to their height shall require only a Zoning Permit and shall not be subject to the requirements of this Section.
- C. **Antennae Concealment Tower Provision.**
 1. For the purposes of this Section, the term "Antennae Concealment Tower" shall mean a Communications Tower designed to unobtrusively blend into its existing surrounding so as not to have the appearance of a Communications Tower. Examples of Antennae Concealment Towers include, but are not limited to, antenna tower alternative Structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing or proposed Trees and landscaping, and antenna Structures designed to look like light poles.
 2. All proposed Antennae Concealment Tower designs must be approved by the Zoning and Planning Director.
 3. A complete Zoning Permit application for an Antennae Concealment Tower that meets all requirements of this Ordinance shall be approved.
- D. **Tower Abandonment.** A Communication Tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such



Communication Tower must notify the staff and remove the tower within 50 days. Communication Towers which are not maintained by the owner according to the County Building Code shall be removed by the owner within 60 days. To assure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each Communication Tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the Communication Tower.

- E. **Pre-Application Meeting.** Prior to submitting a formal application for a Zoning Permit for a Communication Tower, the Applicant is required to attend one or more pre-application meetings. The purpose of the pre-application meeting is to address key issues which will help to expedite the review and permitting process. The Zoning and Planning Director may conduct a site visit at the pre-application meeting.
- F. **Zoning Permit Submittal Requirements.** Prior to Zoning Permit approval, all applications for Communications Towers shall complete the Site Plan Review process as provided in Chapter 3, *Development Review Procedures*, of this Ordinance. In addition to any Site Plan Review requirements, the application must contain the following items:
1. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed Buildings and Structures or improvements, including parking, driveways or access roads, fences, and protected and Grand Trees affected by the proposed construction. If there are no Grand Trees affected, a surveyor's statement on the Site Plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential Structures on surrounding properties.
 2. The Site Plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public Rights-of-Way and adjacent Property Owners. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a 25 foot buffer around the fenced area.
 3. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings. The Applicant shall submit documentation justifying the total height of any Communications Towers, facility and/or antenna and the basis therefore. Additionally, color and material samples shall be provided.
 4. The tower must be located no closer to a residential structure than a distance equal to 1 ½ feet for each 1 foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential Structure.
 5. A six foot non-climbable Fence must be placed around the tower (except for those designed in a manner compatible with Sec. 6.4.5.A.2, *Antennae Concealment Exemption*) and any associated building. Guy wires may be fenced separately.
 6. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the Communications Towers are located.
 7. Communications Towers shall contain a Sign no larger than four square feet to provide adequate notification to Persons in the immediate area of the presence of an antenna that has transmission capabilities. The Sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The Sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.
 8. The proposed tower must be located such that adequate Setbacks are provided on all sides to prevent the tower's Fall Zone from encroaching onto adjoining properties. The Fall Zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
 9. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the Applicant certifies that the existing tower does not meet the Applicant's structural specifications and the Applicant's technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate.



In the event of the above situation, the clustering of new towers on the same Parcel near existing towers is permitted.

10. A copy of the tower's search ring.
11. The Applicant shall supply the FAA study number for the proposed tower.
12. For the purposes of co-location review and review of efforts at siting a tower on the same Lot near an existing tower, the Applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, Buildings, or other Structures are not available or suitable for use within the Applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the Applicant's necessary height criteria, providing a location free of interference from other Communication Towers, or available at the prevailing market rate (as determined by staff communication with Persons doing business within the industry). Additionally, the Applicant shall build the proposed tower in such a manner as may allow other telecommunication users to co-locate.
13. The tower shall be designed with excess capacity for future needs.
14. A statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
15. The Applicant shall furnish a Visual Impact Assessment which shall include:
 - a. A "Zone Visibility Map" which shall be provided in order to determine locations where the Tower may be seen.
 - b. Pictorial representations of "before and after" view from key viewpoints both inside and outside the County, including but not limited to major highways and roads; state and local parks; Historic Districts; preserves and Historic Sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.
 - c. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and Streets.

G. Retention of Expert Assistance and Reimbursement by Applicant.

1. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
2. For towers proposed to be 100 feet or higher, the Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of the consultant and expert evaluation and consultation to the County in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$5,000.00. The application will not be processed until receipt of this initial deposit. The County will maintain a separate account for all such funds. The County's consultants/experts shall invoice the County for all its services in reviewing the application, including the construction and modification the site, once permitted. If at any time during the process this account has a balance less than \$1,000.00, the Applicant shall immediately, upon notification by the County, replenish said account so that it has a balance of at least \$5,000.00. Such additional account funds shall be deposited with the County before any further action or consideration is taken on the application. In the event that the amount held in the account by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant. The Applicant shall not be entitled to receive any interest earnings on unused funds.
3. The total amount of the funds needed as set forth in subsection 2 of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.
4. Additional fees may be required if additional hearings before the Board of Zoning Appeals are caused by or requested by the applicant.

H. Surrounding Property Owner Notification.

1. In order to better inform the public, in the case of a new Communications Towers, the Applicant shall hold a "balloon test" as follows: the Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three



foot diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date) shall be provided to the Zoning and Planning Director 10 days after receipt of the Complete Application notice. The dates shall be set a minimum of 15 days prior to the Zoning and Planning Director making a final decision on the Zoning Permit. The balloons shall be flown for 10 consecutive hours between 8:00 a.m. and 6:00 p.m.

2. Once the application is deemed complete by the Zoning and Planning Director for a Communications Tower Zoning Permit, the Zoning and Planning Department shall provide Parties in Interest, Neighbor, Posted and Newspaper Notice in accordance with the requirements of Sec. 3.1.6 of this Ordinance. The public notice shall include the dates of the balloon tests as provided by the Applicant and the date the Zoning and Planning Director must make a final decision on the Zoning Permit.

- I. **Time Limit for Staff Review.** Upon receipt of an application deemed complete by the Zoning and Planning Director for a Communications Tower Zoning Permit, the Zoning and Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the Applicant is sent Written Notice of a Complete Application from the Zoning and Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

J. **Zoning Permit Approval Criteria.**

1. A complete Zoning Permit application for an Antennae Concealment Tower that meets all requirements of this Ordinance shall be approved.
2. Upon review of a Complete Application, no Zoning Permit shall be issued for a Communications Tower until the Zoning and Planning Director determines that the proposed tower complies with the following criteria and standards:
 - a. That the location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical sites, officially designated scenic roads or rivers, and that the tower is designed to blend into the environment and minimize visual impact.
 - b. If a completely new tower is necessary, the Applicant must provide written proof of attempts at co-location and siting a tower on the same Lot near an existing tower were proven not feasible or practical.
 - c. That the Applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the Applicant's technical design requirements.
 - d. Staff shall review and approve the color and materials to be used for the proposed tower.
3. If the Zoning and Planning Director finds a proposed Communications Tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the Special Exception provisions of this Ordinance. In determining whether the use shall fall under the Special Exception provisions, the Zoning and Planning Director may consider one or more of the following items:
 - a. The proposed use will be detrimental to adjacent land uses including Historical Sites;
 - b. The proposed use will have a negative aesthetic visual impact;
 - c. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and
 - d. The proposed use is contrary to the public health, safety, or welfare.

Sec. 6.4.6 Drive-In Theaters

Drive-in Theaters shall be subject to the following standards:

- A. A use for this purpose shall have a Setback 200 feet from any Agricultural, Residential or Office Zoning District. Adult drive-in theaters are subject to Sec. 6.4.18 of this Chapter.
- B. Such use shall be located as to draw a minimum of vehicular traffic to and through local Streets in nearby residential areas.
- C. The principal vehicular access for such use shall be on a major thoroughfare or Collector Street having a Right-of-Way at least 60 feet wide.



- D. Vehicular entrances and exits shall be provided separately and not less than 100 feet apart.
- E. Between the Street entrance and the ticket gate there shall be an area for vehicles waiting to pass the gate. Said area shall have such capacity as will make it ordinarily unnecessary for entering vehicles to wait in the street.

Sec. 6.4.7 Dwelling Group

The original purpose of Dwelling Groups was to allow Dwelling Units to be constructed on Heirs Property. The Zoning and Planning Director shall be authorized to allow the use of a Dwelling Group to facilitate random grouping of Buildings to preserve Trees and other natural features, mitigate Development constraints due to irregular shaped Parcels or for the conversion of condominium Buildings to fee simple ownership. Dwelling Groups are required to complete the Site Plan Review process and the Subdivision process for fee simple ownership as provided by S.C. Code of Laws 6-29-110.

- A. **Density/Intensity and Dimensional Standards.** Density/Intensity and Dimensional Standards of the Zoning District in which the property or properties are located shall apply including all applicable Waterfront Development Standards of this Ordinance. In each case, the distance between Structures shall not be less than the sum of the minimum Interior Setbacks required for the applicable Zoning District. This distance shall be measured from the closest protrusion of each Structure. A minimum buildable area of 1,600 square feet with a minimum width of 20 feet) shall be shown for each Dwelling Unit to indicate the area where each Dwelling Unit is to be constructed. The application shall indicate how access and parking requirements will be addressed (may be located on common area) and how Utilities such as water and Sewer will be provided (may also be located on common area). The application shall also demonstrate how the proposed Development complies with the Density/Intensity and Dimensional Standards of the applicable Zoning District and the Lot and access requirements of [CHAPTER 8, Subdivision Regulations](#), of this Ordinance.
- B. **Site Plan Review.** Compliance with the Site Plan Review procedures of this Ordinance is required. In addition to any other applicable provisions of this Ordinance, the following information shall be shown on all site plans:
 - 1. Each Dwelling Unit shall face (front) a Street, Courtyard, or Outdoor Living Space.
 - 2. Building envelopes shall be depicted on site plans indicating the location of all proposed or existing Building and Dwelling Unit footprints or Building area as dashed lines.
 - 3. Proposed Accessory Structures must be shown on the site plans and meet the Accessory Structure requirements of this Ordinance.
 - 4. If the Required Parking is not located within the Dwelling Unit or Building to be constructed, shared or Off-Site Parking that complies with the requirements of this Ordinance shall be provided within the common area. Each Dwelling Group shall provide an access consistent with the Road Construction Standards in Appendix A, *Road and Drainage Construction Standards*, of this Ordinance.
- C. **Subdivision.** Attached and Detached Dwelling Units or Buildings may be located on their own fee-simple Lot provided the Subdivision meets the following requirements:
 - 1. Completion of Site Plan Review as described in Article [6.4.7.B](#) is required prior to submitting for subdivision of a Dwelling Group.
 - 2. Except as described in Article [6.4.7.A. & B](#), Lots created in a Dwelling Group for fee simple ownership shall comply with the requirements of [CHAPTER 8, Subdivision Regulations](#), and Appendix A, *Road and Drainage Construction Standards*, of this Ordinance as well as the Horizontal Property Act. S.C. Code Ann. Sec. 27-31-130 et. seq.
 - 3. Building envelopes shall be depicted on Subdivision Plats indicating the location of the proposed or existing Dwelling Unit footprint or Building area as a solid line.
 - 4. A Property Owners' association shall be created and shall own and maintain all common areas. Documentation of compliance with this requirement shall be included on all Plats and recorded deed to ensure responsibility for and maintenance of common areas and access, parking, and Utilities.
- D. **Other Zoning Requirements.** Unless specifically modified by this Section, a Dwelling Group shall comply with all other requirements of this Ordinance for the Zoning District in which located.

Sec. 6.4.8 Roadside Stand; Sweetgrass Basket Stand

Small Site Retirement Housing shall be subject to the following standards:



- A. Vehicle parking shall be located entirely out of all travel lanes with a minimum of two feet of clearance between the edge of the travel lane and any parked vehicle or Roadside Stand.
- B. The following requirements shall apply to Roadside Stands in addition to all other applicable requirements of this Ordinance:
 - 1. Maximum covered area of 500 square feet; and
 - 2. Roadside Stands selling Indigenous Produce are not required to be located on the same Lot as the Farm on which the produce being sold is grown when the following requirements are met: (a) the Lot where the stand is located is owned by the Person, entity, etc. that owns the Farm on which the produce being sold is grown; and (b) the stand is located within one mile of the Farm on which the produce being sold is grown.

Sec. 6.4.9 Farm Labor Housing

Farm Labor Housing shall be subject to the following standards:

- A. Such use shall be set back 100 feet from road Rights-of-Way and property lines bordering undeveloped Parcels. A minimum 200-foot Setback shall be required from property lines abutting developed Parcels.
- B. A minimum 50-foot buffer shall be maintained and planted within the Setback area along all Interior Lot Lines.
- C. Farm Labor Housing shall be used on a seasonal basis only, not as year-round housing, and shall not be used for Short-Term Rental Property purposes.

Sec. 6.4.10 Nature Exhibition

- A. Where a Nature Exhibition use is of public ownership or listed in the National Registry of Natural Landmarks or registered as a Heritage Site with the South Carolina Heritage Trust in accordance with the provisions of Act #600 of the 1976 Acts and Joint Resolutions, either in public or private ownership, Accessory Uses to acquire maintenance revenue are permitted.
- B. Accessory Uses are limited to the retail sale of gifts, novelties, souvenirs, food services, and bicycle, horse, or boat rental for on-premises use.
- C. Accessory Structures shall not exceed ten percent in size of the Principal Structures where the Nature Exhibit is housed, or 1,200 square feet for each acre when the Nature Exhibit is not enclosed.
- D. Parking requirements for each Accessory Use, in addition to the parking requirements for the Principal Use, shall comply with the parking requirements for the type of use as specified in the Off-Street Parking Schedule of [CHAPTER 9, Development Standards](#), of this Ordinance.
- E. Signs advertising Accessory Uses shall be located on the premises and not visible from a public road.

Sec. 6.4.11 Parks and Recreation, Outdoor Recreation and Entertainment; Drive-In Theaters; Golf Driving Ranges; and Outdoor Shooting Ranges

- A. Any Structure or activity use area established in connection with Parks and Recreation, Outdoor Recreation and Entertainment, Drive-In Theaters, or Golf Driving Ranges uses shall have a vegetated land use buffer of not less than 50 feet from any property in an agricultural, residential or Office Zoning District, except where such property line abuts a Street, in which case the Front Setback established for the Zoning District shall apply.
- B. Any Structure or activity use area established in connection with an Outdoor Shooting Range shall have a Setback of not less than 100 feet from any property in an agricultural, residential or Office use or Zoning District.

Sec. 6.4.12 Recreational Vehicle Park

- A. Recreational Vehicles shall not be used as Short-Term Rental Properties.
- B. **Location and Access.** Recreational Vehicle Parks shall be located in a public park or with direct access to a state or federal numbered highway or an approved County road. No entrance to or exit from a Recreational Vehicle Park shall be through an agricultural, residential, or Office Zoning District.



- C. **Site Conditions.** Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site that is subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose Persons or property to hazards.
- D. **Spaces for Occupancy; Uses Permitted; Lengths Of Stay.** Spaces in a Recreational Vehicle Park may be used by Recreation Vehicles, as defined herein. Spaces shall be rented by the day, week, or month only, and no Recreational Vehicle shall remain in the same park for more than six months. The Recreational Vehicle Park owner shall be responsible for maintaining records of all Recreational Vehicles and their lengths of stay and shall make these records available to the Zoning and Planning Director for review upon request.
- E. **Site Planning and Required Improvements.** Site Planning and Improvements shall provide for:
 - 1. Facilities and amenities appropriate to the needs of the occupants;
 - 2. Safe, comfortable, convenient and sanitary use by occupants under all weather conditions to be expected during periods of occupancy; and
 - 3. Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from potential adverse influences within the Recreational Vehicle Park.
- F. **Relation of Spaces to Public Streets.** No space shall be located so that any part intended for occupancy for sleeping purposes shall be within 50 feet of the Right-of-Way line of any major thoroughfare or Collector Street, or within 25 feet of the Right-of-Way line of any other Street.

Sec. 6.4.13 Tattoo Facility

- A. Tattoo Facilities shall be prohibited within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of the ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground;
- B. All proposed Tattoo Facilities located within 1,000 feet of a property line of a Lot in a residential Zoning District, or a Lot containing a Residential Use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. The distance shall be measured from the nearest property line of the subject Parcel to the nearest property line of a Lot containing a Residential Use or located in a residential Zoning District;
- C. All proposed Tattoo Facilities may only provide Tattooing and may not engage in any other retail business including, but not limited to, the sale of goods or performing any form of body piercing other than tattooing;
- D. Tattoo Facility uses shall comply with the Site Plan Review requirements of this Ordinance and all other applicable provisions of this Ordinance, and all other applicable State laws, rules, and regulations; and
- E. When the provisions of this Ordinance require that Neighbor Notice be provided, the requirements of Sec. 3.1.6.B.3 of this Ordinance shall apply with the exception that all Property Owners within 1,000 feet of the Subject Property shall be included in the Neighbor Notice.

Sec. 6.4.14 Resource Extraction

- A. **Applications.** All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC).
- B. **Requirements.**
 - 1. A Resource Extraction use shall not be allowed on a Lot located within 2.5 miles of another Lot for which a Site Plan Review or Zoning Permit application for a Resource Extraction use has been submitted or approved, or for which a Resource Extraction use has been permitted or is currently in operation, whether located in the unincorporated County or within a municipality. Distances shall be measured as a radius from the nearest property line of the subject Lot to the nearest property line of a Lot containing another Resource Extraction use as described above. Subdivision-related Resource Extraction uses required for compliance with Charleston County Stormwater regulations shall be exempt from this requirement provided that only the minimum amount of material required for compliance with the County's Stormwater regulations is removed. Removal of material beyond the minimum amount required for compliance with the County's Stormwater regulations shall be subject to the 2.5-mile radius requirement described above and all other applicable requirements of this Ordinance.
 - 2. There shall be direct access to a public Arterial Street.



3. A sign listing the name and phone number of a local contact for the Resource Extraction use shall be posted at the haul road entrance.
 4. The Resource Extraction operation shall not be located within 50 feet of any property boundary, within 250 feet of a public Street, and/or within 250 feet of any Building intended for human occupancy existing at the time of permit application.
 5. A berm located within the required buffer may be required to mitigate noise at the discretion of the Zoning and Planning Director.
 6. The hours of operation for Resource Extraction operations shall be limited to Mondays through Saturdays from 7:00 am to 6:00 pm. The Board of Zoning Appeals shall have the authority to modify the days and hours of operation to make them either more or less restrictive on a case-by-case basis.
- C. **Special Exceptions.** Resource Extraction uses that do not meet the conditions of Sec. 6.4.14.D below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-sections A and B above. The Applicant shall receive Special Exception approval and approval from SCDHEC, prior to Site Plan Review approval. The Board of Zoning Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to: restricting days and hours of operation; requiring documentation from a South Carolina Registered Professional Geologist regarding potential impacts on wells, groundwater, and surface water; and requiring that the excavation area be screened and that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed. All owners of property located within 500 feet of the Subject Property shall be notified of Special Exception applications in accordance with the "Neighbor Notice" requirements of Sec. 3.1.6.B of this Ordinance.
- D. **Special Exception Exemptions for Residential and Bona Fide Agricultural Uses.** Excavation or grading activities solely for residential use, recreational use, or Bona Fide Agricultural Use shall be exempt from the Special Exception procedures of this Ordinance if the use complies with all of the following conditions:
1. The Resource Extraction operation shall be limited to one year;
 2. The Resource Extraction operation shall not be located within 50 feet of any property boundary and/or within 250 feet of any Building intended for human occupancy existing at the time of permit application. No vegetated buffers are required;
 3. The Resource Extraction operation shall be two acres or less, provided that the total accumulated area(s) dedicated to Resource Extraction uses on a Parcel is less than five acres. The Special Exception procedures of this Ordinance shall apply if the total accumulated Resource Extraction area is greater than five acres; and
 4. No more than one Resource Extraction use shall be permitted on the same property within one year from the date of Zoning Permit approval for a previous Resource Extraction use.
- E. **Plat Alternative for Bona Fide Agricultural Uses.** The Zoning and Planning Director may waive the requirement that an approved and recorded plat of the subject property be submitted as part of a Resource Extraction application for a Bona Fide Agricultural Use when the proposed use complies with all of the conditions of sub-section C, above, and a scaled survey, scaled aerial photograph, or print of equal quality is submitted.
- F. **Special Exception Exemption for Solid Waste Disposal Facility.** Excavation or grading activities required to prepare, operate, or close a permitted Solid Waste Disposal Facility site shall be exempt from the Special Exception procedures of this Ordinance and the requirements included in sub-section B above.

Sec. 6.4.15 Restaurant; Bar or Lounge

All proposed Bars, Lounges and Restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a Lot in a residential Zoning District or a Lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. Distances shall be measured from the nearest property line of the subject Parcel to the nearest property line of a lot containing a residential use or located in a residential Zoning District.

Sec. 6.4.16 Self-Service Storage Facility

- A. **Performance Standards.**



1. *Street Frontages and Mixed Use Development.* A Self-Service Storage Facility shall be part of a mixed-use development where the ground floor use facing street frontages (entire street frontage) are separately leased commercial or office space independent of the Self-Service Storage Facility business, within the Urban/Suburban Areas of the County, as defined by the Charleston County Comprehensive Plan.
2. *Front Setback.* All structures, including the accessory manager's office/residence, must be set back a minimum of 25 feet from the Right-of-Way or the district minimum Setback, whichever is greater.
3. *Side and Rear Buffers/Screening.*
 - a. Where projects abut Lots zoned office, commercial, or industrial, no Side and Rear Setbacks are required.
 - b. Where sites abut residentially zoned properties, Buildings adjacent to the perimeter must face inward with their doors away from such areas.
4. *Building Lengths and Access.* To ensure ease of access for emergency vehicles, no Building shall exceed 300 feet in length. Spaces between ends of Buildings shall be at least 30 feet.
5. *Accessory Office/Apartment.* One management office and/or accessory residence shall be permitted.
6. *Parking and Circulation.*
 - a. Project entrances shall be 30 feet in width.
 - b. Roadway widths on interior drives shall be at least 24 feet in width where Buildings face and open onto such drives on only one side. Where buildings face and open onto drives on both sides, widths of such drives shall be at least 34 feet.
 - c. Turning radii, whether provided at the terminus of interior drives or at points between Buildings, shall be at least 30 feet to provide for the maneuverability of emergency vehicles.
7. *Signs.* Signs shall comply with the requirements contained in [CHAPTER 9, Development Standards](#), of this Ordinance. Signs shall not be attached to or displayed on walls or fences used as required screening.
8. *Street Frontages and Mixed Use Development.* Self-Service Storage Facilities shall be part of a mixed-use development where the ground floor use facing street frontages (entire street frontage) are separately leased commercial or office space independent of the Self-Storage Facility business.

B. Operating Conditions.

1. *Commercial Activities.* The manufacture or sale of any commercial commodity or the provision of any service from the premises is prohibited.
2. *Commercial Repair Activities.* Commercial repairs of vehicles, boats, motors, furniture, or other items on the premises are prohibited.
3. *Storage of Flammable Substances.* Storage of flammable chemical substances within the complex is prohibited.
4. *Open Storage.* Open storage of vehicles and boats is permitted only where such areas are screened to comply with Landscaping, Screening and Buffer requirements contained in [CHAPTER 9, Development Standards](#), of this Ordinance.

Sec. 6.4.17 Utility Service, Major

A. Sewage Disposal Facilities, Water and Sewage Treatment Facilities, Water Storage Tanks, Electric or Gas Power Generation Facility.

1. Any Structure established in connection with Water Storage Tanks, Water and Sewage Treatment Facilities, Sewage Disposal Facilities or Electric or Gas Power Generation Facilities shall have a vegetated buffer of not less than 50 feet from any property line, in compliance with Chapter 9, Development Standards, buffer standards.

B. Utility Substations, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Lines, Utility Pumping Station, and Water Mains.

1. Above ground Structures that have a cumulative area of 100 square feet or less, associated with underground Utilities such as meters, necessary for maintenance and monitoring shall have a vegetated buffer of 10 feet from all property lines, in compliance with [CHAPTER 9, Development Standards](#), buffer standards;
2. Above ground Structures that have a cumulative area of greater than 100 square feet established in connection with Utility Substations, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Lines, or Utility



Pumping Station shall have a vegetated buffer of 25 feet from all property lines, or the minimum Setback of the base Zoning District, whichever is greater; and

3. The accessory storage of vehicles and equipment on the premises shall be prohibited except in the Rural Commercial (RC), Community Commercial (CC), Rural Industrial (RI) or Industrial (IN) Zoning Districts.

Sec. 6.4.18 Sexually Oriented Businesses

A. **Purpose and Intent.** It is the purpose of the regulations of this Section to regulate sexually oriented businesses in order to promote the health, safety and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious locating and concentration of sexually oriented businesses within the county. The provisions of this Section 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 or effect of this Section 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 or effect of this Section to condone or legitimize any use or act which is otherwise prohibited or punishable by law.

B. **Findings of Fact.**

1. There are a number of sexually oriented businesses in Charleston County and it is in the interests of the health, safety, and welfare of the patrons of such businesses, as well as the citizens of Charleston County, to provide certain minimum standards and regulations for sexually oriented businesses, as well as the operators and employees of such businesses.
2. Sexually oriented businesses generate secondary effects that are detrimental to the public health, safety and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches or parks and playgrounds.
3. The concern over sexually transmitted diseases is a legitimate health concern of the county which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of our citizens.
4. Live entertainment presented by some sexually oriented businesses involves a considerable amount of bodily contact between patrons and semi-nude and nude employees and dancers, including physical contact, such as hugging, kissing and sexual fondling of employees and patrons. Many sexually oriented businesses have "couch" or "straddle" dancing, and in these "dances," employees sometimes do such things as sit in a patron's lap, place their breasts against the patron's face while physical contact is maintained, and gyrate in such a manner as to simulate sexual intercourse. Such behavior can lead to prostitution. The County Council recognizes that preventing prostitution and the spread of sexually transmitted diseases are clearly within its police powers: *Southeastern Promotions, Inc. v. Conrad*, 341 F. Supp. 465, 477 (E.D. Tenn. 1972), rev'd on other grounds, 420 U.S. 546 (1975). The County Council believes that prohibiting physical contact between performers and patrons at a sexually oriented business establishment is a reasonable and effective means of addressing these legitimate governmental interests.
5. Licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations, to facilitate the enforcement of legitimate location and distancing requirements, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
6. The location of sexually oriented businesses close to residential areas diminishes property values and leads to conditions that give rise to crime in residential neighborhoods. Many studies performed in other communities indicate conclusively that property crimes and sexual crimes increase significantly in neighborhoods in which a sexually oriented business is located.
7. It is not the intent of this Section to suppress any speech activities protected by the First Amendment or to place any impermissible burden on any constitutionally-protected expression or expressive conduct by the enactment or enforcement of this Ordinance. Rather, it is the intent of the County Council to enact a "content neutral regulation" that addresses the secondary effects of sexually oriented businesses.

C. **Definitions**

For the purposes of this Section, the following terms shall have the following meanings:



Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore, Adult retail store or Adult video store means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held opened to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are sold, rented or displayed therein, (unless the business complies with the requirements of Sec. 6.4.18C.2.c. herein) or, which has as one of its principal business purposes, the sale or rental of any form, for consideration, one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
- b. Instruments, devices, paraphernalia or clothing which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental, the specified materials which depict or describe "specified sexual activities or "specified anatomical areas."
- c. "Adult bookstore," "Adult retail store" or "Adult video store" does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than ten percent of the business's total square footage, and which prohibits anyone under 18 years of age from entering the room.
- d. "Principal business purpose," as used in this Section, means that more than 25 percent of the "stock in trade" of the business is devoted to the display, rent or sale of items, products or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."
- e. "Stock in trade" for purposes of this subsection shall mean the greater of:
 - i. The retail dollar value of all items, products or equipment readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
 - ii. The total volume of shelf space and display area.

Adult cabaret means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:

- a. Persons who appear in a state of nudity.
- b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult car wash means a car wash where some or all of the employees are semi-nude or nude and/or where "specified sexual activities" occur or "specified anatomical areas" are exhibited.

Adult motel means a hotel, motel or similar commercial establishment which:

- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and which may have a Sign visible from the public Right-of-Way which advertises the availability of these types of photographic reproductions, or
- b. Routinely offers a sleeping room for rent for a period of time that is less than eight hours, or



- c. Routinely allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight hours, or
- d. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section.

Adult motion picture theater means a commercial motion picture theater, one of whose principal business purposes is, for any form of consideration, to regularly show films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose principal business purposes is to regularly feature persons who appear in a state of nudity, or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Certificate of Nonconformity means a certificate issued by the Charleston County Zoning and Planning Department to any sexually oriented business which is operating at the time of the enactment of this Chapter, and is not in compliance with one or more of its provisions.

Dancer means an employee of a sexually oriented business who entertains patrons through expressive forms of dance and/or movement.

Employee means an individual working and performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business.

Established or establishment, as used in this Chapter, means and includes any of the following:

- a. The opening or commencement of any sexually oriented business as a new business.
- b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
- c. The addition of any sexually oriented business to any other existing sexually oriented business.
- d. The relocation of any sexually oriented business.

Health club, as used in this Chapter, means a health club where some or all of the employees are nude or semi-nude, or in which "specified sexual activities" occur or "specified anatomical activities" are exhibited.

Licensee means a person in whose name a Sexually Oriented Business Regulatory License to operate a sexually oriented business has been issued, as well as the individual listed as an Applicant on the application for a Sexually Oriented Business Regulatory License.

Live entertainment, for purposes of this Chapter, means a person who appears nude, semi-nude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

Nude model studio means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration, and such place is not subject to an exemption pursuant to any provision herein.

Nude, Nudity or state of nudity means: (a) the appearance, real or simulated, of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to completely cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Operate or causes to be operated, as used in the Chapter, means to cause to function or to put or keep in operation.

Operator means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.

Patron means any person who pays a sexually oriented business any form of consideration for services provided to him or her by the sexually oriented business.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.



Semi-nude or semi-nudity means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areolae of the breasts of a woman.

Sexually oriented business includes an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business, such as a car wash or a health club, which offers, for consideration, materials or services characterized as depicting "specified sexual activities" or "specified anatomical areas", or whose employees perform services in a state of nudity or semi-nudity.

Sexually Oriented Business Regulatory License means a special annual operating license necessary for a sexually oriented business to do business in Charleston County. Such license is in addition to a Charleston County Business License, and is issued by the Charleston County Zoning and Planning Department.

Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in A. through C. above.

Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date the original Charleston County Zoning Permit was obtained.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- A. The sale, lease or sublease of the business.
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing Room means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, video reproduction, or live production.

D. Permits and Licenses; Application.

- 1. Every Person engaged or intending to engage in a Sexually Oriented Business is required to obtain a Sexually Oriented Business Regulatory License.
- 2. A Person commits a misdemeanor if he or she operates a Sexually Oriented Business without a valid Zoning Permit and Business License and Sexually Oriented Business Regulatory License issued by Charleston County.
- 3. An application for a Zoning Permit and/or a Sexually Oriented Business Regulatory License must be made on a form provided by the Zoning and Planning 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 prepared by an architect, engineer, or surveyor, 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 inches.
- 4. The Applicant must be qualified according to the provisions of this Article and the premises must be inspected and found to be in compliance with applicable State laws by the South Carolina Department of Health and Environmental Control (DHEC) and the Building Official.
- 5. If an entity wishing to operate a Sexually Oriented Business is an individual, he or she must sign the application for a Sexually Oriented Business Regulatory License as Applicant. If an entity wishing to operate a Sexually Oriented Business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a Sexually Oriented Business Regulatory License as an Applicant.
- 6. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirements to obtain a Sexually Oriented Business Regulatory License.



7. All licenses granted pursuant to this Chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration shall be permitted.
8. The completed application shall contain the following information and shall be accompanied by the following documents:
 - a. If the Applicant is:
 - i. An individual, the individual shall state his or her legal name and any aliases and shall submit satisfactory proof that he or she is 18 years of age;
 - ii. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - iii. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the state, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the state, the names and capacity of all officers, directors and principal owners, and the name of the registered corporate agent and the address of the registered office for service of process;
 - iv. A limited liability company shall state its complete name, the date of filing of the articles of organization and operating agreement, the names of all managers and members.
 - b. Whether the Applicant or any other individual listed under subsection (A) of this Section had worked under or has had a previous Sexually Oriented Business Regulatory License under this Chapter or other adult business or adult entertainment ordinance from another state, city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
 - c. Whether the Applicant or any other individual listed under subsection (A) for this Section holds any other licenses under this Chapter or other similar adult business ordinance from another city, county, or state and, if so, the names and locations of such other permitted business.
 - d. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
 - e. Proof of the Applicant's right to possession of the premises wherein the sexually oriented business is proposed to be conducted.
 - f. The Applicant's or any other individual's listed, pursuant to subsection (A) of this Section, mailing address and residential address.
 - g. A photocopy of the driver's license or other government issued identification card for the individuals listed in subsection (A) of this Section.
9. If the Applicant is an individual, he/she must sign the application for a license. If the Applicant is a corporation it must be signed by the president or vice president, attested to by the secretary or assistant secretary, and each individual having a 10 percent or greater interest in the corporation. If the Applicant is a general or limited partnership it must be signed by a general partner. If the Applicant is a limited liability company it must be signed by the manager and each individual having a 10 percent or greater interest in the company.
10. If an omission or error is discovered by the Zoning and Planning Director, the application will be returned to the applicant for completion or correction without further action by the Zoning and Planning Director. Any application rejected due to an omission or error shall be re-filed only when the omission or error has been remedied. For the purposes of this Chapter, the date the Zoning and Planning Director accepts an application which is complete shall be the date the application is deemed to be filed with the Zoning and Planning Director.
11. In the event that the Zoning and Planning Director determines that the Applicant has improperly completed the application, he/she shall promptly notify the Applicant of such fact and allow the Applicant 30 days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the Applicant is allowed an opportunity to properly complete the application.
12. Applicants for a license under this Chapter shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change, by



supplementing the application on file with the Zoning and Planning Director, shall be grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

E. Approval/Denial of License:

1. The Zoning and Planning Director shall approve or deny the issuance of a Sexually Oriented Business Regulatory License to an applicant within 30 days after receipt of a completed application. The Zoning and Planning Director shall deny a license if:
 - a. The Applicant (if a natural person) is under the age of 18 years;
 - b. The Applicant has made a false statement upon the application or has given false information in connection with an application;
 - c. The Applicant or any holder of any class of stock, or a director, officer, partner, or principal of the Applicant has had an adult business license revoked or suspended anywhere within the state within one year prior to the application;
 - d. The Applicant has operated an adult business which has determined to be a public nuisance under state law or this code within one year prior to the application;
 - e. A corporate Applicant is not in good standing or authorized to do business in the state;
 - f. The Applicant is overdue in the payment to the County of taxes, fees, fines, or penalties assessed against him/her/it or imposed against him/her/it in relation to an adult business;
 - g. The Applicant has not obtained the required sales tax license; or
 - h. The Applicant of the sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this Section.
2. In the event that the Zoning and Planning Director denies a license, he/she shall make written findings of fact stating the reasons for the denial, and a copy of such decision shall be sent by first class mail to the address shown in the application. An Applicant shall have the right to a hearing before the Board of Zoning Appeals as set forth in subsection J below. A written request for such hearing shall be made to the Zoning and Planning Director within 10 days of the date of the denial of the license by the Zoning and Planning Director. This hearing shall be held within 60 days from the date a timely request for hearing is received. If no such hearing is held or if no order is issued within the time set forth below following such hearing, the application shall be deemed approved.
 - a. At the hearing referred to above, the Board of Zoning Appeals shall hear such statements and consider such evidence as the Planning staff, enforcement officers, the Applicant or other party in interest, or any other witness shall offer which is relevant to the denial of the license application by the Zoning and Planning Director.
 - b. If the Board of Zoning Appeals determines that the Applicant is ineligible for a license per subsection (A) of this Section, it shall issue an order sustaining the Zoning and Planning Director's denial of the application, within five days after the hearing is concluded, which shall include findings of fact. A copy of the order shall be mailed to the Applicant at the address supplied on the application.
 - c. The order of the Board of Zoning Appeals made pursuant to this Section shall be a final decision and may be appealed to the circuit court pursuant to the provisions of the SC Local Government Planning Act, as may be amended from time to time. Failure of an Applicant to timely follow the limits specified above constitutes a waiver by him/her/it of any right he/she/it may otherwise have to contest denial of his/her/it license application.
3. If any county official or department fails to render a timely decision pursuant to the terms of this Section then said official or department shall be deemed to have approved or consented to the issuance of the requested license.
4. The Sexually Oriented Business Regulatory License, if granted, shall state of its face the names of the persons to whom it is granted, the expiration date, and the address of the Sexually Oriented Business. The Sexually Oriented Business Regulatory 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.

F. Temporary Permits.

1. An Applicant may apply for a temporary permit if a Sexually Oriented Business Regulatory License has been denied by the Zoning and Planning Director, an appeal has been denied by the Board of Zoning Appeals and an appeal or other legal challenge is pending in the circuit court.



2. The temporary permit application shall include all information required by the Sexually Oriented Business Regulatory Ordinance.
3. The temporary permit application shall also include written evidence of the pendency of the appeal to the circuit court.
4. The completeness of the temporary permit application will be determined within five days of its submittal.
5. After submittal of a Complete Application, the Zoning and Planning Director shall issue the temporary permit within five days.
6. Upon issuance, the Applicant may commence its Sexually Oriented Business adult use as set forth in the permit, pending compliance with other applicable non-Sexually Oriented Business laws, rules and regulations.
7. In the event that denial of a Sexually Oriented Business Regulatory License is upheld by the courts, an investment or construction undertaken during the time of temporary permit must be removed and the business ceased. The Applicant shall not have the right to continue with any business or recoup any investment from the County. Revocation of the permit shall not be considered a taking.

G. Inspection.

1. An Applicant or licensee shall permit representatives of the Sheriff's Office, South Carolina Department of Health and Environmental Control (DHEC), local Fire Department, Zoning and Planning Department, Legal Department and/or Building inspections department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied open for business.
2. The licensee (or the licensee's agent or employee) of a sexually oriented business commits a misdemeanor if he or she refuses such lawful inspection of the premises at any time it is occupied or open for business. Such refusal is also grounds for suspension or revocation of a Sexually Oriented Business Regulatory License.

H. Expiration of Sexually Oriented Business Regulatory License.

1. A Sexually Oriented Business Regulatory License must be renewed each year, at least 2 weeks prior to the expiration date.
2. If, after denying the issuance or renewal of a Sexually Oriented Business Regulatory License, the Zoning and Planning Director finds that the basis for denial of the license has been corrected or abated, the Applicant may then be granted a Sexually Oriented Business Regulatory License.

I. Suspension of Sexually Oriented Business Regulatory License. The Zoning and Planning Director shall suspend a Sexually Oriented Business Regulatory License for a period not to exceed 30 days if the Zoning and Planning Director determines that a licensee or an employee of a licensee:

1. Has violated or is not in compliance with any provision of this Section.
2. Has refused to allow an inspection of the Sexually Oriented Business premises as authorized by this Section.
3. Has knowingly permitted gambling by any person on the Sexually Oriented Business premises.

J. Revocation of Sexually Oriented Business Regulatory License.

1. The Zoning and Planning Director shall revoke a Sexually Oriented Business Regulatory License if a cause of suspension in Sec. 6.4.18H occurs and the Sexually Oriented Business Regulatory License has previously been suspended within the preceding 12 months.
2. The Zoning and Planning Director shall revoke a Sexually Oriented Business Regulatory License if the Zoning and Planning Director determines that:
 - a. The licensee gave false or misleading information in the material submitted to the Zoning or Business License Departments during the application process;
 - b. The licensee or an employee knowingly operated the Sexually Oriented Business during a period of time when the licensee's Sexually Oriented Business Regulatory License was suspended; or
 - c. A licensee or an employee has knowingly allowed any act of sexually intercourse, sodomy, oral copulation or masturbation to occur in or on the permitted and/or licensed premises.
3. If subsequent to revocation, the Zoning and Planning Director finds that the basis for the revocation of the Sexually Oriented Business Regulatory License has been corrected or abated, the Applicant may be granted a Sexually Oriented Business Regulatory License.



- K. **Appeal of Designation, Suspension or Revocation of Sexually Oriented Business Regulatory License.** A Sexually Oriented Business or a Licensee may appeal, in writing, the Zoning and Planning Director's designation of a business as a Sexually Oriented Business, or the suspension or revocation of a Sexually Oriented Business Regulatory License to the Board of Zoning Appeals in accordance with the procedures of Article 3.13.
- L. **Transfer of Sexually Oriented Business Regulatory License.** Each Sexually Oriented Business Regulatory License issued hereunder is non-transferable. A licensee shall not transfer a Sexually Oriented Business Regulatory License to another Sexually Oriented Business, nor shall a licensee operate a Sexually Oriented Business under the authority of a Sexually Oriented Business Regulatory License at any place other than the address designated in the application.
- M. **Location Restriction.**
1. A person commits a misdemeanor if he or she operates or causes to be operated a Sexually Oriented Business outside of the Zoning District where the use is allowed. (See Article 6.1).
 2. A person commits a misdemeanor if he or she operates or causes to be operated a Sexually Oriented Business within 1,000 feet of:
 - a. A facility for Religious Assembly;
 - b. A public or private school;
 - c. A boundary of any residential Zoning District;
 - d. A public park adjacent to any residential Zoning District; and
 - e. The property line of a Lot occupied by a residential use.
 3. A person commits a misdemeanor if he or she causes or allow the operation, establishment, or maintenance of more than one sexually oriented business in the same Building, Structure, or portion thereof, or the substantial enlargement of floor areas of any sexually oriented business in any Building, Structure, or portion thereof containing another sexually oriented business without the issuance of Sexually Oriented Business Regulatory License for each use and every expansion.
 4. For the purpose of this Section, 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 a facility for Religious Assembly, a public or private school, to the nearest boundary of any residential Zoning District, a public park adjacent to any residential Zoning District, or the nearest property line of a Lot occupied by a residential use.
 5. No expansion of the uses or physical Structure of a Building housing a sexually oriented business shall occur without the issuance of a Sexually Oriented Business Regulatory License for each use and expansion.
- N. **Regulation of Adult Car Washes.** Nude or semi-nude employees of adult car washes must not be able to be seen from any public Right-of-Way or adjoining parcels. Necessary fencing and/or buffers, as set forth in the relevant chapters of this Ordinance, must be placed around the establishment in order to ensure that patrons can only view the employees once the patrons are inside the establishment.
- O. **No Fondling or Caressing.** It is a misdemeanor for any nude or semi-nude employee or dancer to fondle or caress any patron, and no patron shall fondle or caress any nude or semi-nude employee or dancer.
- P. **Nonconforming Sexually Oriented Business.**
1. Any Sexually Oriented Business operating on the date the original Sexually Oriented Business Regulations were enacted by Charleston County Council (Sec. 6.4.18), that is found to be in violation of any of the location provisions of Article 6.4.18L above, shall be deemed a Nonconforming Use, and upon written notification by the Zoning and Planning Director, must obtain a Certificate of Nonconformity from the Zoning and Planning Department. A certified nonconforming use will be permitted to continue to operate for a period not to exceed one year before being licensed.
 2. If the Sexually Oriented Business does not, within six months of notification by the Zoning and Planning Director, obtain a Certificate of Nonconformity, then the business will be deemed in violation of the Ordinance, and will not be permitted to continue to operate more than six months after the date that the regulations of this Section (Article 6.4.18) first became effective.
 3. No Nonconforming Use shall be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.



4. If two or more Sexually Oriented Businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at that particular location is the conforming use and the later-established business is the nonconforming use.
5. Any Sexually Oriented Business lawfully operating as a conforming use is not rendered a Nonconforming Use due to the subsequent location of a church, public or private elementary or secondary school, public park, residential district, or a residential Lot within 1,000 feet of the Sexually Oriented Business. This provision applies only to the renewal of a valid Sexually Oriented Business Regulatory License, and does not apply when an application for a Sexually Oriented Business Regulatory License is submitted after a Sexually Oriented Business Regulatory License has expired or has been revoked.

Q. Adult Motels Prohibited. A Person in control of a sleeping room in a hotel, motel, or similar commercial establishment, commits a misdemeanor if he or she rents or sub-rents a sleeping room to a person, and then, within 8 hours from the time the room is rented, rents or sub-rents the same sleeping room again, as such creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section. For purposes of this Section, "rent" or "sub-rent" means the act of permitting a room to be occupied for any form of consideration.

R. Six-Foot Distance Rule.

1. No nude or semi-nude employee or nude or semi-nude dancer shall perform live entertainment within six feet of any patron, nor shall any patron experience live entertainment within six feet of any nude or semi-nude employee or nude or semi-nude dancer, in a Sexually Oriented Business. In the case of adult car washes, the six-foot distance rule necessitates that patrons get out of their vehicles, and watch the vehicles being washed no less than 6 feet away from the nude or semi-nude employees.
2. Sexually Oriented Businesses with live entertainment shall conspicuously post a sign that advises patrons that they must be at least 6 feet away from nude or semi-nude dancers at all times.

S. Gratuities.

1. No patrons shall personally pay or personally give a gratuity to any nude or semi-nude dancer or nude or semi-nude, employee in a Sexually Oriented Business establishment. Gratuities can be placed in containers at a location away from the nude or semi-nude dancer, or handed to clothed employees. In the alternative Sexually Oriented Businesses could charge a cover charge, and prohibit all gratuities.
2. No nude or semi-nude dancer or nude or semi-nude employee a Sexually Oriented Business shall solicit or accept any pay or gratuity personally from a patron.
3. Sexually Oriented Businesses with nude or semi-nude dancers or nude or semi-nude employees shall conspicuously post a Sign that advises patrons that gratuities to be paid personally to nude or semi-nude dancers and nude or semi-nude employees are prohibited.

T. Additional Regulations Pertaining to the Exhibition of Sexually Explicit Films and Videos, Adult Arcades and Health Clubs. A person who operated or causes to be operated a sexually oriented business, as defined in this Section, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts "specified sexual activities" or "specified anatomical areas", or which allows "specified sexual activities" or "specified anatomical areas", or which allows "specified sexual activities" to occur in a separate room in the establishment shall comply with the following requirements:

1. Upon application for a Sexually Oriented Business Regulatory 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 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 should 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 areas of the interior of the premises to an accuracy of plus or minus six inches. The Zoning and Planning Director 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 and Planning Director.
4. It is the duty of the owners and operator of the premises to ensure that at least one 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 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 or more 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 also the duty of any agents and employees present in the premises, to ensure that the view area specified in subparagraph "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 subparagraph "1" of this Section.
7. No viewing room, nor any room or enclosed area in a health club that cannot be viewed from the manager's station, may be occupied by more than one person at any time.
8. In order to ensure that places to which patrons access are adequately illuminated, the premises shall be equipped with overhead lighting fixtures at an illumination at least one footcandle as measured at the floor level.
9. It shall be the duty of the owners and operator, and also 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.
10. A Person having a duty under subparagraphs 1. through 9. above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

U. **Exemptions.** It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a 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.
3. In a Structure:
 - a. Which has no Sign visible from the exterior of the Structure and no other advertising that indicates a nude person is available for viewing.
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - c. Where no more than one nude model is on the premises at any one time.

V. **Violations.** Refer to provisions contained in Chapter 11, *Violations, Penalties and Enforcement*.

W. **Severability.** If any provision of this Chapter or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

Sec. 6.4.19 Affordable and Workforce Dwelling Units

- A. To promote ownership or occupancy of affordable, quality housing, increased densities and flexible use and Lot standards are allowed pursuant to Table 6.1, Use Table, and this Section, except that increased densities for Lots on Edisto Island and Wadmalaw Island are not permitted, in accordance with the Charleston County Comprehensive Plan.
- B. The purchaser or tenant, at the time of closing or rental agreement, must meet the income requirements contained in this Ordinance for Affordable Dwelling Units or Workforce Dwelling Units, as applicable. It shall be the responsibility of the property owner(s) to ensure that prospective buyers and renters of Affordable and Workforce Dwelling Units are screened and eligible pursuant to the requirements of this Section. The income of all occupants age 18 years and older of an Affordable or Workforce Dwelling Unit who shall be included in the income calculation. All tax documentation shall be from the most recent tax year. Social security numbers and other personal identifying information not required by this Ordinance shall be redacted by the Applicant.



C. Applicability.

1. The standards of this Section apply to all Overlay Zoning Districts that do not specifically address Affordable and Workforce Dwelling Units. In the case of conflict between the requirements of this Section and those of an Overlay Zoning District, the Zoning and Planning Director shall determine which standards apply giving deference to the standards that will result in the creation of the most Affordable and Workforce Dwelling Units.
2. The standards of this Section do not apply to Lots located on Edisto and Wadmalaw Islands.

D. The requirements of this Section apply in addition to all other applicable requirements of the ZLDR. Development of property that contains or abuts an OCRM Critical Line shall comply with the Waterfront Development Standards for the applicable Zoning District.

1. The maximum density and minimum Lot area standards listed in the table below shall apply to developments in the Rural Area, as defined in the Charleston County Comprehensive Plan, that contain the required percentages of Affordable or Workforce Dwelling Units:

Density, Intensity, and Dimensional Standards: Rural Area			
Zoning District	Maximum density when at least 50% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Maximum density when 100% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Minimum Lot Area
AG-10 (except on Edisto Island) [1][3]	1 Principal Dwelling Unit per 7 acres	1 Principal Dwelling Unit per 5 acres	1 acre
AG-8 [2][3]	1 Principal Dwelling Unit per 4 acres	1 Principal Dwelling Unit per acre	14,500 square feet
AGR and RR (except properties on Edisto and Wadmalaw Islands) [2][3]	2 Principal Dwelling Units per acre	4 Principal Dwelling Units per acre	14,500 square feet
[1] Development shall comply with the dimensional standards of the AG-10 Zoning District, as contained in Chapter 4, <i>Base Zoning Districts</i> , where no standard is listed in the table above.			
[2] Development shall comply with the dimensional standards of the R-4 Zoning District, as contained in Chapter 4, <i>Base Zoning Districts</i> , where no standard is listed in the tables above.			
[3] Only Single-Family Detached Dwelling Units shall be allowed.			

Note: "AFU" = Affordable Dwelling Unit | "WDU" = Workforce Dwelling Unit

2. The maximum Density and minimum Lot Area standards listed in the table below shall apply to Developments in the Urban/Suburban Area, as defined in the Charleston County Comprehensive Plan, that contain the required percentages of Affordable or Workforce Dwelling Units:

Density, Intensity, and Dimensional Standards: Urban/ Suburban Area				
Zoning District	Maximum Density when at least 25% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Maximum Density when at least 50% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Maximum Density when 100% of Principal Dwelling Units qualify as AFUs and/or WDUs:	Minimum Lot Area
S-3 [1][2]	4 Principal Dwelling Units per acre	5 Principal Dwelling Units per acre	7 Principal Dwelling Units per acre	8,000 square feet
R-4, MHS, CI, RO, GO, NC [1][2]	8 Principal Dwelling Units per acre	12 Principal Dwelling Units per acre	18 Principal Dwelling Units per acre	4,000 square feet
UR, CC, IN [1][3]	20 Principal Dwelling Units per acre	24 Principal Dwelling Units per acre	28 Principal Dwelling Units per acre	No minimum lot size
[1] Development shall comply with the dimensional standards of the UR Zoning District where no standard is listed in the table above provided that the Waterfront Development Standards of the Zoning District in which the property is located apply to development abutting the OCRM				



Critical Line and the Building Height requirements of the Zoning District in which the property is located apply. The R- 4 Waterfront Development Standards and Building Height Requirements shall apply to development in the CI, RO, GO, and NC Zoning Districts.

[2] Single-Family Detached Dwelling Units, Single-Family Attached Dwelling Units, Duplexes, Triplexes, and Fourplexes shall be allowed provided that in the S-3 and R-4 Zoning Districts, Special Exception approval from the Board of Zoning Appeals shall be required for Single-Family Attached Dwelling Units, Duplexes, Triplexes, and Fourplexes.

[3] Single-Family Detached Dwelling Units, Single-Family Attached Dwelling Units, Duplexes, Triplexes, Fourplexes, and Multi-Family Dwelling Units shall be allowed.

Note: "AFU" = Affordable Dwelling Unit | "WDU" = Workforce Dwelling Unit

E. **Off-Street Parking Requirements.** Off-street parking spaces shall be provided for Affordable and Workforce Dwelling Units in accordance with Table 9.2.2, *Off-Street Parking Schedule*.

F. **General Development and Design Requirements.**

1. Affordable and Workforce Dwelling Units shall be provided within each phase of the development. Subdivision plats and Site Plan Review applications shall include an accounting of the total number and type of Affordable, Workforce, and Market-Rate Dwelling Units included in the current phase as well as the total number and type of those approved in previous phases to ensure compliance with the approved Affordable/Workforce Dwelling Unit Plan.
2. Affordable and Workforce Dwelling Units shall be integrated throughout the development and not located in a single area of the development.
3. Any Studio Dwelling Unit provided under this Section must be a minimum of 500 square feet in floor area. In no instance shall more than 50 percent of the Affordable or Workforce Dwelling Units be provided in the form of Studio Dwelling Units.
4. In terms of exterior appearance, Affordable and Workforce Dwelling Units shall be indistinguishable from Market-Rate Dwelling Units. External building materials and finishes for Affordable and Workforce Dwelling Units shall be the same in type and quality as the Market-Rate Dwelling Units.
5. Interior features of Affordable and Workforce Dwelling Units shall be functionally equivalent to the Market-Rate Dwelling Units, though the finishes and materials need not be identical.
6. Affordable and Workforce Dwelling Units shall be comparable to the Market-Rate Dwelling Units in terms of improvements related to energy efficiency, which include but are not limited to mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

G. **Zoning Permit Fees and Application Review.**

1. Zoning Permit, Site Plan Review, and Subdivision Plat application fees for Affordable and Workforce Dwelling Units shall be waived by the Zoning and Planning Director at the request of the developer and provision of certification that the Dwelling Units meet the requirements of this Ordinance.
2. Site Plan Review and Subdivision Plat applications for developments that contain Affordable and/or Workforce Dwelling Units shall be expedited and receive priority over reviews of other applications. Issuance of Zoning Permits for Affordable and/or Workforce Dwelling Units shall also be expedited and receive priority over other applications.
3. The following requirements apply only to developments containing Market-Rate Dwelling Units. An Affordable/Workforce Dwelling Unit Plan must be submitted as part of all Site Plan Review and Subdivision Plat applications. The Affordable/Workforce Dwelling Unit Plan shall, at a minimum, contain the following information:
 - a. The total number and type of Market-Rate Dwelling Units, Affordable Dwelling Units, and Workforce Dwelling Units, as applicable, in the development, including the total number of owner-occupied and renter-occupied Affordable and Workforce Dwelling Units.
 - b. The number of bedrooms in each Market-Rate Dwelling Unit, each Affordable Dwelling Unit, and each Workforce Dwelling Unit.
 - c. The square footage of each Market-Rate Dwelling Unit, each Affordable Dwelling Unit, and each Workforce Dwelling Unit.



- d. The location of each Affordable Dwelling Unit and Workforce Dwelling Unit within each development including within Duplexes, Triplexes, Fourplexes, and Multi-Family Dwelling Units. The location of each Affordable, Workforce, and Market-Rate Dwelling Unit above any non-residential use shall also be identified.
 - e. A detailed description of how the developer will ensure compliance with the provisions of this section throughout the required term of affordability and how the development complies with Sec. 6.4.19(F), General Development and Design Requirements. Developers who partner with other organizations for monitoring and compliance purposes shall designate the organization in the Affordable/Workforce Dwelling Unit Plan.
4. Affordable and Workforce Dwelling Units shall be limited by deed restriction to remain within the parameters of the applicable definition contained in this Ordinance, for a period of not less than 20 years after the issuance of the Certificate of Occupancy. Funding sources and other factors may require a longer term of affordability. A copy of the recorded deed restrictions required by this Section shall be submitted to the Zoning and Planning Department prior to the final Site Plan Review approval or recording of the Final Plat, as applicable.
 - a. Resale of Affordable and Workforce Dwelling Units shall be limited by deed restriction to the original sales price, adjusted for inflation, and to a purchaser eligible, as described in this Section, for a period of not less than 20 years after issuance of the Certificate of Occupancy. The increase permitted for inflation shall be based upon the increase in the Consumer Price Index (CPI).
 - b. If, while occupying an Affordable or Workforce Dwelling Unit, a household's income increases to an amount beyond that permitted in the definition of "Affordable Dwelling Unit" or "Workforce Dwelling Unit", as applicable, as contained in this Ordinance, the household shall not be required to vacate the unit. Upon vacating the premises, the unit shall be sold to a qualifying household, pursuant to the requirements of this Ordinance, for the period the unit is deed restricted as an Affordable or Workforce Dwelling Unit.
 5. The owner(s) of properties containing Affordable and Workforce Dwelling Units must sign and submit the completed Affordable and Workforce Dwelling Unit Affidavit as part of Site Plan Review and Subdivision Plat applications and at the following times:
 - a. On an annual basis, by June 30th of each calendar year;
 - b. At least 30 days prior to closing on an Affordable or Workforce Dwelling Unit;
 - c. At least 30 days prior to a new tenant occupying an Affordable or Workforce Dwelling Unit; and
 - d. Anytime a lease for an Affordable or Workforce Dwelling Unit is renewed.

H. Rent Levels/Fair Market Rents.

1. The maximum rent level for Affordable and Workforce Dwelling Units shall be based on the schedule of Fair Market Rents for the Charleston-North Charleston MSA, as published annually by the U.S. Department of Housing and Urban Development (HUD).
 2. Fair Market Rents include a utility allowance for electricity, gas, water, and sewer, based on a schedule published by the South Carolina State Housing Authority.
- I. A minimum lease term of 31 days is required for all Affordable and Workforce Dwelling Units. Any sublease shall comply with the requirements of this section.
 - J. No Affordable or Workforce Dwelling Unit may be used for Short-Term Rentals, as defined by this Ordinance.
 - K. Any violation of the requirements of this Section, including, but not limited to, sale or rental of Affordable or Workforce Dwelling Units during the term of affordability to persons that do not meet the eligibility requirements described in this Ordinance, failure to submit changes in ownership and/or tenants, or failure to file the Affordable and Workforce Dwelling Unit affidavit as required by this Section, shall constitute a violation and the provisions of Chapter 11, Violations, Penalties, and Enforcement, of this Ordinance shall apply.

Sec. 6.4.20 Stable, Commercial; Stable, Private

Stables (Commercial or Private) may be established as primary or accessory uses provided they meet all applicable standards of this Ordinance and the following requirements.

- A. Commercial Stables:



1. A minimum Lot Area of five acres shall be required; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
 2. Riding areas and trails shall be limited to the subject Parcel upon which the stable is located unless documentation is provided granting access onto other lands. Such documentation shall be provided through written and recorded documents.
 3. If the subject site is less than or equal to five acres, a 25-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 25-foot vegetated buffer, a 75-foot Setback to equestrian activity areas from the side and rear property boundaries shall be provided.
 4. If the subject site is greater than five acres, a 50-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 50-foot vegetated buffer, a 150-foot Setback to equestrian activity areas from the side and rear property boundaries shall be provided.
- B. Private Stables in the AGR and RR-3 Zoning Districts shall require a minimum Lot Area of one acre; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.

Sec. 6.4.21 Winery

- A. Special Exception procedures shall apply for Parcel(s) totaling less than five acres in size.
- B. Prior to Site Plan Review approval, the Applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All Winery uses shall also comply with applicable agency requirements such as SCDHEC requirements.
- C. The following uses and activities are allowed pursuant to the requirements of this Section and all other applicable requirements of this Ordinance, including the requirements of Article 3.7, Site Plan Review:
 1. On-premise sale of wine and related promotional items as well as wine consumption (tasting room and accessory retail limited to 1,500 square feet, days and hours of operation limited to Monday thru Saturday from 10:00 a.m. to 7:00 p.m.);
 2. Daily tours limited to Monday through Saturday from 10:00 a.m. to 7:00 p.m.; and
 3. Special Events must comply with the Special Events Use requirements of this Ordinance.

Sec. 6.4.22 Vehicle and Boat Repair or Service

Vehicle and Boat Repair or Service shall be subject to the following standards:

- A. No outdoor storage of boats or vehicles shall be permitted; and
- B. This use shall have a maximum Floor Area of 5,000 square feet, otherwise this use shall comply with the Special Exception procedures of this Ordinance.

Sec. 6.4.23 Bona Fide Forestry Operations

Charleston County hereby adopts the processes and procedures outlined in S.C Code Sec. 48-23-205 et. seq. (1976, as amended).

Sec. 6.4.24 Manufactured Housing Units

- A. **Replacement in R-4 and UR Zoning Districts.** The replacement of a Manufactured Housing Unit shall be allowed by right in the R-4 and UR Districts if the Manufactured Housing Unit has been removed within 60 days of the receipt of the application by the Zoning and Planning Director. If the Manufactured Housing Unit was removed prior to 60 days of the receipt of the application, this use must comply with the requirements and procedures of [6.4.25B](#) and C of this Section.
- B. **Requirements in RR-3, S-3, R-4, and UR Zoning Districts.** A Manufactured Housing Units placed in the RR S-3, R-4, and UR Zoning Districts shall be skirted by: manufactured skirting, or other materials suitable for exterior use, including corrosion-resistant metal, fiberglass/plastic, wood/wood siding (both must be protected from the elements by water resistant solution/substance), decay resistant wood/pressure treated lumber, and masonry concrete. The



enclosed crawl space under the Manufactured Housing Unit must be ventilated. Skirting placed on Manufactured Housing Units in any Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Area must comply with any applicable FEMA requirements.

- C. **Placement in R-4, and UR Zoning Districts.** Placement of a Manufactured Housing Unit within the R-4 and UR Zoning Districts is conditional upon determination by the Zoning and Planning Director that:
1. The area within 300 feet of the Parcel proposed for Manufactured Housing Unit placement is characterized either entirely of Manufactured Housing Units or a mix of site built and Manufactured Housing Units. (The mix shall contain a minimum number of Manufactured Housing Units equivalent to 25 percent of the number of existing Principal Dwelling Units located on Parcels within 300 feet of the Subject Property); and
 2. If the Zoning and Planning Director determines that the area is not characterized either entirely of Manufactured Housing Units or by a mix of site built and Manufactured Housing Units, the use shall comply with the Special Exception procedures of this Ordinance.

Sec. 6.4.25 Single Family Detached Dwelling Unit

- A. Single-Family Detached Dwelling Units in the NR Zoning District are subject to the requirements of Article 4.3, *NR, Natural Resource Management District*, of this Ordinance.
- B. Single-Family Detached Dwelling Units in the MHP, RO, GO, NC, and IN Zoning Districts in the Urban/Suburban Area, as defined in the Comprehensive Plan, shall comply with the Density/Intensity and Dimensional Standards of the R-4 Zoning District. Single-Family Detached Dwelling Units in the CC and IN Zoning Districts in the Urban/Suburban Area, as defined in the Comprehensive Plan, shall comply with the Density/Intensity and Dimensional Standards of the UR Zoning District.
- C. Single-Family Detached Dwelling Units in the MHP, RO, GO, NC, RC, RI and IN Zoning Districts in the Rural Area, as defined in the Comprehensive Plan, shall comply with the Density/Intensity and Dimensional Standards of the AGR Zoning District.

Sec. 6.4.26 Square Foot Limitation

In Zoning Districts subject to which this condition applies, uses shall have a maximum Floor Area of 5,000 square feet or less; otherwise, this use shall comply with the Special Exception procedures of this Ordinance.

Sec. 6.4.27 Historic Site or Museum

The operation of Historic Site or Museum shall be restricted to the hours between 7:00 a.m. and 8:00 p.m., otherwise this use shall comply with the Special Exception procedures of this Ordinance.

Sec. 6.4.28 Short-Term Lender

- A. The proposed use shall be at least 3,000 feet, measured from Lot Line to Lot Line, from another Short-Term Lender in the unincorporated area or incorporated area of Charleston County;
- B. The proposed use shall be at least 300 feet, measured Lot Line to Lot Line, from any church, school, or Lot in a residential Zoning District or containing a residential use, whether located in the unincorporated area or incorporated area of Charleston County;
- C. The proposed use shall be housed within a nonresidential Building having at least 30,000 square feet.
- D. Short-Term Lenders shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.

Sec. 6.4.29 Family Home

A Family Home, as defined by this Ordinance, does not require compliance Site Plan Review procedures contained within this Ordinance.



Sec. 6.4.30 Recreation or Entertainment, Indoor

Indoor Shooting Ranges shall not be allowed in the Neighborhood Commercial (NC) Zoning District.

Sec. 6.4.31 Land Uses in the Rural Area

Uses to which this condition applies shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.

Sec. 6.4.32 Pet Store or Grooming Salon, Small Animal Boarding, and Veterinary Services

- A. In the nonresidential Zoning Districts, Pet Stores, grooming salons, Small Animal Boarding and Veterinary Services shall have a maximum Floor Area of 2,000 square feet or less; otherwise these uses shall comply with the Special Exception procedures of this Ordinance
- B. In the agricultural and residential Zoning Districts, Pet Stores, grooming salons, Small Animal Boarding and Veterinary Services shall have a maximum Floor Area of 1,500 square feet, otherwise these uses shall comply with the Special Exception procedures of this Ordinance.
- C. Small Animal Boarding Outdoor Areas.
 - 1. No more than five animals shall be allowed outdoors at any one time.
 - 2. Outdoor runs/open areas shall be restricted to the hours of 9.00am to 5.00pm .
 - 3. Outdoor areas shall be restricted to a maximum size of 1,000 square feet.
 - 4. Play equipment shall not be provided outdoors.
 - 5. An opaque privacy fence a minimum of six feet in height shall be placed around outdoor play areas.

Sec. 6.4.33 Microbrewery and Distillery

- A. Microbreweries located in the Community Commercial (CC) or Rural Industrial (RI) Zoning Districts shall have a maximum capacity of 5,000 barrels per year; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
- B. Microbreweries and Distilleries located in the Community Commercial (CC) or Rural Industrial (RI) Zoning District shall require review and approval in accordance with the Special Exception procedures of this Ordinance if: (1) they allow on-site consumption of beer or alcoholic beverages in conjunction with the Microbrewery or Distillery use or an Accessory Use; and (2) they are located within 500 feet of the property line of a Lot in a residential Zoning District or a Lot containing a residential use. Distances shall be measured from the nearest property line of the Subject Parcel to the nearest property line of a Lot containing a residential use or located in a residential Zoning District.
- C. All Accessory Uses and Structures shall comply with the requirements of Article 6.5 of this Ordinance.
- D. All Special Events uses shall comply with the requirements of Article 6.7 of this Ordinance.
- E. The Site Plan shall demonstrate that all required parking is maintained and remains unencumbered when third party vendors or Structures are onsite.

Sec. 6.4.34 Catering Service

- A. In Zoning Districts subject to conditions (C), a Structure or Structures used for a Catering Service shall have a maximum Floor Area of 5,000 square feet.
- B. In Zoning Districts subject to Special Exception provisions (S), a Structure or Structures used for a Catering Service shall have a maximum Floor Area of 2,000 square feet.
- C. On-site retail sales are prohibited.



Sec. 6.4.35 Duplex, Triplex, Fourplex

- A. In the S-3 Zoning District, the dimensional standards of the UR Zoning District shall apply provided:
 - 1. The density shall not exceed three Principal Dwelling Units per acre;
 - 2. The Waterfront Development Standards of the S-3 Zoning District shall apply to development abutting the OCRM Critical Line;
 - 3. The Building Height requirements of the S-3 Zoning District shall apply; and
 - 4. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
- B. In the RO and R-4 Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
 - 1. The density shall not exceed four Principal Dwelling Units per acre;
 - 2. The Waterfront Development Standards of the R-4 Zoning District shall apply to development abutting the OCRM Critical Line;
 - 3. The Building Height requirements of the R-4 Zoning District shall apply; and
 - 4. The architecture of the Dwellings is consistent with the character of the existing neighborhood as determined by the Zoning and Planning Director.
- C. In the GO, CI and NC Zoning Districts, the dimensional standards of the UR Zoning District shall apply provided:
 - 1. The density shall not exceed four Principal Dwelling Units per acre.
 - 2. The Waterfront Development Standards of the R-4 Zoning District shall apply to development abutting the OCRM Critical Line; and
 - 3. The Building Height requirements of the R-4 Zoning District shall apply.
- D. In the MHS Zoning District, the dimensional standards of the UR Zoning District shall apply provided the density does not exceed six Principal Dwelling Units per acre.
 - 1. The density shall not exceed six Principal Dwelling Units per acre;
 - 2. The Waterfront Development Standards of the MHS Zoning District shall apply to development abutting the OCRM Critical Line; and
 - 3. The Building Height requirements of the MHS Zoning District shall apply.
- E. In the UR Zoning District, the density, intensity, and dimensional standards of the UR Zoning District shall apply.
- F. In the CC and IN Zoning Districts located in the Urban/Suburban Area, as defined in the Charleston County Comprehensive Plan, the Density/Intensity and Dimensional Standards of the UR Zoning District shall apply.
- G. Such uses shall not be allowed on properties that are zoned CC or IN in the Rural Area, as defined in the Charleston County Comprehensive Plan.

Sec. 6.4.36 Special Trade Contractor

Special Trade Contractors shall be subject to the following standards:

- A. Tractor trailer containers are prohibited in outside storage areas; and
- B. In Zoning Districts subject to conditions (C), this use shall have a maximum area of 5,000 square feet including the Building and any outside storage, otherwise this use shall comply with the Special Exception procedures of this Ordinance.

Sec. 6.4.37 Parking Lot



In the Civic/Institutional (CI) and Neighborhood Commercial (NC) Zoning Districts, all Parking Lots shall have one Canopy Tree per six parking spaces and a maximum of 15 spaces in a row between Trees.

Sec. 6.4.38 Emergency Shelter

Emergency Shelters shall comply with the following standards:

- A. The maximum occupancy is six unrelated persons; otherwise, this use shall comply with the Special Exception requirements of this Ordinance.
- B. If located in a Residential Zoning District or the Residential Office (RO) Zoning District, Structures shall be residential in character.

Sec. 6.4.39 Boat Yard, Charter Boat, or other Recreational Watercraft Rental Service

If a Boat Yard, Charter Boat, or Recreational Watercraft Rental Service provides dry stack or wet slip storage of watercraft or direct access to the water, this use shall be considered a Water-Dependent Use and subject to the Water-Dependent Use requirements contained in Chapter 5, *Overlay and Special Purpose Zoning Districts*, of this Ordinance.

Sec. 6.4.40 Repair Service, Consumer

Repair Service, Consumer shall be subject to the following standards:

- A. In Zoning Districts subject to conditions (C), Repair Service, Consumer shall have a maximum Floor Area of 5,000 square feet or less; otherwise, this use shall comply with the Special Exception procedures of this Ordinance.
- B. In the Neighborhood Commercial (NC) Zoning District, no outside storage will be allowed.

Sec. 6.4.41 Liquified Petroleum Gas Dealer

The amount of storage for a Liquid Petroleum Gas Dealer shall be limited to 40,000 gallons per site.

Sec. 6.4.42 Community Residential Care Facility

A Community Residential Care Facility that provides care for nine or fewer Persons is considered a Family and is an allowed use in all Zoning Districts pursuant to the Fair Housing Act, Sec. 800. [42 U.S.C. 3601].

Sec. 6.4.43 Artisan and Craftsman

- A. Such use shall not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, radiation, or other conditions harmful or objectionable to adjacent or nearby properties.
- B. All truck parking or loading facilities shall be located to the side or rear of the Building housing the use and outside required landscaped yards, and shall be screened from Rights-of-Way, Easements, and/or adjacent property zoned or used for residential or agricultural purposes.
- C. Outdoor storage of materials is prohibited.
- D. Operation of this use shall not create noise in excess of 80 dB as measured at the property boundary of the noise source using the fast meter response of a sound level meter, reduced to 70 dB maximum between the hours of 7 p.m. and 7 a.m.
- E. Structures associated with this use shall be limited to a maximum Floor Area of 2,000 square feet.
- F. No more than five non-resident employees shall be allowed.
- G. All activities related to the Artisan and Craftsman use shall be confined to a Structure that is entirely enclosed.
- H. Onsite retail sales are prohibited.



Sec. 6.4.44 Agricultural Sales or Service; Retail Sales or Service, General; and Building Materials or Garden Equipment and Supplies Retailer

- A. Such uses shall have a maximum Floor Area of 5,000 square feet or less; otherwise, the use shall comply with the Special Exception procedures of this Ordinance.
- B. Tractor-trailer containers are prohibited in outside storage areas.

Sec. 6.4.45 Service Station, Gasoline

In the NC and CR Zoning Districts, accessory gasoline pumps shall be limited to a maximum of four nozzles, provided that five to eight nozzles may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the number of gasoline nozzles exceed eight.

Sec. 6.4.46 Solar Farms

The requirements of this Section shall apply to Solar Farms in addition to all other applicable sections of this Ordinance. These requirements do not apply to accessory Solar Collectors that provide energy to a single Dwelling, Building, or Structure.

- A. The Lot proposed for the location of the Solar Farm must be a minimum of five acres in size. A Solar Farm may be located on multiple Lots if they are contiguous and in the same ownership. In such cases, the buffers and setbacks shall be established around the exterior perimeter of the Solar Farm.
- B. Any portion of a Solar Farm must be located within two miles of an existing electrical transmission line. The Site Plan Review application must reflect all off-site infrastructure required to connect to the power grid.
- C. Setbacks shall be equal to the required buffer.
- D. The Solar Farm shall not exceed 16 feet in height, as measured from the ground to the foremost tip of the Solar Collector, provided there is a demonstration that the screening prevents the Solar Farm from being visible from the exterior of the property. Structures that are accessory to the system must comply with the Building Height requirements of the Zoning District in which the property is located provided that such Structures are not visible from the exterior of the property.
- E. Documentation that all Solar Panels have the capacity to withstand a maximum coastal windspeed of 150 mph shall be submitted.
- F. A security fence shall be required that is a minimum of six feet in height and designed to secure the facility from the public. The security fence shall be located at or near the inside line of the buffer.
- G. The table below establishes the buffer requirements. Unless otherwise stated, the buffer is to be located along all Lot Lines. The buffer shall utilize native vegetation if available and shall not be cleared or trees cut as the intention is to completely screen the Solar Farm from view off-site. Buffers may be reduced by half if the site is certified through the South Carolina Department of Natural Resources as a South Carolina Certified Solar Habitat.

Existing Use or Zoning of Adjacent Property	Minimum Buffer Depth	Buffer Type
Agricultural	75 feet	Type I
Single-Family Dwelling	200 feet	Type I
Other Residential	75 feet	Type I
Commercial/Office	50 feet	Type G
Industrial	50 feet	Type G
Churches/Nonprofits	50 feet	Type G
Public Facilities	50 feet	Type G

- H. Any disturbed soil on site shall be revegetated with native groundcover vegetation, including areas in the buffers and among the solar panels. Revegetation with plants from the lists of recommended native plants from the South Carolina Department of Natural Resources is strongly encouraged.
- I. Gravel shall be limited to access roads only.



- J. Solar Collectors shall be designed with anti-reflective coating to minimize glare. Provisions for the use of adequate technology and construction methods such as anti-reflective coating or textured glass used as panel materials shall be required to prevent and deflect bird deaths. Mirrors shall be prohibited.
- K. On-site Electrical interconnections and powerlines shall be installed underground. Existing above ground Utility lines shall be allowed to remain in their current location.
- L. All components servicing the collector panels shall be concealed, including mechanical piping and conduits.
- M. All exposed metal shall be of a color that will blend into its surroundings.
- N. A warning sign concerning voltage shall be placed at the main entrance that includes the name of the facility operator and a local telephone number.
- O. The entrance Roadway shall include a dogleg or meander to obscure vision from the Street.
- P. Access to the site shall be controlled by a security gate.
- Q. If lighting is provided at the site, such lighting shall be installed so that light does not shine toward adjacent parcels.
- R. The solar panels shall be designed and installed such that glare is not directed toward a Street in order not to create a traffic hazard. Additionally, glare shall not be created that is directed toward adjacent Lots.
- S. The applicant shall provide a decommissioning plan signed by both the owner/operator of the facility and the Lot owner, if different. Such plan shall describe the expected life of the Solar Farm and the estimated cost to decommission the site, in current dollars, including restoration of the site to its original condition, and shall identify the party responsible for decommissioning. Decommissioning shall be required following a continuous period of 12 months in which no electricity is generated by the facility other than for mechanical, repair, replacement and/or maintenance purposes. Decommissioning plans shall be recorded in the Charleston County Register of Deeds Office and shall run with the land to successor owners/Operators. Decommissioning shall be completed within 12 months of the recording of the decommissioning plan. The requirements of the Zoning District in which the property is located shall apply following decommissioning.

The owners of Solar Farms shall be required to post and maintain a Financial Guarantee for the decommissioning plan in the form of a no-contest, irrevocable bank letter of credit or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, subject to County attorney approval of the guarantee to determine that the interests of Charleston County are fully protected. The applicant shall submit to the County a detailed itemized unit cost estimate for the Financial Guarantee. The amount of the Financial Guarantee shall be sufficient to guarantee completion of the decommissioning plan (150 percent of the actual cost of the decommissioning plan) within the time period specified in this Section. The amount of the Financial Guarantee shall be verified by the County.

Upon completion of the decommissioning plan as required by this Section, Written Notice thereof shall be given by the applicant to the bond holder, who shall cause an inspection of the site to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided the decommissioning plan has been completed in accordance with the required specifications. Should the decommissioning plan not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the decommissioning plan according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required decommissioning plan after the Applicant has defaulted, County Council will assess the individual Applicant the cost of the decommissioning plan over and above the surety amount.

In no instance will the bond issuer or bond holder be authorized to extend for the applicant the completion date originally stipulated. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.

Sec. 6.4.47 Farmers Market

Farmers Markets in Residential Zoning Districts are subject to the following conditions:

- A. The Lot must be a minimum of three Highland acres in size.



- B. Hours of operation must be between 9:00am and 6:00pm.
- C. Farmers Markets can operate a maximum of 120 days per calendar year.

Sec. 6.4.48 Services to Building or Dwellings; Landscaping and Horticultural Services

- A. **Services to Buildings or Dwellings.** In Zoning Districts subject to conditions (C), Services to Buildings or Dwellings shall have a maximum Floor Area of 5,000 square feet or less; otherwise this use shall comply with the Special Exception procedures of this Ordinance.
- B. **Landscaping and Horticultural Services.**
 - 1. Landscaping and Horticultural Services located in the NC Zoning District shall, in addition to the requirement to comply with the Special Exception (S) provisions contained in the Ordinance, comply with the following conditions:
 - a. Any Structure or Structures used for a Landscaping and Horticultural Service use shall have a maximum Floor Area of 5,000 square feet;
 - b. The maximum number of employees shall be limited to 15, including employees dispatched from the site and seasonal employees;
 - c. The hours of operation shall not exceed Monday through Friday, 7:00am to 7:00pm;
 - d. The subject property shall be a minimum of three acres in size;
 - e. There shall be direct access to a public Arterial Street;
 - f. A minimum 25-foot Landscape Buffer and a minimum six-foot high opaque wooden fence within the Landscape Buffer shall be required adjacent to residential uses and Zoning Districts; and
 - g. The number of parking spaces required shall include the number of employees and the number of company vehicles and trailers to be utilized in conjunction with this use.
 - 2. Landscaping and Horticultural Services located in the RM, AG-15, AG-10, AG-8, and RC Zoning Districts shall comply with the following conditions:
 - a. Any Structure or Structures used for landscaping services shall have a maximum Floor Area of 5,000 square feet; otherwise, this use shall comply with the Special Exception provisions of this Ordinance.
 - b. The Subject Property shall be a minimum of five acres in size if zoned RM, AG-15, AG-10, or AG-8 or a minimum of three acres in size if zoned RC;
 - c. There shall be direct access to a public Arterial Street;
 - d. A minimum 25 foot Landscape Buffer and a minimum six foot high opaque wooden fence within the Landscape Buffer shall be required adjacent to residential uses and Zoning Districts; and
 - e. The number of parking spaces required shall include the number of employees and the number of company vehicles and trailers to be utilized in conjunction with this use.

Sec. 6.4.49 Freight Forwarding Facilities

Freight Forwarding Facilities shall have a maximum Floor Area of 10,000 square feet or less; otherwise, this use shall comply with the Special Exception procedures of this Ordinance.

Sec. 6.4.50 Golf Course and Country Club

Golf Courses and Country Clubs shall be subject to the following standards and criteria:

- A. An impact analysis must be submitted that indicates the potential number of members, the characteristics of the Golf Course or Country Club membership, a traffic impact analysis and a complete site analysis as detailed below:
 - 1. *Required Site Analysis.* The layout of any Golf Course or Country Club shall be determined after preparing the required site analysis. The detailed site analysis will be done in order to identify the site's most significant environmental, historic, cultural, and natural resources. The site analysis will include:
 - a. Characteristics of a vegetation survey related to land use will describe principal, predominant, and significant vegetation, by type, condition, age, use, and general or specific location. Features in the survey will include



Trees and Shrubs, agricultural fields, treelines, native vegetation, orchards, groves, woodlots, pastures, wetlands, forests, and grasslands. The vegetation survey shall indicate any significantly large Trees or endangered plant or Animal species that may reside on the site and is protected by law.

- b. Historic resources located within the proposed golf course development must be identified on the Plat. Sources such as the County of Charleston Historical Survey (1991), state registers, and federal registers such as the National Register of Historic Places shall be utilized in identifying these resources. The historical survey is important for noting structures and areas that must be protected as designated landmarks.
- c. Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, rice dams, traditional Settlement Areas, Cemeteries, clusters of Structures, parks, Marinas, and logging areas shall be shown.
- d. All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors, must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required Wetland Buffers and other requirements such as Drainage Easements will be located. Wetland Buffers of 50 feet are required on all saltwater marshes, and 35 feet on all protected Freshwater Wetlands. All water bodies - rivers, streams, drainage channels, marshes or wetland, floodplains and aquifers must be inventoried or identified.
- e. The purpose of identifying wildlife areas is to assess the ecological conditions of the landscape and to provide continuation of these habitat areas. Features of this survey shall include the presence of any threatened or endangered species, natural areas vital to wildlife species, habitat areas that are connected to larger undisturbed natural habitat (connected habitat system). Through this method the study will develop key points or areas that should be left undeveloped, then define those areas most suitable for development.

- B. Within the OS, RM, AG, AGR, RR, S-3, R-4, and MHS Zoning Districts, only Audubon International "Signature Program" Golf Courses will be allowed.
- C. Potential sites should be selected which allow the Golf Course or Country Club to be routed in such a way as to minimize the need to alter, create or remove existing native landscapes, Trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.
- D. Sites which have Archaeologically or Geologically significant and sensitive or critical habitat or environmental features shall be identified and either relocated or preserved through careful Golf Course or Country Club design. Permanent Open Space Easements or other techniques may be used, as appropriate, to effect preservation. The site design shall identify areas for restoration, replanting, and enhancement of riparian and littoral habitat to re-establish wildlife migration corridors and lineages between fragmented habitat areas. Protection and planned restoration/enhancements for such areas during construction and ongoing operation must be ensured. Native habitats and communities of special value to threatened/endangered species shall be preserved to the greatest extent possible, consistent with State and Federal regulation.
- E. Each site selected [as a] Golf Course Development will likely have a variety of habitat types present. These habitat types must be identified and provisions made for routing of the course or relocation of the species.
- F. The site plan should protect drainage systems that support retained vegetation. Ponds shall be developed which mimic conditions in terms of both aesthetics and habitat.
- G. Structures and Buildings should be located such that impacts to habitats and significant natural areas are avoided.
- H. **Design and Construction Standards.**

1. *Marshes, Creeks and Wetlands.*

- a. The Golf Course or Country Club design must attempt to minimize the number of marsh, creek, or wetland crossings. Marsh, creek or wetland crossings must be designed in such a way to minimize erosion and harmful effects of significant habitat and migration corridors.
- b. Bridges must minimize alteration of the marsh, creek, or wetland environment.
- c. Design must create and restore riparian habitat, especially in previously degraded habitat areas, and must reduce the impact of alterations necessitated by design and construction of the course.
- d. The course design must employ vegetated buffer strips of sufficient width to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the Golf Course, cart paths, and other developed areas. In certain circumstances where riparian vegetation has been degraded or does not exist, turf grass, and rough areas may be located in closer proximity to the marshes, creeks, and wetlands.



- e. Cart paths must be graded such that runoff from them generally does not flow directly into any marsh, creek or wetland.
 - f. Construction fencing/siltation barriers must be utilized during the construction phase where needed to protect habitat and marsh, creek, or wetland areas.
2. *Trees.*
- a. The selected site must not be heavily forested (with more than 60 percent tree canopy coverage).
 - b. The design of the course and related facilities must maximize the preservation of clusters or significant stands of Trees, particularly Grand Trees, and otherwise preserve "interior" habitat areas.
 - c. Irrigation systems shall be designated to avoid impacting existing oaks or other sensitive vegetation.
 - d. If required by the Zoning and Planning Director, a certified professional arborist, botanist, or forester shall be employed by the Applicant to evaluate the status of the Trees and related habitats on the site and provide direction for restoration and/or enhancement of impacted Trees.
 - e. Cart paths within the Drip Lines of Trees slated for preservation must be graded in such a way as to not damage or stress the Tree.
 - f. Barriers (Curbs, fencing, vegetation, etc.) should be established to discourage cart and pedestrian travel off paths located within or adjacent to sensitive habitat.
3. *Water Quality.*
- a. Lined artificial storage ponds must not be located in prime groundwater recharge areas.
 - b. Turf grass species and landscaping around Buildings should be selected which are drought resistant or tolerant and which are suited for any special site characteristics or soil conditions.
 - c. State-of-the-art irrigation systems with site meteorological monitoring capability should be used to minimize water use.
 - d. If on-site wells or ponds are to be used as the irrigation water source, analysis will be required to determine the safe yield in order to prevent aquifer, off-site wells and/or marsh, creek or wetland depletion. The Developer will be held responsible for any negative impact on water supplies to adjacent or nearby properties.
 - e. Paved areas should be limited in order to minimize impermeable surfaces, and thereby reduce surface runoff.
 - f. The project should employ established best management practices pursuant to the Non-Point Source Program guidelines to control non-point source (stormwater) runoff pollution. For example: impervious liners for Detention/retention ponds and water hazards to protect ground and surface water quality; buffer strips, oil/grease separators or other recommended techniques for parking area drainage systems; grease traps and other recommended technologies for facilities such as golf cart maintenance or wash areas to prevent untreated runoff from entering the natural aquatic environmental Berms, vegetative strips, grease traps, or other recommended technologies in parking areas for drainage controls to minimize pollution to nearby riparian areas and surface waters.
 - g. The overall drainage system should be designed to ensure that there is no increase in the velocity or amount of off-site flows during major storm events.
4. *Archaeology.*
- a. The design of the course must preserve significant archaeological areas and/or historic features present on the site.
 - b. Significant archaeological sites must be staked, flagged, or fenced off to insure their protection.
5. *Noise.*
- a. Where possible, clubhouse facilities and other noise-generating uses and facilities should be located away from neighbors who might be impacted.
 - b. Roads must be sited such that traffic noise is minimized for adjacent areas.
6. *Growth-Inducing Impacts.*
- a. The project should not provide infrastructure improvements that would be capable of serving new Development other than the proposed project.



- b. The project should not stimulate economic expansion or growth (e.g. major changes in tax revenue base, employment expansion, etc.) other than that necessary to serve the proposed project.
 - c. The project should not establish a precedent for significant change in current *Comprehensive Plan* policy.
 - d. In cases where the Golf Course or Country Club Developer owns lands adjacent to the project site, a plan for the potential Development of those adjacent lands should be submitted for evaluation.
 - e. Deed restrictions, Open Space Easements, or other appropriate techniques must be used to mitigate or prevent growth-inducing impacts inside the Development.
- I. **Notification.** Upon the receipt of a Complete Application for a Golf Course or Country Club, the Zoning and Planning Department shall notify neighbors within a 300-foot radius, Parties in Interest and place notification in the newspaper within 10 days. All notifications shall be done in accordance with the provisions contained in Chapter 3, Development Review Procedures, of this Ordinance.

Sec. 6.4.51 Solid Waste Disposal Facility

- A. Solid Waste Disposal Facilities located in the Resource Management (RM) Zoning District shall comply with all of the requirements contained in the South Carolina Solid Waste Policy and Management Act of 1991, as amended.
- B. The following requirements shall apply to Solid Waste Disposal Facilities located in or proposed to be located in the Rural Industrial (RI) and Industrial (IN) Zoning Districts:
 1. Solid Waste Disposal Facilities that were legally established before April 21, 1999 shall be deemed Uses Permitted by Right, as defined in [CHAPTER 12, Definitions](#), of this Ordinance.
 2. Any proposed Solid Waste Disposal Facilities, except existing Solid Waste Disposal Facilities, shall comply with the Special Exception procedures of this Ordinance.
 3. All Solid Waste Disposal Facilities shall comply with all of the requirements contained in the South Carolina Waste Policy and Management Act of 1991, as amended.

Sec. 6.4.52 Container Storage Facility

- A. A Container Storage Facility (whether temporary or permanent), shall be subject to the following additional standards:
 1. Uses shall be separated from any adjoining uses or public or private Rights-of-Way, excluding points of ingress or egress, by way of one of the following:
 - a. A suitably landscaped earthen Berm sufficient to screen neighboring or nearby property from the facility; and in no event less than eight feet in height above finished Grade; or
 - b. A solid concrete, brick, or masonry wall of not less than 10 feet in height above finished grade and completely screened from view from public Rights-of-Way by way of a vegetative buffer; or
 - c. A minimum vegetative buffer depth of 200 feet along the boundaries adjacent to any property zoned Residential and a minimum vegetative buffer depth of 50 feet otherwise. This buffer shall be located within the required Setback as described in [Sec. 6.4.52.3.b](#).
 2. Container Storage Facility light fixtures installed after January 1, 2005, shall be a type that minimizes fugitive light scatter and shall be directed into the Container Storage Facility away from neighborhoods. In addition, yard light fixtures installed after January 1, 2005, shall not be visible above the tree line from adjacent residential neighborhoods.
 3. Storage within a Container Storage Facility shall be restricted by the following:
 - a. Container stacking may be permitted, where appropriate, pursuant to an approved container stacking plan. Such plan shall, at a minimum, include a site plan showing the location of all abutting Streets and sidewalks, all internal travel-ways, a stagger stacking schedule, and the proposed maximum stacking heights. A suitable stacking plan shall feature a slope not exceeding a rise/run of ½, shall include a perimeter setback of not less than 30 feet from the nearest stored container, the nearest sidewalk edge, or Right-of-Way edge, and shall indicate how the stacking plan meets all other requirements of this Ordinance; and
 - b. Container and chassis storage is not permitted within 350 feet of the boundary adjacent to any property zoned Residential and within 50 feet otherwise. In addition, containers stacked in the yard shall not be visible above the tree line from adjacent residential neighborhoods. Structures may be allowed in the area beyond



the required buffer where container and chassis storage is prohibited, provided that proposed Structures meet all requirements of this Ordinance and receive Site Plan Review Approval.

4. In those instances which a proposed Container Storage Facility is viewed by the Zoning and Planning Director as having a substantially negative impact on a surrounding area(s) or adjoining property(ies), based on the facility's location, proposed use, permitted use, or actual use of the property, the Zoning and Planning Director shall bring the matter to the next available meeting of the Board of Zoning Appeals for hearing and decision, pursuant to Article 3.13 of this Ordinance.

- B. Any facility involved in, or location used for, the purposes provided within Sec. 6.4.52 and not zoned Industrial (IN) as of November 20, 2001 shall cease operations no later than November 20, 2004. Any facilities engaged in stacked storage as of November 20, 2001, shall come into compliance with Sec. 6.4.52 by November 20, 2004, and shall be bound by the three year general amortization schedule provided for herein above.

Sec. 6.4.53 Cemetery

Cemetery uses require a minimum five-acre Lot Area, a minimum 25-foot Landscaped Buffer from adjacent properties, and completion of the Site Plan Review process. Non-commercial, family cemeteries shall be allowed as a use by right and shall not require Site Plan Review approval or a Zoning Permit. A Cemetery use on the same Lot as or on a Lot adjacent to a religious facility shall be allowed as a use by right.

Sec. 6.4.54 Kennel

Kennels shall be subject to the following standards:

- A. **Minimum Lot Size.** The Lot size shall contain a minimum of five acres.
- B. **Exception to Minimum Lot Size.** This use may be approved for a Lot that is at least two acres in size in accordance with the Special Exception procedures contained in this Ordinance.
- C. **Required Screening and Landscaped Buffer.**
 1. A minimum 100-foot Landscaped Buffer from all adjacent properties is required.
 2. Outdoor activities shall not be located within or have access to the required Landscaped Buffers.

Sec. 6.4.55 Fishing, Hunting, or Recreational Guide Service

If accommodations are offered in conjunction with a Fishing, Hunting, or Recreational Guide Service use, the requirements of Article 6.8, *Short-Term Rentals*, of this Ordinance for the Zoning District in which the Parcel is located shall apply; otherwise, a Planned Development Zoning District application must be processed pursuant to the requirements of this Ordinance.

Sec. 6.4.56 Aviation and Private Air Strip

- A. A Private Air Strip, as defined in this Ordinance, must comply with the Special Exception procedures of this Ordinance.
- B. Facilities providing landing and/or takeoff areas, service, hanger, or storage for aircraft, helicopters, lighter than air aircraft, hot-air balloons, or other similar craft, with the exception of a Private Air Strip (as defined in this Ordinance), must comply with the Planned Development Procedures contained within this Ordinance.

Sec. 6.4.57 Manufacturing and Production

- A. The following requirements shall apply to all Zoning Districts subject to conditions (C):
 1. All activities related to the specialized manufacturing use shall be confined to a Structure that is entirely enclosed.
 2. If the Zoning and Planning Director finds a proposed Manufacturing and Production use will have a substantially negative impact on a surrounding area or adjoining property, the use shall comply with the Special Exception procedures of this Ordinance.
- A. The following additional conditions shall only apply to the RR,, and CC Zoning Districts:



1. A structure or structures used for specialized manufacturing shall have a maximum Floor Area of 5,000 square feet; otherwise, this use shall comply with the Special Exception provisions of this Ordinance;
2. Specialized manufacturing shall have no more than ten employees, otherwise this use shall comply with the Special Exception provisions of this Ordinance; and
3. On-site retail sales are limited to 25 percent of the gross receipts and 15 percent of the floor area.

Sec. 6.4.58 Recycling Collection, Drop-off

Such uses shall not be allowed in areas where curbside pickup is provided.

ARTICLE 6.5 ACCESSORY USES AND STRUCTURES

Sec. 6.5.1 Purpose and General Provisions

- A. **Purpose.** The purpose of this Article is to establish minimum standards for Accessory Uses, Buildings, and Structures. For the purposes of this Article, the term "Accessory Structures" shall include "Accessory Buildings," the term "Principal Structures" shall include "Principal Buildings," and the term "Structures" shall include "Buildings" unless the Zoning and Planning Director determines otherwise. Permitted uses and approved Special Exception uses shall be deemed to include Accessory Uses and Structures that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the allowed Principal Use.
- B. **General Provisions.**
 1. An Accessory Use is a use customarily incidental and subordinate to the Principal Use of a Zoning Lot or of a Structure. Accessory Uses shall be subject to the same regulations as apply to Principal Uses in each zoning district, unless otherwise expressly stated.
 2. An Accessory Structure is a Structure that is detached from a Principal Structure and customarily incidental and subordinate to the Principal Structure. Accessory Structures include, but are not limited to, Swimming Pools, Fences, Barns, Garages, sheds, gazebos, and detached Accessory Dwelling Units. If any Accessory Building is attached to a Principal Building with a roof supported by columns or walls, it shall be deemed part of the Principal Building provided the attachment is a minimum of four feet in width with a minimum length to width ratio of four to one. In such cases, the Building shall comply with the Setback requirements of the applicable Zoning District.
 3. Accessory Uses and Accessory Structures shall be subordinate to and serve a Principal Use or Principal Structure.
 4. Non-Agricultural Accessory Structures shall be subordinate to the Principal Structure in terms of height and gross Floor Area.
 5. Accessory Structure footprints shall be included in the calculation of Building Coverage.
 6. Accessory Uses and Accessory Structures shall be located on the same Lot as the Principal Use or Principal Structure served unless otherwise specified in this Ordinance.

Effective on: 8/29/2019, as amended

Sec. 6.5.2 Establishment

- A. **Establishment.**
 1. Unless otherwise expressly permitted in this Ordinance, no Accessory Uses shall be established and no Accessory Structures shall be allowed on the subject Parcel until all required permits and approvals for the Principal Use or activity have been obtained and there are no current zoning and/or Building Code violations on the property.
 2. Zoning Permits are required for the establishment of Accessory Uses and the construction of Accessory Structures and when any of the following apply:
 - a. A legally permitted Accessory Use is expanded to or within an existing Structure or in an outdoor area devoted to the use;



- b. The use of a legally permitted Accessory Structure is changed;
- c. The size of a legally permitted Accessory Structure is expanded; and/or
- d. The impervious surface area related to a legally permitted Accessory Use or Accessory Structure is increased by more than 120 square feet in cumulative total on properties located in the Urban/Suburban Area with the exception of properties located in the S-3 Zoning District.

B. **Unlisted Accessory Uses.** The provisions of Sec. 6.3.5, *New or Unlisted Uses and Use Interpretation*, of this Ordinance shall apply whenever there is a question regarding the category of Accessory Use pursuant to this Ordinance.

Sec. 6.5.3 Residential Accessory Uses and Accessory Structures

The following are allowed as Accessory Uses and Accessory Structures to legally permitted Residential Uses provided they comply with all applicable requirements of this Ordinance:

- A. Fences and Walls;
- B. Garages, and carports;
- C. Gate houses and guard houses;
- D. Home Occupations;
- E. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- F. Radio and television receiving antennas or dishes;
- G. Recreational and play facilities for the use of residents;
- H. Solar Collectors;
- I. Tennis courts, Swimming Pools, hot tubs, and related mechanical equipment;
- J. Accessory Dwelling Units;
- K. Manufactured Housing Units;
- L. Barns and farming-related Structures even if the subject Parcel does not contain a Principal Use or Principal Structure;
- M. The selling of Sweetgrass Baskets; and
- N. Other necessary and customary uses determined by the Zoning and Planning Director to be appropriate, incidental and subordinate to the Principal Use of the Lot, subject to compliance with any standards contained within this Ordinance.

Sec. 6.5.4 Agricultural Accessory Uses and Accessory Structures

Allowed Agricultural Accessory Uses shall include all residential Accessory Uses and those Accessory Uses and activities customarily associated with agricultural operations, as determined by the Zoning and Planning Director. Barns and Farm-related Structures, including Roadside Stands shall be allowed on all Parcels in the Agricultural Zoning Districts, even if the Subject Parcel does not contain a Principal Structure provided that Roadside Stands comply with the requirements of Sec. 6.6.3, *Roadside Stands*.

Manufactured Housing Units, Modular Building Units, and Pre-Manufactured Container Units may be allowed as Accessory Structures for the purposes of Permanent Storage Units in the AGR, AG-8, AG-10, AG-15, RM, CC, RI, and IN Zoning Districts provided they comply with the provisions of Sec. 6.5.17.B, 6.5.17.E, 6.5.17.H, and 6.5.17.I of this Ordinance.

Effective on: 8/29/2019, as amended

Sec. 6.5.5 Commercial and Industrial Accessory Uses and Accessory Structures

The following shall be allowed as Accessory Uses and Accessory Structures to legally permitted Commercial and Industrial uses provided they comply with all applicable requirements of this Ordinance:

- A. One Dwelling Unit for security or maintenance personnel;
- B. Fences and Walls;
- C. Gates and guard houses;



- D. Off-street parking;
- E. Radio and television receiving antennas or dishes and support structures;
- F. Recreation areas and facilities for the use of employees;
- G. Cafeterias, dining halls and similar food services when operated exclusively for the convenience of employees, clients, or visitors to the Principal Use;
- H. Day care facilities when operated exclusively for the convenience of employees of the Principal Use;
- I. Gift shops, newsstands and similar commercial activities operated exclusively for the convenience of employees, clients, or visitors to the Principal Use;
- J. Solar Collectors;
- K. Recycling Collection, Drop-Off;
- L. Permanent Storage Units;
- M. Personal Services and Retail Sales;
- N. The selling of Sweetgrass Baskets; and
- O. Other necessary and customary uses determined by the Zoning and Planning Director to be appropriate, incidental and subordinate to the Principal Use of the Lot, subject to compliance with any standards contained within this Ordinance.

Sec. 6.5.6 Accessory Retail Sales and Personal Services

Personal Services and Retail Sales established with the express purpose of providing a convenience for tenants of residential or Office Development shall be permitted, subject to the following limits:

- A. The accessory activity shall be located on the same Zoning Lot as the Principal Use.

Sec. 6.5.7 Civic and Institutional Accessory Uses and Accessory Structures

The following shall be allowed as Accessory Uses and Accessory Structures to legally permitted Civic and Institutional uses provided they comply with all applicable requirements of this Ordinance:

- A. Refreshment stands and food and beverage sales located in uses involving public assembly;
- B. Cafeterias, dining halls, and similar food services when operated primarily for the convenience of employees, residents, clients, patients, or visitors to the Principal Use;
- C. Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients, or visitors to the Principal Use;
- D. Recreation areas and facilities for the use of employees;
- E. The selling of Sweetgrass Baskets;
- F. Recycling Collection, Drop-off;
- G. Manufactured or Modular Structures;
- H. Solar Collectors; and
- I. Other necessary and customary uses determined by the Zoning and Planning Director to be appropriate, incidental, and subordinate to the Principal Use of the Lot, subject to compliance with any standards contained within this Ordinance.

Effective on: 8/29/2019, as amended

Sec. 6.5.8 Accessory Structures in Residential and Residential Office (RO) Zoning Districts

Unless otherwise expressly stated and in addition to any other applicable provisions of this Ordinance, Accessory Structures in Residential and Residential Office (RO) Zoning Districts shall be subject to the following requirements:

- A. An Accessory Structure erected as an integral part of the Principal Structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to Principal Structures.
- B. A detached Accessory Structure shall be located:



1. Wholly to the rear of the Principal Structure, provided that this limitation shall not apply to carports or Garages;
 2. At least six feet from any other Dwelling, including those under construction;
 3. At least three feet from any interior Lot line in a Residential Zoning District if in an RO Zoning District that abuts a Residential Zoning District, the Accessory Structure in the RO Zoning District shall be located at least 10 feet from the abutting interior Lot line. When an RO Zoning District abuts another Office or Nonresidential Zoning District, setbacks for Accessory Structures are not required;
 4. To meet the Principal Structure Front Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, *Base Zoning Districts*, of this Ordinance.
 5. If on a corner Lot, the detached Accessory Structure shall not project in front of the front Building line required or existing on the adjacent Lot.
- C. A detached Accessory Structure may be constructed on an adjacent vacant Lot if both Lots are in the same ownership, unless otherwise allowed to be established on a separate Lot pursuant to this Ordinance.
- D. Accessory Structures shall be included in Building Coverage.
- E. The Accessory Dwelling Unit provisions of this Ordinance apply in addition to the requirements of this Section; and
- F. An Accessory Structure that is attached to the Principal Structure pursuant to this Ordinance shall comply with the Principal Structure Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, *Base Zoning Districts*, of this Ordinance.

Sec. 6.5.9 Accessory Dwelling Units

In Agricultural and Residential Zoning Districts, one Accessory Dwelling Unit may be established on an existing Lot subject to the following standards:

- A. If located in the Rural Area, the Lot must have a minimum area at least 50 percent larger than the minimum area required for a Principal Structure and the heated gross floor area of the Accessory Dwelling Unit shall not exceed 1,500 square feet.
- B. Only one Accessory Dwelling Unit shall be permitted per Lot.
- C. Accessory Dwelling Units placement shall comply with all dimensional standards of the applicable Zoning District, as contained in [CHAPTER 4, *Base Zoning Districts*](#), of this Ordinance, including all Setback, buffer, Building Coverage, height requirements, and waterfront development standards.
- D. Accessory Dwelling Units placed on Parcels that contain or abut an OCRM Critical Line shall comply with the requirements of Article [4.24.2, *Minimum Lot Standards for Accessory Dwelling Units on Parcels which Contain or Abut an OCRM Critical Line*](#).
- E. Separate electrical meters shall not be allowed for attached Accessory Dwellings Units.

Sec. 6.5.10 Manufactured Housing Units

- A. In Agricultural Zoning Districts, a Manufactured Housing Unit may be used for one caretaker's quarters. It shall not be permitted for other than residential use unless authorized elsewhere in this Ordinance.
- B. Applications to use Manufactured Housing Units while construction is in progress on a permanent Structure shall be submitted to the Zoning and Planning Director for a Zoning Permit in accordance with the requirements of this Ordinance. Such a temporary unit shall be removed from the premises within 30 days of issuance of a Certificate of Occupancy for the permanent Structure.
- C. Manufactured Housing Units may be utilized for classroom and related uses for a two-year period or as otherwise expressly provided in the approval of a Special Exception. The period of use may be extended upon application and proper findings by the Board of Zoning Appeals.
- D. Where needed for the general welfare of the public, governmental entities may utilize Manufactured Housing Units as classrooms, clinics, Offices and caretaker's quarters, provided Special Exception approval has been obtained.
- E. Manufactured Housing Units, Modular Building Units and Pre-Manufactured Container Units shall not be allowed as Accessory Uses or Accessory Structures for purposes of Permanent Storage Units unless they are located in an AGR, AG-8, AG-10, AG-15, RM, CC, or RI Zoning District and comply with the provisions of Section [6.5.17.B](#), [6.5.17.E](#), [6.5.17.H](#), and [6.5.17.I](#) of this Ordinance.



Sec. 6.5.11 Home Occupations

- A. **General.** The regulations of this Section are intended to permit residents to engage in Home Occupations, while ensuring that Home Occupations will not be a detriment to the character and livability of the surrounding area. Home Occupations must remain subordinate to the principal residential use of the property and the viability of the residential use must be maintained. Zoning Permits shall be required for all Home Occupations.
- B. **Where Allowed.** A Home Occupation that complies with the regulations of this Section shall be allowed as an Accessory Use to legally permitted Residential or Agricultural Principal Use.
- C. **Allowed Uses.** The Home Occupation regulations of this Section establish performance standards rather than detailed lists of allowed Home Occupations. Uses that comply with all of the standards of this Section will be allowed as Home Occupations unless they are specifically prohibited.
- D. **Prohibited Uses.** The following are prohibited as Home Occupations unless expressly authorized elsewhere in this Ordinance.
1. *Vehicle/Equipment Repair, Rental, or Sales.* Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a Home Occupation in the RR, S-3, R-4, MHS, UR, and MHP Zoning Districts, unless these types of repairs, rentals, or sales take place in an enclosed Structure and pose no noise or safety concerns.
 2. *Restaurants.* Restaurants and food service establishments, with the exception of Catering uses, are not allowed as Home Occupations.
 3. *Employee Dispatch Centers.* Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as Home Occupations.
 4. *Animal Care or Boarding.* Animal care or boarding facilities (including Animal Hospitals, Kennels, Stables, and all other types of Animal boarding and care facilities) are not allowed as Home Occupations in the S-3, R-4, MHS, UR, and MHP Zoning Districts.
 5. *Medical Offices or Clinics.* Medical Offices and medical clinics are not allowed as Home Occupations in the R-4, MHS, UR, and MHP Zoning Districts. This includes doctors' Offices, dentists' Offices, psychologists' Offices, Hospitals, and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in the practitioner's home on an emergency basis. Limited Prosthetic Manufacturing as defined in Chapter 12, *Definitions*, of this Ordinance shall be allowed.
 6. *Funeral Homes.* Funeral Services, including Funeral Homes, are not allowed as Home Occupations.
 7. *Barber Shops, Beauty Shops, and Nail Salons.* Hair, Nail, and Skin Care Services, including barber shops, beauty shops, nail salons, and similar personal services, with more than one chair, are not allowed as Home Occupations.
 8. *Dancing Schools.* Dancing schools are not allowed as Home Occupations.
 9. *Short-Term Rental Properties (STRP).* STRPs are not allowed as Home Occupations.
 10. *Special Trade Contractors (Offices/Storage).* Special Trade Contractors (Offices/Storage) are prohibited as Home Occupations.
 11. *Firearm Sales and Repair.* Firearm Sales and Repair are prohibited as Home Occupations.
- E. **Employees.** A maximum of two full-time or two part-time employees, who are not full-time residents of the home where the Home Occupation is located, are allowed. The Home Occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the Home Occupation, who does not live at the site, but who visits the site as a part of the Home Occupation.
- F. **Resident Operator.** The operator of a Home Occupation shall be a full-time resident of the Dwelling Unit.
- G. **Customers.** Customers may visit the site of a Home Occupation only during the hours of 8:00 a.m. to 8:00 p.m., with no more than an average of one customer or client per hour being allowed.
- H. **Floor Area.** No more than 25 percent of the total Floor Area of the Dwelling Unit may be used to house a Home Occupation. Up to 1,000 square feet of a legally permitted Accessory Structure, such as a Garage, may be used for a Home Occupation.



- I. **Outdoor Activities.** All activities and storage areas associated with Home Occupations must be conducted in completely enclosed Structures, with the exception of Crop Production.
- J. **Exterior Appearance.** There shall be no visible evidence of the conduct of a Home Occupation when viewed from the Street or from an adjacent Lot. There shall be no change in the exterior appearance of the Dwelling Unit that houses a Home Occupation or the site upon which it is conducted that will make the Dwelling appear less residential in nature or function.

Examples of prohibited alterations include construction of Parking Lots, paving of required Setbacks, adding entrances to the Dwelling Unit, erecting signage, and adding commercial-like exterior lighting. The use of Snipe Signs is prohibited.

- K. **Operational Impacts.** No Home Occupation or equipment used in conjunction with a Home Occupation may cause odor, Vibration, noise, electrical interference, or fluctuation in voltage that is perceptible beyond the Lot Line of the Lot upon which the Home Occupation is conducted. No hazardous substances may be used or stored in conjunction with a Home Occupation.
- L. **Vehicles.** Not more than one pick-up truck, car, sports utility vehicle, or van used in conjunction with a Home Occupation may be parked at the site of the Home Occupation in any RR, S-3, R-4, MHS, UR, or MHP Zoning District. The Heavy Commercial Vehicle requirements of Section 6.5.15, *Storage and Parking of Heavy Commercial Vehicles in Residential Zoning Districts*, shall apply to Home Occupations.
- M. **Deliveries.** Deliveries and pick-ups of supplies or products associated with Home Occupations are only allowed between the hours of 8:00 a.m. and 8:00 p.m.
- N. **Sales.** No article, product, or service may be sold in connection with a Home Occupation, other than those produced on the premises or comprise 25 percent or less of the gross receipts, provided that online sales are allowed if there are no in-person or walk-in purchases.

Sec. 6.5.12 Animals

- A. The keeping of Household Pets shall be allowed as an Accessory Use in all Zoning Districts in which Dwelling Units are allowed.
- B. The keeping of Exotic Animals shall not be allowed as an Accessory Uses unless approved as a Special Exception in accordance with the procedures contained in this Ordinance.

Sec. 6.5.13 Accessory Storage of Major Recreational Equipment

Major Recreational Equipment shall not be used for living, sleeping, or housekeeping purposes.

Sec. 6.5.14 Storage and Repair of Inoperable Motor Vehicles

- A. The open storage and/ or repair of Inoperable Motor Vehicles is not permitted within the required Front Setback.
- B. Inoperable Motor Vehicles must be screened by a Fence, Wall, Building, or vegetative buffer that completely shields the vehicles from view off-site.
- C. The storage and/or repair of more than two Inoperable Motor Vehicles is prohibited on all Lots in Suburban Residential Zoning Districts, as well as in all Office, commercial, and industrial Zoning Districts unless legally permitted for use as a salvage yard pursuant to this Ordinance.
- D. In all Suburban Residential Zoning Districts, storage of Motor Vehicle parts is allowed only within a completely enclosed Accessory Structure located on the same Lot as the Principal Dwelling Unit.

Sec. 6.5.15 Storage and Parking of Heavy Commercial Vehicles

For the purposes of neighborhood preservation, public safety, and public Right-of-Way maintenance considerations, storage or parking of Heavy Commercial Vehicles, upon any Lot, land, Street, or Right-of-Way in the S-3, R-4, MHS, and UR Zoning Districts is prohibited. This prohibition shall not apply to Heavy Commercial Vehicles that are actively being loaded, unloaded, or used in the process of pick-up or delivery of products, materials, or passengers at a residential location.

Sec. 6.5.16 Vehicle Sales



Not more than two operable or Inoperable Motor Vehicles may be offered for sale upon any Lot unless such sales activities are legally permitted pursuant to this Ordinance. A vehicle for sale upon a Lot in a Residential Zoning District must be owned by the owner of the subject Lot and must comply with Section 6.5.14, *Storage and Repair of Inoperable Motor Vehicles*.

Sec. 6.5.17 Temporary Portable Storage Units

Temporary Portable Storage Units are permitted if located on the same Lot as the Principal Structure subject to the following conditions:

- A. If the Temporary Portable Storage Unit is located on a Lot with a Nonresidential or Office use or Zoning District designation for a period exceeding 15 days, the requirements of Sec. 3.7.3, *Limited Site Plan Review*, shall apply;
- B. The maximum size of a Temporary Portable Storage Unit shall not exceed 160 square feet of indoor storage;
- C. A maximum of 160 square feet of indoor temporary portable storage shall be permitted per Lot in Residential Zoning Districts;
- D. Temporary Portable Storage Units are allowed for a period not to exceed a total of 60 days in one calendar year. Zoning Permits shall be required for Temporary Portable Storage Units that remain on a property for a time period exceeding 15 consecutive days;
- E. Temporary Portable Storage Units shall not be placed in any Right-of-Way, Street, retention area, septic field, Easement, or on public property and shall not create a site obstruction for any vehicular or pedestrian traffic;
- F. Temporary Portable Storage Units shall conform to the Accessory Structure requirements contained in this Ordinance;
- G. The maximum area of a Temporary Portable Storage Unit dedicated to signage shall be limited to 27 square feet per side or 58 square feet total;
- H. Temporary Portable Storage Units shall be kept in good condition, free from evidence of deterioration, weathering, mildew, discoloration, rust, ripping, tearing, or other holes or breaks;
- I. Temporary Portable Storage Units shall not be used for the storage of hazardous or flammable substances, live Animals, or human habitation;
- J. All vendors providing service related to the transportation of household goods and/or rental/delivery of Temporary Portable Storage Units shall be in compliance with the State of South Carolina's Regulatory Laws and licensing requirements through the Public Service Commission. Proof that the liability insurance of the company owning the Temporary Portable Storage Units is equal to the minimum amount required by the Public Service Commission shall be required at the time of permitting; and
- K. The regulations of this Section shall not apply to Temporary Portable Storage Units that are:
 - 1. Placed for construction purposes and in conjunction with Building Permits, which may exceed the permitted time period, as long as the Building Permit remains active with continuous construction; and
 - 2. Placed during any period of declared emergency by Federal, State, or Local official action.

Sec. 6.5.18 Permanent Storage Units

Permanent Storage Units are permitted subject to the following conditions:

- A. **Applicability.** The requirements of this Section apply to any Permanent Storage Unit, as defined in subsection C.
- B. **Location.**
 - 1. Permanent Storage Units may be established as an Accessory Use to any Principal Use in an RR, AGR, AG-8, AG-10, AG-15, RM, CC, or RI Zoning District. Permanent Storage Units are not permitted in any other Zoning District.
 - 2. Permanent Storage Units are permitted only in the rear yard, as defined in subsection C.
- C. **Definitions.** For the purposes of this Section, the following definitions apply:
 - 1. "Manufactured Housing Unit", "Modular Building Unit", and "Pre-Manufactured Container Units" are as defined in Chapter 12, Definitions.
 - 2. "Rear Yard" means the area between the rear of the Principal Structure and the Rear Lot Line.



3. "Permanent Storage Unit" means any Manufactured Housing Unit, Modular Building Unit, or Pre- Manufactured Container Unit exceeding 120 square feet in size that is used solely for Nonresidential or Office purposes.
- D. **Permitting.** Permanent Storage Units shall not be established or placed on Lots or Parcels unless the Zoning and Planning Director has issued a Zoning Permit authorizing the Permanent Storage Unit pursuant to this Ordinance.
- E. **Screening.**
 1. Permanent Storage Units shall be completely screened from view from adjacent properties and the Street, all Lot Lines except the Rear Lot Line, and along all Lot Lines abutting a waterway. The screening must conform to subsection 2, below.
 2. Screening shall include at least one of the following:
 - a. The Principal Structure and any required buffering or screening on the Lot; or
 - b. If the methods in subsection a, above, are not sufficient to provide complete screening, a minimum Type A Land Use Buffer pursuant to Sec. 9.4.4, *Landscape Buffers*, or a minimum six foot masonry wall must be provided between the Permanent Storage Unit and the required Lot Lines.
- F. **Building Design.** The requirements contained in subsections 1 through 5, below, apply to all Permanent Storage Units, regardless of screening:
 1. The Building footprint of the Permanent Storage Unit shall not occupy more than 500 square feet.;
 2. The Building Height of the Permanent Storage Unit shall not exceed 12 feet.;
 3. Permanent Storage Units must be installed, underskirted, and anchored in the same manner as the Principal Building;
 4. All moving or towing apparatus must be removed or concealed with skirting, including hitch, wheels and axles.;
 5. Bare, unfinished metal is prohibited as an exterior building material.
- G. **Existing Permanent Storage Units.** Permanent Storage Units in existence prior to July 19, 2006 shall be considered to be existing legal Nonconforming Structures pursuant to the requirements of Art. 10.3, *Nonconforming Structures*, of this Ordinance.

Sec. 6.5.19 Solar Collectors

Solar Collectors may be established as Accessory Uses in all Zoning Districts pursuant to the requirements listed below. Solar Farms are not allowed as Accessory Uses or Structures.

- A. **General Requirements.**
 1. Solar Collectors incorporated into Nonresidential Structures shall be integrated into the basic form and main body of the Structure. If roof-mounted, all collector panels shall fit into the form of the roof; if the roof of the Structure is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at Street level. Exposed rack supports and free-standing collectors apart from the main Structure shall not be allowed;
 2. All components servicing the collector panels shall be concealed, including mechanical piping and conduits; and
 3. All exposed metal shall be of a color that will blend into its surroundings.
 4. Solar Collectors shall be designed with anti-reflective coating to minimize glare. Provisions for the use of adequate technology and construction methods such as anti-reflective coating or textured glass used as panel materials shall be required to prevent and deflect bird deaths. Mirrors shall be prohibited.
- B. **Roof-Mounted Solar Collectors.**
 1. Roof-mounted Solar Collectors located on the front or side of Residential Structure roofs visible from the public Right-of-Way shall not extend above the peak of the roof plane where it is mounted, and no portion of any such Solar Collector shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.



2. Roof-mounted Solar Collectors located on the rear or interior side of Residential Structure roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such Solar Collector shall extend more than four feet as measured perpendicularly to the roof at the point where it is mounted.

3. Roof-mounted Solar Collectors are exempt from Building Height requirements.

C. **Ground-Mounted Solar Collectors.** The requirements listed below shall apply to ground-mounted Solar Collectors in addition to the applicable requirements of this Article.

1. All utility service lines serving a ground-mounted Solar Collector shall be located underground;
2. Ground-mounted Solar Collectors shall not exceed 16 feet in height as measured from the ground to the foremost tip of the Solar Collector;
3. Ground-mounted Solar Collectors shall not exceed 5,000 square feet in Residential and Agricultural Zoning Districts; otherwise, the Special Exception procedures of this Ordinance shall apply;
4. Ground-mounted Solar Collectors shall be located to meet all setback requirements of the Principal Structure; and
5. Ground-mounted Solar Collectors shall be screened in a manner that completely shields the Solar Collectors from view off-site.

ARTICLE 6.6 TEMPORARY USES AND STRUCTURES

Sec. 6.6.1 Manufactured Housing Units

The Zoning and Planning Director shall be authorized to approve a Zoning Permit for the temporary placement and use of a Manufactured Housing Unit as an Accessory Dwelling Unit in accordance with the following standards:

- A. The Manufactured Housing Unit shall be restricted to residential purposes and shall be located on the same Lot with a Single-Family Detached Dwelling or a Manufactured Housing Unit or on an individual abutting Lot. The following criteria shall be utilized to determine the need for the temporary use:
 1. The Person who will occupy the Manufactured Housing Unit is a relative by blood or marriage;
 2. The Manufactured Housing Unit proposed is of a temporary nature which can be easily removed after expiration of the Zoning Permit;
 3. The physical and/or mental conditions of the Person who will occupy the Manufactured Housing Unit shall be certified by a physician;
 4. Written approval of all abutting landowners shall be required; and
 5. The proposed Manufactured Housing Unit installation shall meet South Carolina Department of Health and Environmental Control (DHEC) standards and have their written approval.
- B. The Zoning and Planning Director may revoke or terminate the Zoning Permit at the request of the initiating applicant or upon finding that Zoning Permit conditions are being violated. The temporary accommodations, together with any associated services, shall be removed from the premises within 30 days after notice of termination.
- C. Zoning Permits for such use shall be valid for a maximum of one year, and upon written request of the initiating applicant and Lot owner including demonstration of compliance with the requirements of this Ordinance, the Zoning and Planning Director may approve annual extensions.

Sec. 6.6.2 Temporary Sales

- A. Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a Lot where permitted as an Accessory Use pursuant to this Ordinance. Such sales may be conducted only once in a calendar year from the same Lot.
- B. Turkey shoots and the sale of Christmas trees and, fireworks are authorized where allowed as an Accessory Use and shall not exceed a total time period of 60 days during a one-year period.



- C. Other temporary sales of merchandise shall be permitted as an Accessory Use to legally permitted Principal Use, provided that the maximum term for such Zoning Permit shall not exceed ten consecutive days, and no more than four such Zoning Permits may be issued per Lot, per calendar year.

Sec. 6.6.3 Roadside Stands

- A. Zoning Permits are not required for Sweetgrass Basket Stands.
- B. Sale of Indigenous Produce:
 - 1. Stands are not required to be located on the same Lot on which the produce being sold is grown when the Lot where the stand is located: (1) is owned by the Person or entity that owns the Lot on which the produce being sold is grown; and (2) is within one mile of the Lot on which the produce being sold is grown. This distance shall be the shortest route of the ordinary pedestrian or vehicular travel along the public Thoroughfare from the nearest point of the Lot on which the produce being sold is grown to the nearest point of the Lot on which the stand is located;
 - 2. The sale of Indigenous Produce shall not occur within the Right-of-Way;
 - 3. The sale shall not cause traffic safety problems;
 - 4. At least two cars can be parked safely by the vendor; and
 - 5. The permission of the Property Owner has been obtained in writing.

Sec. 6.6.4 Construction Facilities

- A. Accessory construction facilities may be allowed in order to establish an operations base in any Zoning District upon obtaining Special Exception approval pursuant to the requirements of Art. 3.6, *Special Exceptions*, of this Ordinance. Included in accessory construction facilities are temporary batching plants for asphaltic or Portland cement concrete, temporary Buildings, field storage of materials and/or equipment.
- B. Such construction facilities must be located on the project site or within a three-mile radius of the project site.
- C. Each Zoning Permit shall specify the location of the proposed facility and define the area and boundaries to be served.
- D. The Zoning Permit shall be granted of a maximum of one year and upon written request of the Property Owner, may be extended for up to one year. Upon termination of the Zoning Permit, all materials used in the construction or installation shall be removed from the premises.
- E. Ingress and egress from such facilities shall be only from major arterials which give rise to the least traffic through residential areas.

ARTICLE 6.7 SPECIAL EVENTS USE

Sec. 6.7.1 Purpose

The intent of this Article is to provide regulations that guide the use of unincorporated properties for the purpose of hosting Special Events of varying sizes and functions, while protecting the surrounding community. The regulations of this Article shall apply in conjunction with any other standards contained within this Ordinance.

Sec. 6.7.2 Private Special Events

The following are exempt from the requirements of this Article and shall not require the issuance of a Zoning Permit:

- A. Private parties and gatherings that do not meet the definition of Special Event included in this Ordinance;
- B. Auctions of private real estate;
- C. Estate auctions;
- D. Neighborhood gatherings only for the residents of the applicable neighborhood;
- E. Temporary Uses pursuant to Article 6.6, Temporary Uses and Structures, of this Ordinance;
- F. Outdoor Special Events which the Zoning and Planning Director determines are accessory uses to legally established businesses in Commercial and Industrial Zoning Districts or legally established public or civic facilities, and for which



the entire event, including vendors, patrons, and all parking can be contained onsite. In such cases, the requirements of Sec. 6.7.5.B and Sec. 6.7.5.C apply; and

- G. Indoor Special Events held in legally established businesses in Commercial and Industrial Zoning Districts or legally established public facilities or civic facilities.

The Zoning and Planning Director may exempt other organized activities from the requirements of this Article on a case-by-case basis, if the criteria listed below are met:

- A. The activity has less than 100 people in attendance;
- B. There are no impacts on public Streets, Rights-of-Way, and/or County owned or managed parks or facilities; and
- C. There are no impacts on normal vehicular and pedestrian traffic requiring the use of County services.

Sec. 6.7.3 Temporary Special Events

Temporary public assembly use and Special Events, such as cultural events, outdoor concerts and parking for Special Events, shall require a Temporary Special Events Permit from the Zoning and Planning Director. Such permit shall not be issued for periods in excess of ten consecutive days, and no more than five such permits may be issued per lot, per calendar year, except as otherwise limited by this Article. The requirements of Sec. 6.7.5, *Outdoor Special Events (Principal Uses and Temporary Special Events)*, shall apply in addition to the requirements of this Section. Any Temporary Special Event utilizing 25 acres of land area or more shall require Special Exception approval in accordance with the procedures contained in CHAPTER 3, *Development Review Procedures*, of this Ordinance.

Temporary Special Events Permits may be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity and the site can safely support the proposed activity. The following information is required to be submitted with applications for Temporary Special Events Permits (in addition to the required fee):

- A. A detailed Letter of Intent describing the purpose of the event indicating date(s) and time(s), anticipated number of participants, and whether alcohol will be served and if amplified sound (music or other amplified noise) will be utilized;
- B. A legible site plan drawn to scale indicating vehicular traffic areas (parking, driveways, circulation etc.), gathering areas, restroom and vendor locations, and locations of existing and planned structures to be used as part of the event;
- C. Letters of coordination from Fire, Police, and Emergency Medical Services and Building Inspection Services if applicable;
- D. Documentation of Charleston County Business license issuance for the host and participating vendors and copy of valid Department of Revenue license if alcohol will be sold;
- E. Documentation from pertinent service providers for restroom facilities and garbage collection; and
- F. Other pertinent information as deemed necessary by the Zoning and Planning Director

The following requirements shall, in addition to all other applicable requirements of this Ordinance, apply to property located in the Agricultural and Residential Zoning Districts:

- A. A maximum of five Temporary Special Events Permits may be issued per Lot, per calendar year, and each permit shall be valid for a maximum of three consecutive days;
- B. Each Temporary Special Events Permit shall only be valid for a single Special Event. Multiple Special Events within the same three day time period shall require separate Temporary Special Events Permits;
- C. Daily event attendance in the AG-15, AGR, RR, S-3, R-4, UR, MHS, and MHP Zoning Districts shall be limited to 500;
- D. Daily event attendance in the RM, AG-10, and AG-8 Zoning Districts shall be limited to 2,000; and
- E. The maximum number of Temporary Special Events Permits allowed per calendar year and/or maximum daily attendance may only be increased if the requirements listed below, as well as all other applicable requirements of this Ordinance, are met and the request is approved in accordance with the Special Exception Procedures contained in this Ordinance. If approved by the Board of Zoning Appeals, the approval is only valid for one calendar year from the date of Zoning Permit issuance.
 - 1. *Application.*



- a. Compliance with Article 3.7, *Site Plan Review*, and Article 3.6, *Special Exceptions*, of this Ordinance is required, provided, however, that the approval criteria contained in this Article shall apply instead of the approval criteria contained in Sec. 3.6.5.
 - b. All applications must be signed by the Property Owner or designated agent.
 - c. Letters of coordination from the following agencies shall be submitted during Site Plan Review: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), the appropriate Fire Service provider for the subject property, and a designated solid waste collection/disposal company or a letter indicating a private method of waste collection/disposal.
2. *Requirements.*
- a. The Subject Property or properties shall contain a minimum of ten combined acres of Highland area and must border a public Arterial Street, as defined in this Ordinance;
 - b. There shall be direct access to a public Arterial Street, as defined in this Ordinance;
 - c. No more than 25 events shall be allowed per calendar year;
 - d. Daily attendance shall not exceed 5,000;
 - e. All Structures shall comply with the requirements of this Ordinance, including but not limited to, the Density, Intensity, and Dimensional Standards and Accessory Structure requirements;
 - f. All parking shall be contained on the Subject Property or on a contiguous property. A recorded, parking agreement shall be required if temporary off-street parking is provided on a parcel other than the Subject Property. At no time shall associated event parking be allowed in a public or private Right-of-Way or access Easement;
 - g. The maximum occupancy of an individual permanent Structure shall comply with the occupancy standards of the Charleston County Building Code;
 - h. All events shall adhere to the Charleston County Noise Regulations and all other applicable Charleston County ordinances;
 - i. All existing or proposed Structures shall retain a residential or agricultural character;
 - j. A 100-foot Type F Buffer shall be required around the perimeter of the property;
 - k. Special Events shall not begin before 10 am and shall end by 10 pm; and
 - l. The Applicant must hold at least one community workshop prior to the submittal of the Special Exception application and written documentation of the community workshop(s) must be submitted. Written documentation may include, but is not limited to, sign-in sheets, meeting summaries, memos and/or letters from the Applicant describing the meeting(s), etc. The purpose of the workshop(s) is to ensure early citizen participation in an informal forum, in conjunction with the Development applications and to provide an Applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.
3. *Special Exception Approval Criteria.* The approval criteria contained in this Article shall apply instead of the approval criteria contained in Sec. 3.6.5 of this Ordinance. Applications may be approved only if the Board of Zoning Appeals finds that the proposed use:
- a. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
 - b. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads;
 - c. Includes adequate provisions for items such as: Setbacks and buffering (including Fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, Vibration, dust glare, odor, traffic congestion, and similar factors;
 - d. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
 - e. The setup and disassembly of Special Events will not be detrimental to the surrounding community;
 - f. Includes sufficient safeguards for the use of temporary structures, if applicable;



- g. Complies with all applicable rules, regulations, laws, and standards of this Ordinance, including but not limited to any use conditions, Zoning District standards, or Site Plan Review requirements of this Ordinance; and
- h. Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the Zoning District's "Purpose and Intent".

If approved by the Board of Zoning Appeals, the approval is only valid for one calendar year from the date of Zoning Permit issuance. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure 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. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.

If the proposed use is approved by the BZA, the Zoning and Planning Department shall provide written notification to the following agencies, as applicable: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), and the appropriate Fire Service provider for the subject property.

Sec. 6.7.4 Special Events Established as Principal Uses in Commercial and Industrial Zoning Districts

Special Events in Commercial and Industrial Zoning Districts shall comply with the requirements of Sec. 6.7.5, Outdoor Special Events (Principal Uses and Temporary Special Events), and the following:

- A. The establishment of a new Special Events principal use in the NC, RC, CC, and IN Zoning Districts shall comply with the requirements of Article 3.7, *Site Plan Review*, of this Ordinance.

Sec. 6.7.5 Outdoor Special Events (Principal Uses and Temporary Special Events)

- A. With the exception of Special Events at federal, state, and county parks and legally established fairgrounds, any accessory, outdoor Special Event consistent with the definition of "Special Event," as defined in this Ordinance, must comply with Sec. 6.7.3, *Temporary Special Events*, and a Zoning Permit shall be required.
- B. Any outdoor Special Event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within 500 feet of the property line of a residentially developed Parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with this Article. Distances shall be measured from the site of the Special Event activity on the Subject Property to the nearest property line of a Lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.
- C. All outdoor Special Event activities will be subject to the County's livability and/or noise ordinance.

Sec. 6.7.6 Indoor Special Events

A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial Zoning Districts and public facilities or civic facilities such as: Hotels/Motels, convention centers; Social Lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold Special Events.

Sec. 6.7.7 Zoning Permit

A Zoning Permit shall be required prior to commencing Special Events and shall be maintained for the duration of the Special Events use, following Site Plan Review and Special Exception approval, as applicable. Additionally, a valid, Charleston County Business License is required following Zoning Permit approval.

Sec. 6.7.8 Lapse of Approval



A valid Charleston County Business License must be maintained for a principal Special Events use. If this Business License is not renewed annually or is discontinued, for any reason, for a period of at least six consecutive months, then the use shall be considered abandoned. Once abandoned, the Special Exception approval and the Zoning Permit for the Special Events use shall be deemed null and void. Renewal of the Special Events use shall require the approval of the Board of Zoning Appeals (BZA) and compliance with the regulations of this Ordinance.

ARTICLE 6.8 SHORT-TERM RENTALS

Sec. 6.8.1 Purpose and Applicability

- A. **Purpose.** The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted Short-Term Rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated Charleston County.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of Dwellings as STRPs by:

1. Providing for an annual permitting process to regulate STRPs;
2. Balancing the interests of properties that are frequently used in whole or in part by Short-Term Rental Tenants;
3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular Dwelling is located;
4. Providing alternative accommodation options for lodging in residential Dwelling Units; and
5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

B. **Applicability.**

1. *Short-Term Rental Types.* The following Short-Term Rentals shall be authorized pursuant to this Article:
 - a. STRP, *Limited Home Rental (LHR)*;
 - b. STRP, *Extended Home Rental (EHR)*; and
 - c. STRP, *Commercial Guest House (CGH)*.
2. *Applicable Zoning Districts.* STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, *Use Table*, applicable Overlay Zoning District Regulations, and as approved in Planned Development Zoning Districts. Planned Development Zoning Districts that do not specify STRPs as an allowed use must be amended to allow STRPs.
3. *Application.* Applications for STRPs shall be made in compliance with this Article.
4. *Variances.* Variances from the requirements of Sec. 6.8.3.A, *Use Limitations and Standards*, are prohibited.

- C. **Registration.** All STRPs require a Zoning Permit and Business License, which must be renewed annually pursuant to this Article.

- D. **Compliance with Other Regulations.** All STRPs, including Nonconforming Uses as allowed for in this Article, shall comply with all applicable local, state, and federal rules and regulations.

Effective on: 10/27/2017, as amended

Sec. 6.8.2 Permitting Processes

- A. **Zoning Permit Application.** No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.



1. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).
2. Completed STRP application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
3. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
4. Address and Property Identification Number of the property on which the STRP is located.
5. The type of STRP that is the subject of the application (LHR, EHR, or CGH);
6. Owner-Occupied STRP affidavit, as applicable;
7. The type of Dwelling(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, 6.5.9, Single Family Detached, Duplex, Single Family Attached, Manufactured Housing Unit not located in a Manufactured Housing Park, Triplex, and/or Fourplex, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable. Tents, RVs, boats, sheds, garages, and similar structures shall not be used as STRPs; and
8. The maximum number of bedrooms available at the STRP.

B. **Short-Term Rental Property Site Plan Review Categories.** Notwithstanding the provisions of Art. 3.7, *Site Plan Review*, or this Ordinance, STRPs must complete Site Plan Review as prescribed in this Section based on the Permitting Process provided in Table 6.8.2 prior to obtaining a STRP Zoning Permit. The Building Inspection Services Department may require a building safety inspection and/or Building Permit as a condition of the STRP Site Plan Review approval.

1. *STRP, Administrative Site Plan Review.* Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
2. *STRP, Limited Site Plan Review.* Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
3. *STRP, Full Site Plan Review.* Requires compliance with the requirements of Art. 3.7, *Site Plan Review*, of this Ordinance.

C. **Special Exception.** Notwithstanding the provisions of Art. 3.6, *Special Exceptions*, of this Ordinance, the following approval criteria shall apply to STRPs in place of those contained in Sec. 3.6.5 of this Ordinance if a Special Exception is required to obtain a STRP Zoning Permit based on the Permitting Process provided in Table 6.8.2 of this Article:

1. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
2. Adequate provision is made and/or exists for such items as: Setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
3. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.

All other provisions and requirements of Art. 3.6, *Special Exceptions*, shall apply.

D. **Zoning Permit Issuance and Business Licenses.** After a STRP Application has been approved, a STRP Zoning Permit and a Business License must be obtained prior to a property owner offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.

E. **Annual Zoning Permit Renewal.**



1. All STRP Zoning Permits must be renewed annually in compliance with this Article. An application for annual renewal of the Zoning Permit must include:
 - a. The application fee;
 - b. A notarized affidavit signed by the Property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit provided by the County); and
 - c. Owner-Occupied STRP affidavit, as applicable.
2. The Zoning and Planning Director may request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts. The records shall be provided to the Zoning and Planning Director within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.
3. The applicant shall file an application for a new STRP Zoning Permit if the aforementioned requirements are not met.
4. If the Zoning and Planning Director determines that the STRP use is not consistent with the Special Exception approval that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new STRP Zoning Permit, including applicable Special Exception and/or Site Plan Review applications and fees, and all requirements in effect at the time of STRP Zoning Permit application submittal shall apply.
5. The owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director.

Table 6.8.2, Permitting Process for STRPs [1]

	Limited Home Rental (LHR) [1]	Extended Home Rental (EHR) [2]	Commercial Guest House (CGH) [1][2]
Applicable Zoning Districts	RM, AG-15, AG-10, AG-8, AGR, RR, S-3, R-4, MHS, and UR (including Goat Island)	AG-8 [3], AGR [3], S-3, R-4, and MHS (including Goat Island)	RO, GO, NC, RC, and CC
Owner-Occupancy Requirements	Must comply with the Owner-Occupied Short-Term Rental Property definition contained in this Ordinance.	None	None
Maximum Number of Days STRPs May be Rented (note: days apply per Lot and not per Dwelling)	72 days in the aggregate per calendar year	144 days in the aggregate per calendar year	No Limit
Zoning Review Type	STRP, Administrative Site Plan Review	STRP, Limited Site Plan Review, and Special Exception	STRP, Full Site Plan Review [2]

Table Notes:

1. The following shall apply to all STRP types:
 - a. A STRP Zoning Permit is required and the STRP Zoning Permit Number for the current year must be visible on all advertisements. Zoning Permits must be renewed annually pursuant to this Article.
 - b. A Business License is required and the Business License Number for the current year must be visible on all advertisements. Business Licenses must be renewed annually.
 - c. Building safety inspection or Building Permit may be required, as determined by the Charleston County Building Inspection Services Department.
2. If a proposed STRP is located in an Office or Commercial Zoning District and contains a Residential use, STRP, Limited Site Plan Review shall apply instead of STRP, Full Site Plan Review.
3. EHRs shall be allowed in the AGR and AG-8 Zoning Districts subject to Special Exception approval if they are Bona Fide Agricultural Uses



and the owner of record: (1) has designated the subject property as his/her legal voting address; or (2) has designated the subject property as the address on his/her driver's license or other government issued identification.

Sec. 6.8.3 General Standards

A. Use Limitations and Standards.

1. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
2. Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.2.2, *Off-Street Parking Schedule A*, of this Ordinance.
3. Signage advertising STRPs is prohibited in Residential Zoning Districts.
4. Dwellings located in Dwelling Groups shall not be used as Short-Term Rental Properties, regardless of the Zoning District in which the Subject Property is located.

B. Advertising. Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued STRP Zoning Permit Number and Business License Number for the current year.

C. Special Events. The applicable requirements of Article 6.7, *Special Event Use*, of this Ordinance apply.

D. Short-Term Rental Property Tenant Notices. Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:

1. Contact information for the owner of the STRP;
2. STRP Zoning Permit and Business License Numbers for the current year;
3. Trash collection location and schedules, if applicable; and
4. Fire and Emergency evacuation routes.

Effective on: 11/8/2017, as amended

Sec. 6.8.4 Enforcement and Violations

A. Notwithstanding the provisions of CHAPTER 11, *Violations, Penalties, and Enforcement*, of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. However, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no current Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued STRP Zoning Permit Number and Business License Number for the current year.

B. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Zoning and Planning Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of CHAPTER 3, Article 3.13, of this Ordinance.

C. Once a County-issued STRP Zoning Permit and/or a Business License has been revoked, no new STRP Zoning Permit and/or Business License shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new STRP Zoning Permit application may be filed and all requirements, processes, and fees in effect at the time of the STRP Zoning Permit application submittal shall apply.

Effective on: 10/26/2017, as amended

Sec. 6.8.5 Amortization of Nonconforming STRPs

The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to terminate a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into compliance pursuant to S.C. Code Ann. Section 6-29-730 (2007).



Therefore, if a Dwelling was legally used as a STRP prior to July 24, 2018, the Dwelling may continue as a Nonconforming Use pursuant to [CHAPTER 10](#), Nonconformities, of this Ordinance until July 24, 2023 to allow for the recovery or amortization of the investment in the Nonconforming Use, after which the Nonconforming Use as a STRP shall terminate.

During the amortization period, all Nonconforming STRPs must comply with all other requirements of this Article as is reasonably possible, including but not limited to, making an application for a Short-Term Rental Permit. Exceptions will be made for restrictions on maximum number of rental days, special exceptions use conditions, owner occupancy status, or use subject to conditions.

Not less than 60 days before the end of the amortization period, the owner of the Dwelling may request a special exception to the amortization period. All requests shall be made to Board of Zoning Appeals in writing, and all decisions shall be subject to the provisions of Art. [3.6](#) of the ZLDR except for Art. [3.6.1](#) and Art. [3.6.5](#).

The Board of Zoning Appeals may grant an extension of the time of the amortization period if the owner of the Nonconforming STRP proves that he is unable to recoup his investment in such property by the conclusion of the amortization period.

Criteria and Findings. In determining whether to grant an extension of the amortization period for a Nonconforming STRP, and in determining the appropriate length of such an extension, the Board of Zoning Appeals shall consider the following factors:

- A. The gross income and expenses from the Nonconforming STRP since the use began;
- B. The amount of the property owner's investment in the Nonconforming STRP prior to July 24, 2018;
- C. The amount of such investment that has been or will have been realized at the conclusion of the five-year amortization period;
- D. The present actual and depreciated value of the property and improvements;
- E. The applicable Internal Revenue Service depreciation schedule;
- F. The total length of time the Nonconforming Use has existed;
- G. The existence or nonexistence of lease obligations, as well as any contingency clauses permitting termination of such lease;
- H. The remaining value and allowed uses of the property after discontinuing the Nonconforming Use;
- I. The ability of the property owner to change the use to a conforming use;
- J. The effects of the Nonconforming Use on the surrounding area;
- K. The extent to which the Nonconforming Use is incompatible with surrounding uses and properties;
- L. The interference with or threat to the public health, safety, and welfare of the community; and
- M. Any other factor the Board of Zoning Appeals reasonably determines is related to determining whether the investment in the Nonconforming Use has been recovered.

The Board of Zoning Appeals shall receive and consider evidence presented by the Applicant, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.