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City of Walterboro

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Walterboro, South Carolina 29488

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MEMORANDUM

To: Mayor and Council
From: David B. Dodd, Planning Director 
Subject: Recommended Changes to City of Walterboro Unified Development Ordinance
Date: July 20, 2012

The Municipal Planning Commission recommends the attached list of changes to the City of Walterboro Unified Development Ordinance and Zoning Map. All of the changes reflect only what was requested by City Council following the Public Hearing and workshop held on July 16, 2012 and those changes were unanimously approved by the Commission at a Special Called meeting on July 17, 2012. The corrected pages and zoning map are also attached.

**City of Waltherboro Unified Development Ordinance changes recommended by Municipal
Planning Commission at 7/17/2012 Special Called Meeting**

Page	Section	Change
2-8	2.4	Add - two family dwelling as permitted in NCD
3-9	3.2.8 (A)	Change density to 4 DUA
3-19	3.7.2	Remove "B" and change lettering on C & D to B & C
5-8	5.3 (I)	Replace picture with picture of local sign
5-11	5.3 (J-6)	Add "6" for on premise identification signs for garage sale / fundraiser. This addition being inserted created a change in pages numbered 5-12 thru 5-22 to 5-12 to 5-23.
5-17	5.4 (D)	"CB district" should be "Central Business District"
5-19	5.4 (F)	Change 2 nd bullet under Other to from "10-day time period, no more than once a month" to "10 days per 90 day period"
5-20	5.4 (G)	Change bullet under Other from "one permit per year for a period of no greater than 14 days" to "two permits per year for a period of no greater than 7 consecutive days each"
7-7	Fig 7.3	Change note in parking lot diagram from "at least" to "no more than 60 feet"
10-4	10.3.3 (B)	Add Variances in "Review and Approval Procedures" on pages 10-4, 11-2 thru 11-12 and on page 12-3.
11-17	11.5.3 (A)	Add "Building types, for which there are no adopted Design Guidelines, shall be compatible with the massing, size, scale and architectural features of nearby structures."
A-47	Appendix A	Add definition for "Total Development Area" Entire area in acreage, including developable and undevelopable land, in development plan.

Zoning Map Changes

change 2 GCD parcels on south West corner of Wichman Street and North Memorial Avenue to SFR – TMS #'s 163-11-00-133 and 163-11-00-134



City of Walterboro

UNIFIED DEVELOPMENT ORDINANCE

Adopted July 24, 2012



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SECTION 2.4 PERMITTED USES TABLE

Residential Uses											
	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Accessory apartment		C	C	C	C	C	C	C	C	C	3.2.1
Accessory structure (residential)		C	C	C	C	C	C	C			3.2.2
Bed & breakfast inn		C									3.2.3
Boarding or rooming house				C							3.2.4
Conservation development		C	C	C	C						3.2.5
Family care home for the handicapped		C	C	C	C		C	S			3.2.6
Home occupation		C	C	C	C	C	C	C			3.2.7
Mobile home park				S/C				C			3.2.8
Multi-family dwelling (includes apartments & townhomes)				SC	SC	SC	SC	SC			3.2.9
Single-family dwelling, detached		P	P	P	P		P	S			
Temporary emergency residence		C	C	C	C	C	C	C			3.2.10
Two-family dwelling (duplex)			P	P	P						
Civic, Government, & Institutional Uses											
	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Assembly hall		S/C	S/C	SC	SC			P	P		3.3.1
Cemetery (with or without chapel)	S							P			
Colleges, Universities, & associated facilities		S				S	S	S			
Community center		SC	SC	SC	SC			P			3.3.1
Correctional facility										S	
Daycare center		SC	SC	SC	SC		C	C	C	SC	3.3.2
Government office	S	S	S	S	S	P	P	P	P	P	
Hospitals & medical treatment facilities (greater than 20,000 sq. ft.)								P	P		
Museum, historical displays				S	P	P	P	P	P		
Public safety facility	S	S	S	S	S	S	S	S	S	P	
Public utility facility (excluding sewage treatment)	S	S	S	S	S	S	S	S	S	P	
Public utility facility (including sewage treatment)								S	S	S	
Religious institution & related uses		S	S	S	S			P	S	P	
Research facility, laboratory					S					P	
Residential care facility			S	S	S		P	P	P	S	
School & associated facilities (public & private elementary & secondary)		SC	SC	SC	SC	SC	C	C		SC	3.3.3
School (trade & vocational)						C	P	P	P	P	
Visitors' center & public information facility	P				S	P	P	P	P		
P=Permitted Use C=Conditional Use S=Special Exception Blank=Not Permitted Conditions=See Chapter 3 for Conditional Uses											

CHAPTER 3: CONDITIONAL USES

of mobile homes into mobile home parks. In order to qualify for a Certificate of Zoning Compliance, a proposed park must meet the requirements listed below.

A. Mobile homes at a density not to exceed four (4) units per acre are permitted.

B. Accessory structures shall meet the requirements of Section 3.2.2.

C. The following dimensional standards shall apply:

Minimum lot size	5 acres
Minimum lot width	150 ft
Front setback	25 ft
Side setback--Park	25 ft
Rear yard--Park	15 ft
Minimum mobile home space	4000 sq ft
Minimum mobile home space width	40 ft
Interior side yard (mobile home space) setback	15 ft
Common recreational/ open space	100 sq ft per home space; 2,500 sq ft minimum per MHP

D. Two on-site parking spaces shall be provided for each mobile home space.

E. Mobile Home Parks shall meet the buffer requirements of Section 7.3.1. The streetyard requirements of Section 7.3.4 shall also be met where the MHP abuts a public street.

3.2.9 Multi-Family Dwelling

A. No building shall exceed a length of 150 feet.

B. A distance of at least 20 feet shall be maintained between all buildings within the development.

C. All sanitary containers shall be completely screened from view of the street and adjacent properties with fencing and/or landscaping.

D. Multi-family dwellings shall not occupy the first floor or ground level in the CBD.

3.2.10 Temporary Emergency Residences

Mobile homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied dwelling being destroyed (i.e., it receives damage greater than 60 percent of its tax value as indicated on the most current tax listings). In this instance, a mobile home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such mobile home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a mobile home is used for such an occurrence, it is subject to the following conditions:

A. Temporary emergency residences shall not be placed in the front yard and shall be located no closer than 15 feet to another principal residential structure on another lot and no closer than 10 feet to any lot line.

B. The Administrator shall be given the authority to issue a Certificate of Zoning Compliance for such temporary residence on a one-time basis only for a period of up to one (1) year.

Section 3.7 Industrial, Warehousing, Distribution, & Transportation Uses

3.7.1 Junkyards, Salvage Yards, Recycling Operations, & Similar Uses

- A. A junkyard may not be placed within 50 feet of a public street right-of-way.
- B. Junkyards shall be screened so as not to be visible from any public street right-of-way using a minimum six (6) foot privacy fence. No items may be stacked in a manner so that they protrude above the top of the fence.
- C. Burning shall not be permitted.
- D. Disposal of garbage shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- E. Disposal of toxic/hazardous matter is prohibited anywhere without a state permit.
- F. Stock piling of tires and batteries is prohibited.
- G. Storage of items shall be so arranged as to permit easy access for fire fighting purposes.

3.7.2 Storage, Mini-warehouse

- A. This use shall not be located within 500 feet of another storage/mini warehouse facility.
- B. All outdoor storage shall be located in the rear yard only.
- C. All outdoor storage shall be screened from view of the street with an opaque screen meeting the requirements of Section 7.6.

Section 3.8 Agricultural Uses

Reserved for future use.

CHAPTER 5: SIGNS

- This shall not apply to directory signs installed and maintained by SCDOT.

NA=Not Applicable

- G. **Legal and Warning Signs.** Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies; signs required for or specifically authorized for a public purpose by any law, statute or ordinance.

Max. Area	8 square feet
Max. Height	10 feet
Max. Number	NA
Min. Setback	May be located in right-of-way
Other	NA

NA=Not Applicable



Warning Sign

- H. **Occupant/Address Number Signs.** Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant.

Max. Area	8 square feet
Max. Height	NA (structure mounted)
Max. Number	1 per street frontage or entrance
Min. Setback	NA (structure mounted)
Other	All such signs shall be placed in such a manner as to be visible from the street.

NA=Not Applicable

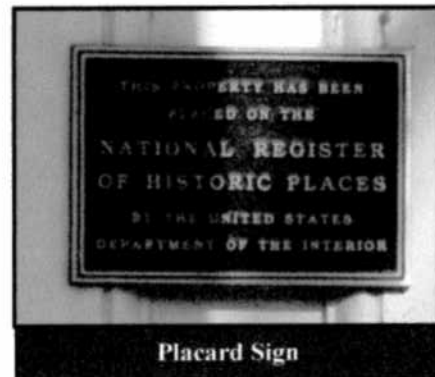


Address Number Sign

- I. **Placard Sign.** Small signs attached to a wall near the building entrance which displays historic designations or the name, address, and/or logo, trademark, occupation or profession of the occupant or building.

Max. Area	2 square feet
Max. Height	NA (wall mounted)
Max. Number	1 per street frontage
Min. Setback	NA (wall mounted)
Other	NA

NA=Not Applicable



Placard Sign

5. *A-frame signs.* Two-sided signs advertising a special sale or feature.

Max. Area	8 square feet (per side)
Max. Height	4 feet
Max. Number	1 per establishment per street frontage
Min. Setback	Outside of right-of-way
Other	<ul style="list-style-type: none"> • Shall be professionally made and constructed of weatherproof materials, not including unfinished plywood. • Shall be weighed down to prevent the sign from being blown into the street or structures. • Shall not interfere with pedestrian or vehicular circulation or sightlines. • Shall maintain at least 3 feet of continuous sidewalk clearance. • Shall be removed at the close of business each day. • This sign type includes changeable grease boards, black boards, and white boards.

NA=Not Applicable



A-frame Sign

6. *Yard Sale/Fundraiser signs.* On-premises signs identifying a temporary yard sale or fundraisers for non-profit organizations.

Max. Area	32 square feet
Max. Height	6 feet
Max. Number	1
Min. Setback	Outside of right-of-way
Other	NA

NA=Not Applicable



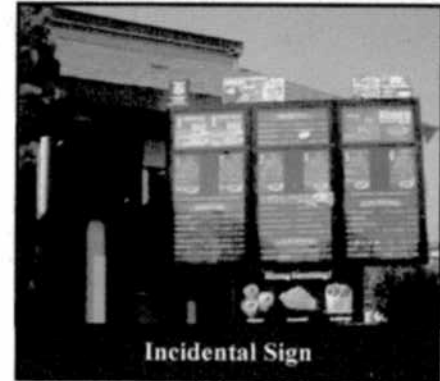
Yard Sale Sign

CHAPTER 5: SIGNS

- K. **Incidental signs.** Signs that cannot be read from the street right-of-way which inform or instruct customers or visitors on-site (i.e. drive-through menu boards, gas pump signs, bulletin boards, signs inside of a stadium).

Max. Area	NA
Max. Height	NA
Max. Number	NA
Min. Setback	NA
Other	Sign shall not be legible or attract attention from off site

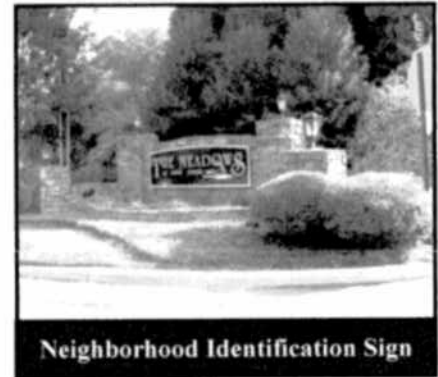
NA=Not Applicable



Section 5.4 Signs That Require a Permit

All of the signs enumerated in this section require a Certificate of Zoning Compliance prior to issuance of Sign Permit and subsequent to construction or alteration of a sign.

- A. **Neighborhood Identification Sign.** Permanent Sign at the entrance of neighborhoods that identifies the name and/or address of the development or area.



District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number	Other
RCD	No	NA	NA	NA	<ul style="list-style-type: none"> Max. area may be split between 2 signs on either side of entrance
SFR	PL*	32 sf	8	2	
MDR	PL*	32 sf	8	2	
HDR	PL*	32 sf	8	2	
NCD	PL*	32 sf	8	2	
CBD	No	NA	NA	NA	
GCD	PL*	32 sf	8	2	
HCD	PL*	32 sf	8	2	
IICD	No	NA	NA	NA	
ID	No	NA	NA	NA	

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

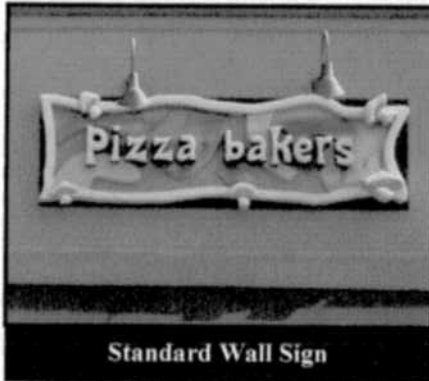
L: Illumination Allowed

*: External illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

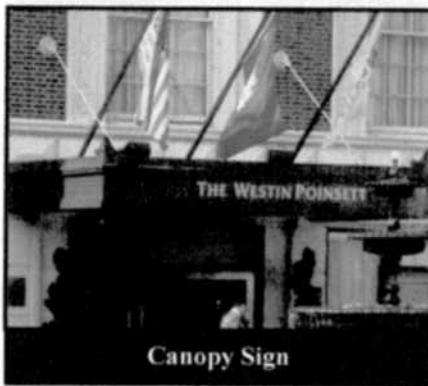
- B. Wall Sign. A permanent sign larger than two (2) square feet that identifies a business or organization and is affixed to a building wall, window, canopy or awning.



Standard Wall Sign



Awning Sign



Canopy Sign



Projecting Sign

District	Sign Type Allowed	Max. Area (square feet per linear feet of building wall)	Max. Number	Other
RCD	PL*	0.5 (up to 24 sf)	1	<ul style="list-style-type: none"> • Max. area may be split between number of signs allowed • Shall front on a public street or face a parking lot where a main building entrance is located. • Maximum projection is 12 inches from the wall face, except for projecting signs which may project up to four (4) feet. • Shall not extend above the parapet or eave of the building. • Signs hanging beneath a canopy shall not be greater than 4 square feet. • Canopy& awning signs shall not cover more than 35% of the canopy or awning area.
SFR	C	0.5 (up to 24 sf)	1	
MDR	C	0.5 (up to 24 sf)	1	
HDR	C	0.5 (up to 24 sf)	1	
NCD	PL*	0.5 (up to 32 sf)	2	
CBD	PL*	0.5 (up to 32 sf)	2	
GCD	PL	1 (up to 64 sf)	2	
HCD	PL	1 (up to 200 sf)	4	
IICD	PL	1 (up to 300 sf)	4	
ID	PL	1 (up to 200 sf)	4	

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4)

L: Illumination Allowed

*: External illumination only

- C. **Freestanding Sign (on-premises).** A permanent sign that identifies a business or organization or a group of businesses or organizations located on-site that is mounted to the ground. A free-standing sign may be monument, arm, pole, or pylon style, unless otherwise specified.



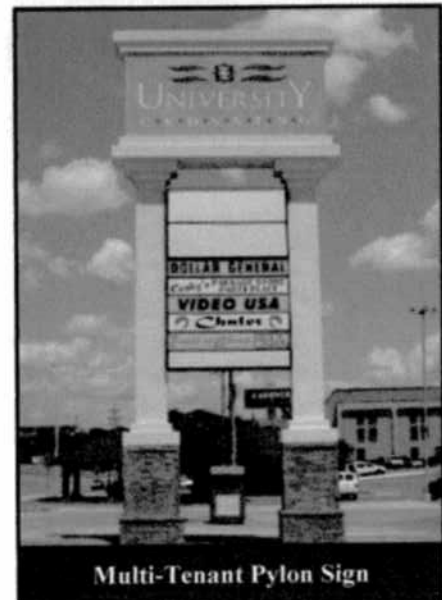
Monument Sign



Multi-Tenant Monument Sign



Arm Sign



Multi-Tenant Pylon Sign

CHAPTER 5: SIGNS

Freestanding Sign (continued)

District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number	Other
RCD	PL*	16sf	6	1	Shall be monument or arm style
SFR	CL*	16sf	6	1	Shall be monument or arm style
MDR	CL*	16sf	6	1	Shall be monument or arm style
HDR	CL*	16sf	6	1	Shall be monument or arm style
NCD	PL*	16sf + 8sf per tenant (up to 32 sf)	6	1	<ul style="list-style-type: none"> • Lots with 2 or more tenants shall utilize a multi-tenant sign. • Shall be monument or arm style
CBD	No	NA	NA	NA	See Section 5.4 (D)
GCD	PL	16sf + 8sf per tenant (up to 32 sf)	8	1 per street front	<ul style="list-style-type: none"> • Lots with 2 or more tenants shall utilize a multi-tenant sign. • Shall be monument or arm style • Permitted for each street front provided that total area does not exceed 1.5 times max. area.
HCD	PL	72 sf + 12sf per tenant (up to 96 sf)	30	1 per street front	<ul style="list-style-type: none"> • Lots with 2 or more tenants shall utilize a multi-tenant sign. • Permitted for each street front provided that total area does not exceed 1.5 times max. area.
IICD	PL	72sf + 12sf per tenant (up to 144 sf)	30	1 per street front	<ul style="list-style-type: none"> • Lots with 2 or more tenants shall utilize a multi-tenant sign. • Permitted for each street front provided that total area does not exceed 1.5 times max. area. • See requirements for Interstate Signs in subsection (D) for more options.
ID	PL	32 sf + 8sf per tenant (up to 64sf)	8	1 per street front	<ul style="list-style-type: none"> • Lots with 2 or more tenants shall utilize a multi-tenant sign. • Permitted for each street front provided that total area does not exceed 1.5 times max. area.

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

L: Illumination Allowed

*: External Illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

- D. **Downtown Business Sign.** A small sign attached to a light pole or freestanding pole to identify businesses in the Central Business District.



Downtown Business Sign

District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number (per business)	Other
RCD	No	NA	NA	NA	NA
SFR	No	NA	NA	NA	NA
MDR	No	NA	NA	NA	NA
HDR	No	NA	NA	NA	NA
NCD	No	NA	NA	NA	NA
CBD	P	NA	NA	1	Must conform to city-approved template provided by city and mounted in holes on poles provided by the City
GCD	No	NA	NA	NA	NA
HCD	No	NA	NA	NA	NA
IICD	No	NA	NA	NA	NA
ID	No	NA	NA	NA	NA

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

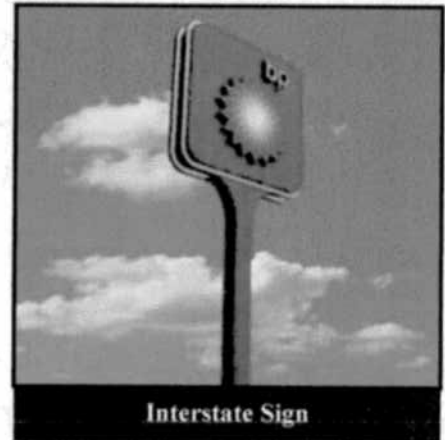
L: Illumination Allowed

*: External illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

- E. **Interstate Sign.** A tall on-premises monopole sign within 1,000 feet of the Interstate 95 right-of-way intended to be visible to the travelling public on the interstate.



District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number (per lot)	Other
RCD	No	NA	NA	NA	NA
SFR	No	NA	NA	NA	NA
MDR	No	NA	NA	NA	NA
HDR	No	NA	NA	NA	NA
NCD	No	NA	NA	NA	NA
CBD	No	NA	NA	NA	NA
GCD	No	NA	NA	NA	NA
HCD	No	NA	NA	NA	NA
IICD	PL	200 sf	75	1	May only be located within 1,000 feet of interstate
ID	No	NA	NA	NA	NA

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

L: Illumination Allowed

*: External illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

- F. **Banners.** Flexible signs advertising a special sale or feature.



District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number (per lot)	Other
RCD	P	32 sf	NA	1	<ul style="list-style-type: none"> • Shall be hung against the building wall. Shall not be attached to a roof, fence, or existing sign. • Maximum 10 days per 90 day period. • Shall not be located above a second floor level.
SFR	C	32 sf	NA	1	
MDR	C	32 sf	NA	1	
HDR	C	32 sf	NA	1	
NCD	P	32 sf	NA	1	
CBD	P	32 sf	NA	1	
GCD	P	32 sf	NA	1	
HCD	P	32 sf	NA	1	
IICD	P	32 sf	NA	1	
ID	P	32 sf	NA	1	

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

L: Illumination Allowed

*: External illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

- G. **Pennants/Inflatables.** Flexible advertising material for special sale or event designed or capable of being moved in the wind. May include pennants, feather flags, streamers, or inflatable signs including inflated balloons having a diameter of greater than one (1) foot.



Inflatable Sign

District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number (per lot)	Other
RCD	P	NA	NA	NA	<ul style="list-style-type: none"> Limited to two (2) permits per year for a period of no greater than 7 consecutive days each.
SFR	C	NA	NA	NA	
MDR	C	NA	NA	NA	
HDR	C	NA	NA	NA	
NCD	P	NA	NA	NA	
CBD	P	NA	NA	NA	
GCD	P	NA	NA	NA	
HCD	P	NA	NA	NA	
IICD	P	NA	NA	NA	
ID	P	NA	NA	NA	

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

L: Illumination Allowed

*: External illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

- H. **Billboards.** Signs advertising goods or services that are not necessarily located on the same premises as the sign.



District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number (per lot)	Other
RCD	PL	200 sf	75	1	<ul style="list-style-type: none"> • Billboards in the IICD shall be off-premises only. • Billboards in RCD shall face interstate, one per direction of traffic flow per park, may only advertise park or refuge in which it is located, and shall meet US Fish & Wildlife or SCDNR regulations. • All billboards shall comply with SC and Federal DOT regulations. • Change of copy on billboard face does not require a sign permit.
SFR	No	NA			
MDR	No	NA			
HDR	No	NA			
NCD	No	NA			
CBD	No	NA			
GCD	No	NA			
HCD	No	NA			
IICD	PL	200 sf	75	1	
ID	No	NA			

P: Sign permitted

C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

L: Illumination Allowed

*: External illumination only

NA=Not Applicable

CHAPTER 5: SIGNS

Section 5.5 Prohibited Signs

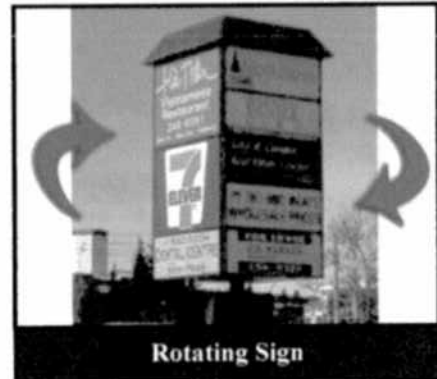
- A. Any sign which the Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- B. Illuminated, highly reflective signs, or spot lights which hamper the vision of motorists or bicyclists.
- C. Signs not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.
- D. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- E. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color.
- F. Signs placed on property without permission of its owners or agent.
- G. Illuminated tubing or strands of lights except for neon accent trim, temporary holiday displays, and city-approved displays as permitted by Section 5.3 (J3).
- H. Portable or temporary signs except as permitted by Section 5.3 (J).
- I. No manufactured home, mobile home, shipping container, recreational vehicle, or similar structure or non-structure shall be used as a sign in any manner.
- J. Facsimile signs, three-dimensional objects, or human figures which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.



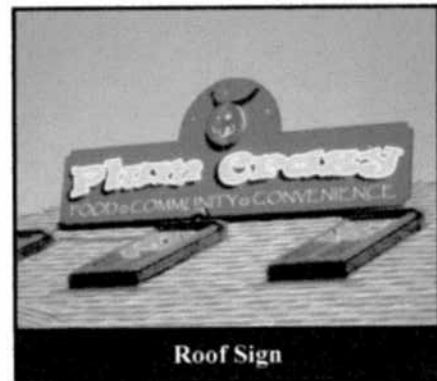
- K. Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).



- L. Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.



- M. Roof signs.

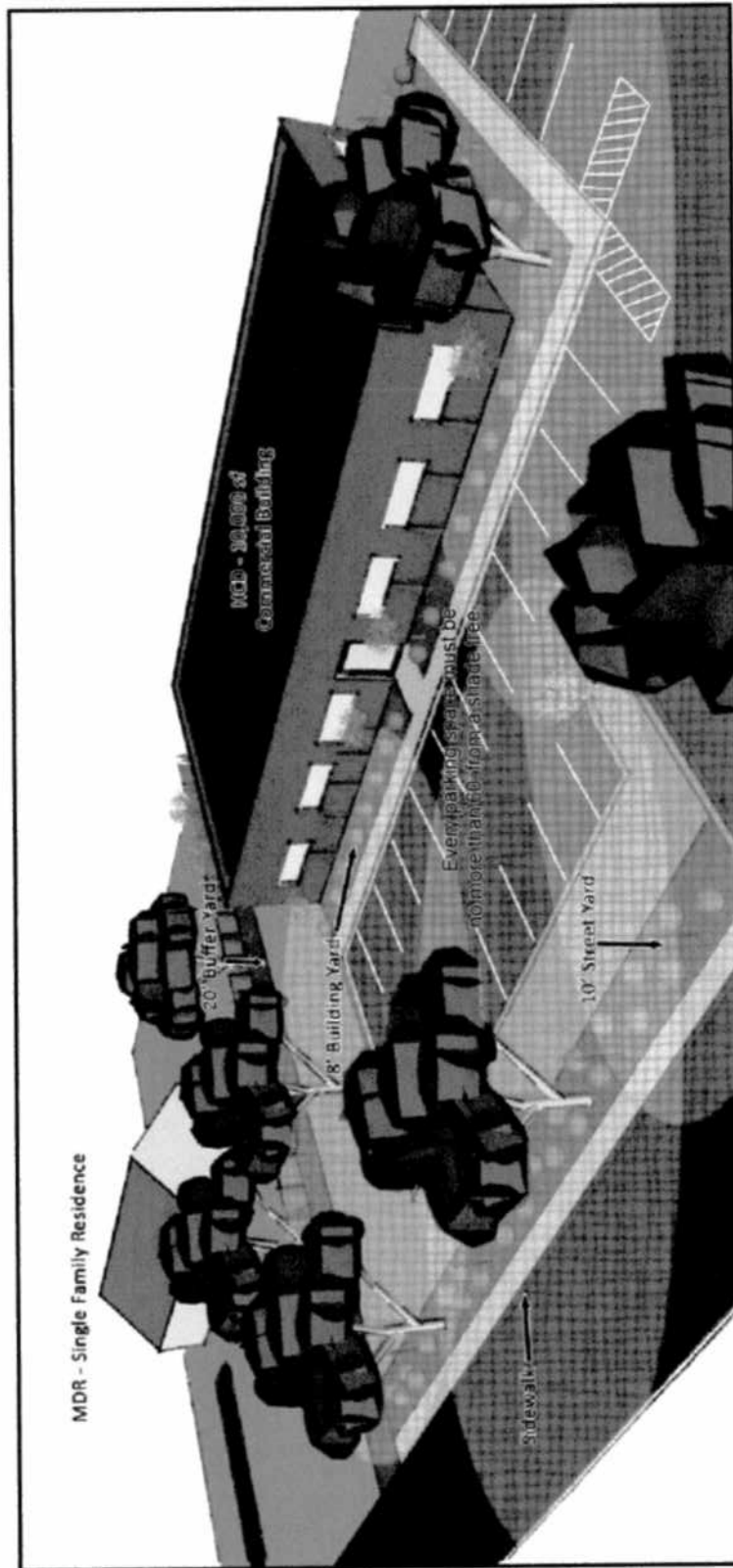


- N. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "freestanding" sign as herein defined.



- O. Other signs not expressly permitted in this Ordinance.

FIG. 7.3 EXAMPLE SITE WITH ALL REQUIRED LANDSCAPING



CHAPTER 10: ADMINISTRATION

10.3.3 Powers and Duties

The Board of Zoning Appeals shall function in strict accordance with and pursuant to this Ordinance and shall have the following powers:

- A. Appeals. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.
1. Appeals to the Board may be taken by any person aggrieved or by any officer, department, Board, or bureau of the City or County.
 2. The appeal must be taken within 30 days of the date the appealing party has received actual notice of the action from which the appeal is taken by filing with the officer from whom the appeal is taken and with the Board of appeals notice of appeal specifying the grounds of it.
 3. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 4. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- B. Variances. To hear and decide requests for variance from the requirements of this Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. Variances shall be approved in accordance with the procedures set forth in Section 11.3.
1. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements are prescribed by this zoning ordinance.
 2. The City by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit such a variance, it may require the affirmative vote of two-thirds of the Board members present and voting. Notwithstanding any other provision of this section, the City may overrule the decision of the Board concerning a use variance.
 3. In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.
 4. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

CHAPTER 11:

REVIEW & APPROVAL PROCEDURES

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CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Section 11.1 Purpose and Applicability

11.1.1 Purpose

The purpose of this Chapter is to establish an orderly process to develop land within the City of Walterboro. It is also the intent of this Chapter to provide a clear and comprehensive development process that is fair and equitable to all interests including the applicants, affected neighbors, City staff, related agencies, the Planning Commission, and the City Council. Approved plans shall be the guiding documents for final approval and permitting.

11.1.2 Applicability

- A. The development review process applies to all new development and alterations of existing development within the City of Walterboro.
- B. The Administrator or designee may waive the required development review for a change in principal use, where such change would not result in a change in lot coverage, parking, or other site characteristics. The development review may also be waived if the Administrator determines that the submission of a development plan in accordance with this Chapter would serve no useful purpose.
- C. The following chart indicates the appropriate approval process and section number reference for each type of request:

Request	Administrator	Planning Commission	Board of Zoning Appeals	Historic Preservation Commission	Tree Protection Committee
Certificate of Zoning Compliance	X (11.2)				
Special Exception			X (11.3)		
Design Waiver		X (11.4)			
Certificate of Appropriateness-Minor	X (11.5)				
Certificate of Appropriateness-Major				X (11.5)	
Tree Permit-Minor (see Section 6.3)	X (11.6)				
Tree Permit-Major (see Section 6.3)					X (11.6)
Subdivision-Preliminary Plat	X (11.7)				
Subdivision-Final Plat	X (11.7)				
Variance			X (10.3.3 11.3)		
Appeal			X (10.3.3)		

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Section 11.3 Variances/Special Exceptions

11.3.1 General Provisions

- A. Variances are reviewed by the Board of Zoning Appeals for a determination of hardship. **Special exceptions are reviewed by the Board of Zoning Appeals for a determination of conformance. Approval by the Board of Zoning Appeals must be granted before a Certificate of Zoning Compliance may be issued by the Administrator.**
- B. **The Administrator or Board of Zoning Appeals has the right to delay review of any application that is not considered complete.**
- C. The Administrator may waive the requirements for Sketch Plan and Site Plan if no changes or improvements are being proposed or are required for approval.

11.3.2 Application Procedures & Approval Process

- A. Applications for Variances/Special Exceptions will be accepted only from persons having the legal authority to take action in accordance with the permit. By way of illustration, in general this means that applications should be made by the owners of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees). The Administrator may require an applicant to submit evidence of his/her authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.
- B. All applications for Variances/Special Exceptions must be complete before the Administrator is required to consider the application. An application is complete when it contains all the information necessary to determine whether or not the use or development, if completed as proposed, will comply with all of the requirements of this Ordinance.
- C. A completed application form for a Variance/Special Exception shall be submitted by filing a copy of the application with the Administrator. A fee, set by the City Council, shall be charged for the processing of such application.
- D. Variances/Special Exceptions shall be reviewed and approved by the Board of Zoning Appeals as follows:

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Step 1. Pre-Application Meeting with Administrator to Review Sketch Plan

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required.
- B. Before submitting an application for a Variance/Special Exception, the developer shall submit to the Administrator a Sketch Plan in accordance with requirements of Section 12.3. The Administrator shall meet with the developer as soon as conveniently possible to review the Sketch Plan.
- C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- D. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Applicant Submits Application & Required Drawings

The applicant shall submit the applicable application, fee, and the Site Plan that meets the requirements of Section 12.4 and other required materials, where applicable.

Step 3a & b. Administrator and Other Applicable Agency Review

- A. The Administrator and other applicable agencies shall review the Variance/Special Exception Site Plan in accordance with the requirements of this Ordinance and any other applicable requirements. This review shall be completed no later than 30 days after submittal.
- B. Other applicable agencies may provide comments to the Administrator regarding the design of the development. It shall be the responsibility of the Administrator to address those comments, wherever possible. The reviewing government agencies and officials may include, but need not be limited to the following: Public Works Department, Public Safety Department, Building Inspector, City Attorney, SCDOT, SCDHEC, utilities providers, Board of Education, Rural Planning Organization, US Army Corps of Engineers, contracted expertise, and other agencies as needed.

Step 4. Public Notice

Notice of public hearing for Variances/Special Exceptions shall be given in accordance with SC Code Section 6-29-790 as follows:

- A. Notice shall be published in a newspaper of general circulation at least 15 days prior to the public hearing.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

- B. Notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property, at least 10 days prior to the public hearing.

Step 5. Board of Zoning Appeals Public Hearing & Consideration

- A. Before making a decision on an application, the Board of Zoning Appeals shall hold a quasi-judicial public hearing in accordance with the Board's Rules of Procedure.
- B. The Board of Zoning Appeals shall approve, approve with conditions, or deny the request following the public hearing. In granting a Variance, the Board of Zoning Appeals shall make written findings as set forth in Section 10.3.3. In granting a Special Exception, the Board of Zoning Appeals shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the districts within which they are located, and official plans for future development, the Board of Zoning Appeals shall also make written findings that the following provisions are fulfilled:
1. If completed as proposed, the development will comply with all of the requirements of this Ordinance;
 2. The use will not materially endanger the public health or safety; and
 3. The use will not substantially injure the value of adjoining or abutting property; and
 4. The use will be in harmony with the area in which it is to be located; and
 5. The use will be in general conformity with the Comprehensive Plan or other officially adopted plan.
- C. Additionally, the Board of Zoning Appeals shall consider the following topics when evaluating a Special Exception. Any additional issues or more specific issues to be considered are identified within each zoning district's description.
1. Hours of operation
 2. Setbacks
 3. Buffers, including vegetation, walls, distance, or a combination
 4. Parking
 5. Number of participants
 6. Traffic generation
 7. Location of this use to other uses
 8. Location of this use to similar uses
 9. Landscaping
 10. Noise generation
 11. Light trespass
 12. Owner-occupant v. off-site landlord
 13. Total size of operation
 14. Lot area
 15. Architecture
 16. Accessory uses, intended and allowed
 17. Structure height
 18. Term of use
 19. Neighborhood compatibility

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

20. Other site and adjacent activity factors.

- D. The applicant has the burden of producing competent, material, and substantial evidence to establish the facts and conditions. If any person submits evidence allegedly contrary to any of the facts or conditions, the burden-of-proof for overcoming such evidence shall rest with the applicant.
- E. The Administrator shall notify the applicant or his/her authorized agent in writing of the decision of the Board of Zoning Appeals within five (5) working days of the decision.

Step 6. Administrator Issues Certificate of Zoning Compliance

Following approval of a Variance/Special Exception, the Administrator shall issue the Certificate of Zoning Compliance. All additional conditions or requirements shall be entered on the Certificate of Zoning Compliance. All additional conditions or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Section 11.5 Certificates of Appropriateness

11.5.1 General Provisions

Certificates of Appropriateness shall be required for any work proposed to a site or the exterior of a building located within the Historic Preservation Overlay (HPO).

11.5.2 Certificate of Appropriateness for Minor Works

A. Minor works shall include the following:

1. Repair or ordinary maintenance of existing materials or features in a manner consistent with the applicable adopted Design Guidelines.
2. Replacement of materials, features, or colors with the same materials, features, or colors in a manner consistent with the applicable adopted Design Guidelines.
3. Fences that meet the requirements of Section 7.5 of this Ordinance.
4. Signs that meet the requirements of Chapter 5 of this Ordinance and applicable adopted Design Guidelines.
5. Temporary handicap accessible ramps that do not cause permanent structural changes to a building or damage any existing materials or features.

C. Certificates of Appropriateness for Minor Works may be approved by the Administrator. This may be done simultaneously with the approval of a Certificate of Zoning Compliance, if required. In addition to the application requirements of a Certificate of Zoning Compliance, the applicant shall submit all information necessary to determine compliance with applicable adopted Design Guidelines.

D. Appeals of the Administrator's decision regarding the issuance or denial of a Certificate of Appropriateness for a Minor Work shall be referred to the Historic Preservation Commission within 30 days of said decision. The process for such an appeal shall follow the same process as the review of Certificates of Appropriateness for Major Works.

11.5.2 Certificates of Appropriateness for Major Works

A. Major works shall include:

1. New construction
2. Addition
3. Demolition
4. Exterior painting to a different color
5. Any exterior work that is not classified as a Minor Work by Section 11.5.2

B. Major works shall follow the application procedures and approval process as indicated in the Sections 11.5.4 and 11.5.5 below.

11.5.3 Design Guidelines

A. When considering an application for a Certificate of Appropriateness, the Administrator and the Commission shall refer to the adopted Design Guidelines appropriate to the building type for which the request is being made. Building types, for which there are no adopted Design Guidelines, shall be compatible with the massing, size, scale, and architectural features of nearby structures.

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

- C. Tract boundary and total acreage
- D. Proposed lot layout and size of lots
- E. Proposed street layout and approximate right-of-way widths
- F. Location of nearest existing and proposed water and sewer lines
- G. Sketch of any proposed drainage facilities
- H. Statements regarding how property will be served with water and sewer
- I. Zoning of subject and adjacent property
- J. Location in proximity to any Special Flood Hazard Areas
- K. Existing Features Plan (if applicable)

Section 12.4 Site Plans

The requirements for this Section apply to all site plans including those for Certificates of Zoning Compliance (excluding single-family and two-family residences), Variances/Special Exceptions (if applicable), and Certificates of Appropriateness (if applicable).

12.4.1 Site Plan Submittal Requirements

- A. Two (2) full-size copies for review and revisions
- B. Digital copy in PDF format (if Administrator deems necessary)

12.4.2 Plan Labeling

All site plans shall include the following:

- A. Title
- B. Original submittal date
- C. Revision dates
- D. Vicinity map
- E. North arrow
- F. Scale {no smaller than one inch equals 100 feet (1"=100')}
- G. Lot lines with bearings and distances
- H. Zoning district and applicable overlay districts
- I. Adjacent property owner names, parcel numbers, and zoning
- J. Total acreage
- K. Acreage in right-of-way
- L. Density per acre (for residential uses)
- M. Building setbacks in table format and building envelopes show on lots
- N. Locations of existing structures

12.4.3 Plans and Details

- A. Site Plan
- B. Existing Features Plan as set forth in Section 12.2 (if applicable)
- C. Grading & Sediment Control Plan (if applicable)
- D. Approved OCRM Permit from SCDHEC (if applicable)
- E. Landscaping Plan
- F. Utility Plan
- G. Lighting Plan
- H. Building Elevations in accordance with Section 12.5

Subdivision Administrator
See "Administrator."

Telecommunications

The transmission between or among points specified by the users of information of the user's choosing, without change in the form of content or other information as sent and received, as defined in the Federal Telecommunication Act of 1996.

Telecommunication Tower

A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home-use television reception antennae and satellite dishes, or communication towers for amateur radio operation licensed by the Federal Communications Commission (FCC).

Telecommunications Tower Fall Zone

The area within which a telecommunications tower can be predicted to collapse in the event of failure.

Temporary Emergency Residence

A temporary dwelling unit used following the destruction or severe damage of a permanent dwelling unit following fire or other natural disaster while the permanent dwelling is being repaired or rebuilt.

Temporary Structures

Buildings placed on a lot for a specific purpose which are to be removed within a specified time period. Examples of temporary structures include monitoring stations, mobile classrooms or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principle home renovations are being done, and produce stands. The duration permitted for a temporary structure is established by this Ordinance.

Theater, indoor

An establishment for the viewing of movies or performing arts that is inside a fully-enclosed building.

Theater, outdoor

An establishment for the viewing of movies or performing arts that is not inside a fully-enclosed building.

Total Development Area

Entire area in acreage, including developable and undevelopable land, in development plan.

Townhome (Townhouse)

An individual dwelling unit constructed in a series of attached units separated by property lines that comprise a multi-family dwelling building.

FINAL ZONING MAP

JULY 19, 2012

